RECENT DEVELOPMENT OF THE RUSSIAN JUDICIARY SYSTEM

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In 2020, the current federal targeted program for the development of the judicial system will expire. It is therefore necessary to sum up preliminary results and consider the activities of the next set of programs for the judicial sector. For the past 18 years, the Russian government has not made public the results of these programs, or discussed findings with the legal community. These programs are developed behind closed doors without any consideration given to the academic community, to public opinion or to the concept of sustainable development: the rule of law and access to court. This academic article aims at identifying ongoing issues in the Russian judicial system and legal proceedings by defining and understanding the term "Development" and to provide a comparison and analysis of the Russian Federation federal targeted programs as well as the concept of sustainable development: the principles of strategic planning and the concept of a unified standard for the provision of public services by the government. An analysis of Russian legislation, and specifically legislation related to the Russian judicial system, leads to the conclusion that there lacks a true understanding of the term "Development," and therefore the government can refer to nearly anything as being "development," when in reality it is not. Due to this lack of recognition of the problems within the Russian judiciary system, these issues will likely not be addressed in the next federal target program for the development of the judicial system. With this in mind, the author attempts to recommend several proposals which may be helpful in the creation of the new program for the development of the judicial system which will be in effect until 2030.

Keywords: concept of sustainable development; judicial system; federal targeted program; Rule of Law; developmental problems; United Nations 2030 Agenda.

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The coming expiration of the Targeted Federal Program "Development of the Judicial System of Russia for 2013–2020"[1] makes imperative the task of summing up todays preliminary results and demonstrating the need for drafting a future "road map." However, throughout the 18 years of implementing such programs, the Russian government has not revealed any program results, nor has it initiated any discussion regarding them with the legal community. The design of Russia's judicial system development programs, as well as national projects, is developed in private, which thereby does not allow public opinion or scientific suggestions to have any bearing, especially regarding the rule of law and how it is practiced in court proceedings.

At the same time, when drafting the federal target program for the development of the judicial system of the Russian Federation, national priorities outlined in other regulatory papers should be taken into account, particularly those already found in other regulatory legal documents having a similar time frame for implementation. The Russian government already has several strategic documents which have been adopted for implementation by 2030.[2] Some of them include a definition of "sustainable development" while others do not. Where the concept of "sustainable development" is included, it is related to improved production efficiency and product growth, but does not provide for increased legal certainty in any particular area of regulation.

Thus, for example, paragraph 1 of Article 85 of the Forestry Code of the Russian Federation[3] states that

> planning for the utilization, conservation, protection, and regeneration of forests (forest management) shall focus on ensuring sustainable development of its territories.

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1 *See* Постановление Правительства Российской Федерации от 27 декабря 2012 г. № 1406 «О федеральной целевой программе «Развитие судебной системы России на 2013–2020 годы»» // Собрание законодательства РФ. 2013. № 1. Ст. 13 [Resolution of the Government of the Russian Federation No. 1406 of 27 December 2012. On the Federal Targeted Program "Development of the Judicial System of Russia for 2013–2020," Legislation Bulletin of the Russian Federation, 2013, No. 1, Art. 13].

2 *See* Распоряжение Правительства Российской Федерации от 30 ноября 2010 г. № 2136-р «Об утверждении Концепции устойчивого развития сельских территорий Российской Федерации на период до 2020 года» // СПС «Гарант» [Order of the Government of the Russian Federation No. 2136-r of 30 November 2010. On Approval of the Concept of Sustainable Development of Rural Areas of the Russian Federation Until 2020, SPS "Garant"] (May 4, 2020), available at http://www.garant.ru; Распоряжение Правительства Российской Федерации от 4 февраля 2009 г. № 132-р «О Концепции устойчивого развития коренных малочисленных народов Севера, Сибири и Дальнего Востока Российской Федерации» // СПС «Гарант» [Order of the Government of the Russian Federation No. 132-r of 4 February 2009. On the Concept of Sustainable Development of Indigenous Peoples of the North, Siberia and the Russian Far East of the Russian Federation, SPS "Garant"] (May 4, 2020), available at http://www.garant.ru.

3 Лесной кодекс Российской Федерации от 4 декабря 2006 г. № 200-ФЗ // Собрание законодательства РФ. 2006. № 50. Ст. 5278 [Forestry Code of the Russian Federation No. 200-FZ of 4 December 2006, Legislation Bulletin of the Russian Federation, 2006, No. 50, Art. 5278].

However, the provisions of paragraph 1 of Article 12 of the same Code stipulate that

> development of forests shall be carried out with a view to ensuring their multi-purpose, rational, continuous use, as well as forest industry development.

Paragraph 3 of Article 12 provides that

> exploitable forests are to be developed with a view toward achieving sustainable, high-quality timber and other forest resources and their products, while ensuring the preservation of the useful functions of forests and at the same time harvesting these resources and products as efficiently as possible.

The principle of sustainable development in German forestry law (*Nachhaltigkeit*) prohibits removing more "wood than can be compensated for by the growth of the remaining trees and the planting of new trees,"[4] i.e. treat nature with care. This so-called "western approach" is characterized by care for natural resources, as S. Handoyo writes, pointing to the relationship between public administration and environmental sustainability based on "public accountability, government effectiveness, anti-corruption, quality control, political stability, and the Rule of Law."[5]

The difference is evident in the approach to "sustainable development" between Russia and western countries, and it does not flatter Russian legislation. Globally, the idea of sustainable development emerged due to worldwide environmental deterioration, as was clearly outlined during the United Nations Conference on Sustainable Development (2011).[6] Therefore, thanks to the global recognition of drastically worsening environmental conditions, international programs were adopted to promote a radical change for the better. Russia also enacted several bills aimed at protecting the environment.[7] However, in general this has not affected

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[4] *Вицтум В.Г. и др.* Международное право = Völkerrecht [Wolfgang G. Vitzthum et al., *International Law = Völkerrecht*] 646 (Moscow: Infotropic Media, 2015).

[5] Sofik Handoyo, *The Role of Public Governance in Environmental Sustainability*, 6(2) Jurnal Ilmiah Peuradeun 161 (2018).

[6] *See* History of Sustainable Development in the United Nations (May 4, 2020), available at https://sustainabledevelopment.un.org.

[7] *See* Федеральный закон от 4 мая 1999 г. № 96-ФЗ «Об охране атмосферного воздуха» // Собрание законодательства РФ. 1999. № 18. Ст. 2222 [Federal Law No. 96-FZ of 4 May 1999. On the Protection of Atmospheric Air, Legislation Bulletin of the Russian Federation, 1999, No. 18, Art. 2222]; Федеральный закон от 10 января 2002 г. № 7-ФЗ «Об охране окружающей среды» // Собрание законодательства РФ. 2002. № 2. Ст. 133 [Federal Law No. 96-FZ of 10 January 2002. On Environmental Protection, Legislation Bulletin of the Russian Federation, 2002, No. 2, Art. 133]; Федеральный закон от 14 марта

the perception or understanding of the concept of sustainable development by the Russian legislature. The consumer society model prevails, revealing itself through recently adopted regulations. For example, paragraph 4 of Article 23 of the Federal Law of 29 July 2017 No. 217-FZ "On Individual Gardening for the Person's Own Needs and on Amending Certain Laws of the Russian Federation" establishes that in the interest of sustainable development, proper planning and preparation shall be documented with respect to gardening/horticulture areas, namely the establishment of borders for horticulture and the formation of horticulture plots and general purpose plots within the boundaries of the horticulture territory.[8] According to the literal reading of this law, it follows that the sustainable development concept is understood as the use of land plots and their zoning and planning in accordance with the urban planning legislation. Thus, the concept of sustainable development in this law is not in reference to the furthering of justice guarantees.

The Urban-Planning Code of the Russian Federation[9] in paragraph 3 of Article 1 requires that

> sustainable development of territories means ensuring human safety and favorable living conditions through urban planning, reducing the negative impact of commercial and other activities on the environment, and improving the protection and rational utilization of natural resources in the interests of the present and future generations.

It should be noted that the meaning of the term "sustainability" as clarified in construction terms (structural stability and sustainable development of territories) is quite different from the meaning implied by the law.

On the same basis, it can also be considered that the Federal Law of 25 June 2002 No. 73-FZ "On Cultural Heritage Sites (Historical and Cultural Monuments) of the Peoples of the Russian Federation"[10] in the same sense use the term "sustainable

1995 г. № 33-ФЗ «Об особо охраняемых природных территориях» // Собрание законодательства РФ. 1995. № 12. Ст. 1024 [Federal Law No. 33-FZ of 14 March 1995. On the Specially Protected Natural Areas, Legislation Bulletin of the Russian Federation, 1995, No. 12, Art. 1024].

8 Федеральный закон от 29 июля 2017 г. № 217-ФЗ «О ведении гражданами садоводства и огородничества для собственных нужд и о внесении изменений в отдельные законодательные акты Российской Федерации» // Собрание законодательства РФ. 2017. № 31 (ч. 1). Ст. 16 [Federal Law No. 217-FZ of 29 July 2017. On Individual Gardening for the Person's Own Needs and on Amending Certain Laws of the Russian Federation, Legislation Bulletin of the Russian Federation, 2017, No. 31 (Part 1), Art. 4766].

9 *See* Градостроительный кодекс Российской Федерации от 29 декабря 2004 г. № 190-ФЗ // Собрание законодательства РФ. 2005. № 1 (ч. 1). Ст. 16 [Urban Planning Code of the Russian Federation No. 190-FZ of 29 December 2004, Legislation Bulletin of the Russian Federation, 2005, No. 1 (Part 1), Art. 4766].

10 Федеральный закон от 25 июня 2002 г. № 73-ФЗ «Об объектах культурного наследия (памятниках истории и культуры) народов Российской Федерации» // Собрание законодательства РФ. 2002. № 26. Ст. 2519 [Federal Law No. 73-FZ of 25 June 2002. On Cultural Heritage Sites (Historical and Cultural Monuments) of the Peoples of the Russian Federation, Legislation Bulletin of the Russian Federation, 2002, No. 26, Art. 2519].

development" in the same sense as in Article 60 titled "Urban Planning, Economic and Other Activities in a Historical Settlement." Again, we find this term to be strictly limited to cultural heritage sites[11] and, thus, implying no increase of legal guarantees.

The only exception is the Concept of Sustainable Development of Indigenous Peoples of the North, Siberia and the Russian Far East of the Russian Federation, which does not contain the definition of "sustainable development," but provides for the legal guarantees of a certain category of citizens, in essence, increasing their rights and freedoms.

On this basis, we might safely assert that the Russian legislator does not comprehend the true meaning of the concept of sustainable development but clings to the consumerist paradigm, which aligns with neither national, nor global goals. Scientists G. Vypkhanova[12] and L. Andrichenko[13] have reached similar conclusions.

Therefore, there is a high probability, we are afraid, that the next judicial development program will likely be drafted similar to former ones and will also be inefficient, which is not in line with the concept of sustainable development and will not meet the expectations of society.

Nevertheless, international developmental acts[14] reveal the true meaning of the concept of sustainable development, which is intended to improve the quality of life through the eradication of problems, the number of which grows every time a new relevant international document is introduced.

Along with the human right to develop, the Government has imposed its lawful right and duty of "putting in place an appropriate national development policy."[15] The "good governance" duty of the Government was formulated after the wide international recognition of the fundamental human right to develop, which promotes full realization of every inherent human right and fundamental freedom.[16] It is for this reason that the Government, through its national policymakers, is

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[11] The Federal Law "On Cultural Heritage Sites (Historical and Cultural Monuments) of the Peoples of the Russian Federation" uses the term "sustainable development" in the same sense.

[12] *Выпханова Г.В.* Правовые проблемы обеспечения устойчивого развития России и ее регионов // Экологическое право. 2005. № 5. С. 7–10 [Galina V. Vypkhanova, *Legal Issues of the Sustainable Development of Russia and its Regions*, 5 Environmental Law 7 (2005)].

[13] *Андриченко Л.В.* Стратегия государственного регионального развития Российской Федерации: правовые основы // Журнал российского права. 2017. № 5. С. 5–16 [Liudmila V. Andrichenko, *Strategy of State Regional Development of the Russian Federation: Legal Framework*, 5 Journal of Russian Law 5 (2017)].

[14] *See, e.g.*, 1994 Barbados Declaration, 2000 U.N. Millennium Declaration, 2005 U.N. World Summit Outcome, 2008 Doha Declaration on Financing for Development.

[15] *See* U.N. General Assembly Resolution 41/128, Declaration on the Right to Development, U.N. Doc. A/RES/41/128, 4 December 1986, Art. 2.3 (May 4, 2020), available at https://www.un.org/en/events/righttodevelopment/declaration.shtml.

[16] *Id*.

responsible for its own development, for achieving global goals and ensuring the national recognition of human rights.

R. Dolzer acknowledges that the country's duty to create conditions in order to adhere to national developmental goals follows both the basic human right to develop and the government's compliance with minimum good governance standards.[17]

Democracy, transparent and accountable governance, and the promotion and protection of human rights and freedoms form the backbone of development. Indeed, paragraph 27 of the 1997 Development Agenda stresses that good governance implies respect for all human rights and fundamental freedoms; democratic and effective institutions; combatting corruption; transparent and representative, accountable governance, independent justice, and the rule of law. The same good governance characteristics are reproduced in paragraph 10 of the U.N. Convention titled, "The Future We Want."[18]

The 2015 Addis Ababa Action Agenda for Good Governance states that good governance should be promptly implemented by every country, and be characterized by effectiveness, accountability and inclusiveness to wide participation of institutions at all levels.[19]

The United Nations Agenda integrates good governance and justice requirements into one global goal, goal 16:

> Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.[20]

This global goal consists of 10 points, among which are promoting the rule of law at the national and international levels and ensuring equal access to justice for all (16.3); establishing effective, accountable and transparent institutions at all levels (16.6); ensuring public access to information and protecting fundamental freedoms in accordance with national legislation and international agreements (16.10); and promoting and enforcing non-discriminatory laws and policies for sustainable development (16b).[21]

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17 Vitzthum et al. 2015.

18 U.N. General Assembly Resolution 66/288, The Future We Want, U.N. Doc. A/RES/66/288, 11 September 2012 (May 4, 2020), available at https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/66/288&Lang=E.

19 *See* U.N. General Assembly Resolution 69/313, Addis Ababa Action Agenda of the Third International Conference on Financing for Development (Addis Ababa Action Agenda), U.N. Doc. A/RES/69/313, 17 August 2015, para. 18 (May 4, 2020), available at un.org.

20 Goal 16: Promote just, peaceful and inclusive societies, Sustainable Development Goals, United Nations (May 4, 2020), available at https://www.un.org/sustainabledevelopment/peace-justice/.

21 *Id.*

Thus, sustainable development appears to be a complex multidimensional challenge facing each Government, through which global, regional and national challenges are being addressed, and the goals of global sustainable development are being achieved. L. Ford rightly notes that every country should incorporate global goals to help shape its national agenda.[22]

The concept of sustainable development and its roadmap share very complex, interrelated and indivisible characteristics, which provide a balanced approach to the achievement of universal goals and objectives of all development components. It is these features that are the inherent part of a good and effective strategy. So, we definitely agree with L. Syn Min, who believes that

> the concept of "sustainable development" can be defined as a strategy for ... development.[23]

This understanding of the concept of sustainable development is embodied by the European Union Strategy for Sustainable Development of 2001.[24] This document lays a foundation for other countries to build their own national programs of development, like Scotland.[25]

Currently, there are about two hundred definitions of "sustainable development" in the world, according to S. Parkin, F. Sommer and S. Uren, who presented their vision for the definition and plan of sustainable development for the UK.[26] Scientists and experts all over the world are working on the enormous scientific challenge presented by the U.N. Agenda to implement its global goals. For example, New Zealand business leaders and authorities adhering to concepts of sustainable development, mapped out their vision of sustainable development for the purposes

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22 Liz Ford, *Sustainable Development Goals: All You Need to Know*, The Guardian, 19 January 2015 (May 4, 2020), available at https://www.theguardian.com/global-development/2015/jan/19/sustainable-development-goals-united-nations.

23 *Мин Л.С.* Экологическая составляющая концепции устойчивого развития: международно-правовые аспекты: автореф. дис. ... канд. юрид. наук [Li Syn Min, *The Environmental Component of the Concept of Sustainable Development: International Law: Synopsis of a Thesis for a Candidate Degree in Law Sciences*] 7 (Moscow, 2004).

24 *See* Camilla Adelle et al., *Sustainable Development "Outside" the European Union: What Role for Impact Assessment?*, 16(2) Environmental Policy and Governance 57 (2006). The Strategy (European Commission, Communication from the Commission: A Sustainable Europe for a Better World: A European Union Strategy for Sustainable Development, COM (2001) 264 final, 15 May 2001) is available at https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52001DC0264&from=EN.

25 *See* Achieving a Sustainable Future: Regeneration Strategy, The Scottish Government, 12 December 2011 (May 4, 2020), available at https://www.gov.scot/publications/achieving-sustainable-future-regeneration-strategy/.

26 Steven Parkin et al., *Discussion: Sustainable Development: Understanding the Concept and Practical Challenge*, 156(3) Proceedings of the Institution of Civil Engineers – Engineering Sustainability 169 (2003).

of discussion and promotion of their ideas.[27] Researchers there have identified five approaches to understanding sustainable development. The rule of law, democracy, good governance and a favorable environment at the national and international levels are integral to sustainable development. These necessary conditions must be effectively ensured by the government at all levels through concrete measures in order to eliminate threats to peace such as violence, injustice, arbitrary justice, bad governance, inequality, corruption and so forth.[28]

Based on the above, we can conclude that with the adoption of the next international act in the field of human rights, the scope of human rights and freedoms will increase, thus increasing the scope of the government's responsibility to ensure their effective implementation: to abide by, accept and protect these rights. Therefore, the concept of sustainable development is also undergoing evolutionary changes and is growing in scale.

In this regard, D. Fischer, F. Haucke and A. Sundermann argue that

> there is an apparent trend towards semantic consolidation of sustainability terminology in the post-2000 years. Thus, the concept shifts away from a non-specific and replaceable fashionable word towards a more sophisticated and detailed reflection of the concept of sustainable development.[29]

Their statement seems to be quite accurate in light of the fact that, each global goal is ascribed not only certain features in the very text of the U.N. Agenda, but also at the national level in formulating a national vision of their implementation in specific program activities.

Summarizing the above, I believe the essence of the sustainable development concept pertaining to justice means a constant tangible growth of (procedural and institutional) human and civil rights, as well as, the corresponding ongoing increase of procedural and institutional duties of the court. At the same time, the concept of sustainable development is constantly expanding, which challenges the government to protect new obligations of each individual: to respect and ensure his or her judicial rights and freedoms.

We are afraid, Russia has no understanding of how to articulate, let alone implement, sustainable development within the judicial system as of yet and the lack of proposals and suggestions adds to the concerns of the growing social tensions across the nation.

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[27] Christine Byrch et al., *Sustainable "What"? A Cognitive Approach to Understanding Sustainable Development*, 4(1) Qualitative Research in Accounting & Management 26 (2007).

[28] Christine Byrch et al., *Sustainable Development: What Does It Really Mean?*, 11(1) University of Auckland Business Review 1 (2009).

[29] Daniel Fischer et al., *What Does the Media Mean by "Sustainability" or "Sustainable Development"? An Empirical Analysis of Sustainability Terminology in German Newspapers Over Two Decades*, 25(6) Sustainable Development 610 (2017).

As N. Biriukov rightly states in his paper, political crises occur either as a result of the loss of a national idea, or because this idea

> has ceased to perform its inherent functions: 1) to be a socially-integrating factor, setting a single normative-value space for the existence of Russian society, 2) to serve as an apologetic of the current political regime and social order, 3) to formulate consolidating ideas ... in these ways this idea ceases to meet the expectations and hopes of various social groups.[30]

We believe that his position also holds true with regard to the judiciary, since the level of legal guarantees in the judicial procedure is lower than in the "single window" service, which does not create a single legal space and a single level of legal guarantees in the provision of public services by public authorities, and as research has shown, the judiciary serves as an apologetic of the current order and does not meet the expectations of society.[31]

An analysis of the federal targeted program for the development of the judicial system of Russia in terms of their compliance with the standard of good governance has shown that the state programs do not perform their assigned functions. Moreover, they do not even pursue congruence with the fair trial standard and the standard of government public service. All this considered, a coming crisis in the field of justice is inevitable. Finding the effective solution to the existing problems of the national judicial system requires, first, to recognize the challenges and to identify faults in drafting of the current programs. Otherwise, the problems of justice will keep being overlooked and unresolved through the targeted program approach. Analysis of federal targeted programs for the development of the Russian judicial system[32] has shown that they:

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[30] *Бирюков Н.И.* Российская государственность: от кризиса к устойчивому развитию: историко-правовое исследование: автореф. дис. ... докт. юрид. наук [Nikolay I. Biriukov, *Russian Statehood: From Crisis to Sustainable Development: Historical and Law Research: Synopsis of a Thesis for a Candidate Degree in Law Sciences*] 12–13 (St. Petersburg, 2006).

[31] *Алексеевская Е.И.* Мониторинг верховенства права и доступа в суд: 25 лет судебной реформе [Ekaterina I. Alekseevskaya, *Monitoring of the Rule of Law and Access to Court: 25 Years of Judicial Reform*] 48–80 (Moscow: Infotropic Media, 2017).

[32] *See* Постановление Правительства Российской Федерации от 20 ноября 2001 г. № 805 «О федеральной целевой программе «Развитие судебной системы России» на 2002–2006 годы» // Собрание законодательства РФ. 2001. № 49. Ст. 4623 [Resolution of the Government of the Russian Federation No. 805 of 20 November 2001. Development of the Russian Judicial System for 2002–2006, Legislation Bulletin of the Russian Federation, 2001, No. 49, Art. 4623]; Постановление Правительства Российской Федерации от 21 сентября 2006 г. № 583 «О федеральной целевой программе «Развитие судебной системы России» на 2007–2011 годы» // Собрание законодательства РФ. 2006. № 41. Ст. 4248 [Resolution of the Government of the Russian Federation No. 583 of 21 September 2006. Development of the Russian Judicial System for 2007–2012, Legislation Bulletin of the Russian Federation, 2006, No. 41, Art. 4248]; Resolution of the Government of the Russian Federation No. 1406, *supra* note 1.

– did not fully implement the principles of the Judicial Reform Concept of 1991,
– were written without the principles of strategic planning,
– did not assess the progress achieved by former programs,
– put forth quite arbitrary indicators (like the proportion of citizens trusting/not trusting the judiciary bodies; the proportion of citizens who consider the information on the activities of the courts insufficient; the proportion of citizens considering the court organization unsatisfactory; the proportion of citizens reporting inattention and rudeness of court personnel) which goes against the improvement of court assessment objectiveness, and toward adequate implementation of solutions.[33]

The objective target indicators of the judicial development program (such as the number of courtrooms equipped with audio-recording systems for hearings in federal courts of general jurisdiction) seem far from sufficient, and hinder creating a unified level of legal guarantees of public services offered by the authorities.

Moreover, the target indicators of the judicial system development do not provide an objective assessment of the results of the implementation of the program activities or of the effectiveness of federal budget funds invested since neither is an adequate indicator of the objectives and goals complied with toward achieving the strategic goals and objectives, and neither meets the goals of the United Nations General Assembly Resolution 70/1, adopted on 25 September 2015 "Transforming Our World: The 2030 Agenda for Sustainable Development" (hereinafter the United Nations Agenda).[34]

As a result, the procedural legislation and conditions for the provision of public services by the legal system

> fail to meet minimum levels of legal guarantees in key points of the standard of public services provided by the judicial institution, and in fact are significantly lower.[35]

The reasons for this situation, in my opinion, are the following:

First, there is no true understanding of sustainable development among government officials who act as originators and executors of federal target programs for the development of the judicial system. For this reason, there is no governmental commissioning of public or private higher education institutions for scientific research on the sustainable development of the judicial system and procedural legislation. Out of 98 doctoral dissertations on sustainable development deposited

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[33] Alekseevskaya 2017, at 36–47.

[34] U.N. General Assembly Resolution 70/1, Transforming Our World: The 2030 Agenda for Sustainable Development, U.N. Doc. A/RES/70/1, 21 October 2015 (May 4, 2020), available at https://undocs.org/en/A/RES/70/1.

[35] Alekseevskaya 2017, at 68.

in the Russian State Lenin Library, there is not a single one dedicated to the problems of sustainable development of the judicial system and rules of legal proceedings.

Second, the denial by the authorities, including the judiciary ones, precludes these issues from being addressed in government programs.[36] As a consequence, the lack of scientifically grounded proposals, regarding the concept of sustainable development, for improving judicial processes and legislation. We may illustrate it with the example of a high court caseload, which, besides exerting the constraining effect on court productivity, negatively impacts the quality of justice.[37] When this fact was stated in a recent scientific study commissioned by the Judicial Department of the Supreme Court of the Russian Federation, the researcher's public contract was terminated.[38] Obviously, the researcher did not expect or appreciate this outcome, which indicates the government's unwillingness to accept the problems as they are. Non-recognition of the governments problems obviously prevents them from working toward remedying these problems.

Third, the lack of understanding of the judicial system and the laws of its development, as well as its developmental patterns[39] and paradoxes remains a barrier for any type of prompt response to this emerging crisis and a search for timely resolutions. The drafting of the Federal Judicial development programs was done in rather linear fashion without taking into account the dynamic and cyclical nature of the process, both inside the judicial system and outside of it.

Fourth, the lack of informational transparency within the Russian judicial system paired with its institutional closedness does not allow for collecting or discussing proposals toward the improvement of court structure or the rules of court procedure, or to incorporate successful solutions into the judicial system development programs. Furthermore, the lack of a performance evaluation system for judiciary functions and its effectiveness aggravates the matter. Sadly, there has only been

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[36] In psychology, there are 5 stages of accepting the inevitable: 1) denial, 2) anger, 3) bargaining, 4) depression, 5) acceptance. The national elite denies the judiciary problems, which points to the initial stage of addressing justice issues.

[37] *Захаров В.В.* Как сократить процессуальную нагрузку, не снижая качества правосудия // Российская юстиция. 2017. № 10. С. 39–42 [Vladimir V. Zakharov, *How to Reduce the Procedural Burden Without Reducing the Quality of Justice*, 10 Russian Justice 39 (2017)]; *Бычков А.* Право на иск и неправомерный интерес // эж-Юрист. 2017. № 49. С. 12 [Alexander Bychkov, *The Right of Litigation and the Illegitimate Interest*, 49 ej-Lawyer 12 (2017)].

[38] The recent research performed by the National Research University Higher School of Economics revealed 62 percent overload of the judge's work in the Russian courts. Исследование ВШЭ зафиксировало перегрузку 62% российских судей // РБК. 17 апреля 2018 г. [Higher School of Economics Study Records Overload of 62 Percent of Russian Judges, RBC, 17 April 2018] (May 4, 2020), available at https://www.rbc.ru/society/17/04/2018/5ad094389a79472df75fa052.

[39] *Алексеевская Е.И.* Феномен судебной системы России // Вестник арбитражной практики. 2018. № 4. С. 3 [Ekaterina I. Alekseevskaya, *The Phenomenon of Judicial System in Russia*, 4 Bulletin of Arbitration Practice 3 (2018)].

discussion concerning the need to evaluate justice effectiveness, as might be seen in contemporary literature,[40] but nothing more has been done.

Fifth, the persistent shortage of resources available for the programs, and lack of funds allocated for its affiliated institutions: the bailiff service of the Russian Ministry of Justice and forensic institutions, leads to a dispersion of budgetary funds and weakens the overall financing of the judicial system.[41]

These identified causes are key, but are not exhaustive. They are enumerated here with the intent that they would be at least considered in any proceedings for the development of a new roadmap for the Russian judicial system. Moreover, this future roadmap should not be based on existing national or foreign programs, or be borrowed from any institution. The program for the development of the Russian judicial system should be thoroughly coordinated with respect to current national and global challenges, and must offer solutions to existing problems in the Russian judiciary.

Taking into account the current structure of the federal target program for the development of the judicial system, we would like to formulate the following key recommendations for the next program. The period of implementation of the program for the development of the judicial system should be until 2030 instead of 2024, as proposed by the Center for Strategic Research.[42]

The Russian government has adopted a number of other strategic documents with an implementation period deadline of 2030.[43] Surely, the established due date allows us to see whether the interim results in related spheres are matching the expected ones, and to formulate further expectations according to forecasted data.

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[40] *Морщакова Т.Г., Петрухин И.Л.* Оценка качества судебного разбирательства (по уголовным делам) [Tamara G. Morshchakova & Igor L. Petrukhin, *Justice Proceedings Evaluation (Criminal Cases)*] 200 (Moscow: Nauka, 1987); *Цихоцкий А.В.* Теоретические проблемы эффективности правосудия по гражданским делам [Anatoly V. Tsikhotsky, *Theoretical Problems of the Effectiveness in Civil Judiciary Proceedings*] 267 (Novosibirsk: Nauka, 1997).

[41] *Алексеевская Е.И.* Математическое моделирование судебной системы // Экономика и право. 2018. № 4. С. 73-78 [Ekaterina I. Alekseevskaya, *Mathematical Modeling of the Judicial System*, 4 Economics and Law 73 (2018)].

[42] The Center for Strategic Research has created a comprehensive concept of the national judiciary system reform, according to the report (May 4, 2020), available at https://pravo.ru.

[43] Распоряжение Правительства Российской Федерации от 2 февраля 2015 г. № 151-р «Об утверждении Стратегии устойчивого развития сельских территорий Российской Федерации на период до 2030 года» // Собрание законодательства РФ. 2015. № 6. Ст. 1014 [Order of the Government of the Russian Federation No. 151-r of 2 February 2015. On Approval of the Concept of Sustainable Development of Rural Areas of the Russian Federation Until 2020, Legislation Bulletin of the Russian Federation, 2015, No. 6, Art. 1014]; Постановление Правительства Российской Федерации от 15 апреля 2014 г. № 311 «Об утверждении государственной программы Российской Федерации «Социально-экономическое развитие Калининградской области» // Собрание законодательства РФ. 2014. № 18 (ч. 2). Ст. 2157 [Resolution of the Government of the Russian Federation No. 311 of 15 April 2014. On the Approval of the State Program of the Russian Federation "Socioeconomic Development of the Kaliningrad Oblast," Legislation Bulletin of the Russian Federation, 2014, No. 18 (Part 2), Art. 2157].

The current U.N. Agenda also concludes in 2030. Russia has adopted documents from it only in the areas of non-financial reporting,[44] gender equality,[45] HIV prevention,[46] foreign policy,[47] and international development.[48] Laws supposed to speed up reaching global goal 16 of the Agenda have not been adopted at all. Consequently, Russia may soon be formidably challenged with delivering a proper report on the progress it has made regarding justice reforms in the context of sustainable development.

This predicament might be remedied by establishing a time frame for the development of the judiciary program, as well as by setting clear and effective goals. This way, Russia will increase its chances of maximizing development in terms of sustainable development, and to be able to demonstrate its advancement to the world and to its own people.

Only the Constitutional Court of the Russian Federation and the Supreme Court of the Russian Federation may act as the "public commissioner" of the judicial system while other judicial authorities must focus on writing their own development programs. Despite the obviousness of this rule, it has not been implemented yet, which lead to the dispersion of budgetary funds between a horde of excessive

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[44] Распоряжение Правительства Российской Федерации от 5 мая 2017 г. № 876-р «Об утверждении Концепции развития публичной нефинансовой отчетности и плана мероприятий по ее реализации» // Собрание законодательства РФ. 2017. № 21. Ст. 3037 [Order of the Government of the Russian Federation No. 876-r of 5 May 2017. On Approval of the Concept of Development of Non-Financial Public Reporting and its Implementation Plan, Legislation Bulletin of the Russian Federation, 2017, No. 21, Art. 3037].

[45] Распоряжение Правительства Российской Федерации от 8 марта 2017 г. № 410-р «Об утверждении Национальной стратегии действий в интересах женщин на 2017–2022 годы» // Собрание законодательства РФ. 2017. № 11. Ст. 1618 [Order of the Government of the Russian Federation No. 410-r of 8 March 2017. On Approval of the National Strategy Benefitting Women for 2017–2022, Legislation Bulletin of the Russian Federation, 2017, No. 11, Art. 1618].

[46] Распоряжение Правительства Российской Федерации от 20 октября 2016 г. № 2203-р «Об утверждении Государственной стратегии противодействия распространению ВИЧ-инфекции в Российской Федерации на период до 2020 года и дальнейшую перспективу» // Собрание законодательства РФ. 2016. № 44. Ст. 6159 [Order of the Government of the Russian Federation No. 2203-r of 20 October 2016. On Approval of the State Strategy for Countering the Spread of HIV in the Russian Federation for the Period Until 2020 and the Future, Legislation Bulletin of the Russian Federation, 2016, No. 44, Art. 6159].

[47] Постановление Совета Федерации Федерального Собрания Российской Федерации от 26 декабря 2017 г. № 625-СФ «Об актуальных вопросах внешней политики Российской Федерации» // Собрание законодательства РФ. 2018. № 1 (ч. 1). Ст. 184 [Resolution of the Council of the Federation of the Federal Assembly of the Russian Federation No. 625-SF of 26 December 2017. On Pressing Matters of the Foreign Policy of the Russian Federation, Legislation Bulletin of the Russian Federation, 2018, No. 1 (Part 1), Art. 184].

[48] Указ Президента Российской Федерации от 20 апреля 2014 г. № 259 «Об утверждении Концепции государственной политики Российской Федерации в сфере содействия международному развитию» // Собрание законодательства РФ. 2014. № 17. Ст. 2036 [Decree of the President of the Russian Federation No. 259 of 20 April 2014. On Approval of the National Policy Concept of the Russian Federation in Promoting the International Development, Legislation Bulletin of the Russian Federation, 2014, No. 17, Art. 2036].

institutions under the "judiciary" umbrella,[49] and to false conclusions about the composition of the national judicial system.[50]

Next, to be effective, the program should focus on addressing clearly articulated issues which reflect true contemporary national challenges, among which the rights, freedoms and lawful interests of individuals should be given the highest priority. The Federal Target Program "Development of the Judicial System of Russia for 2013–2020" states the primary reason for addressing the poor quality of the overall judicial system and, in particular, legal protection of the person's rights and liberties, is identified as "increased public attention to the judicial system."[51] The secondary reason would be the country's attractiveness for outside investment and the jurisdiction of Russian (arbitration) courts for business, which clearly show the orientation of the government and its lack of interest in increasing the reputation of the court system in the public eye. These phrases clearly indicate the country's rather political inclinations coupled with its lack of interest in increasing the courts' attractiveness to the public in general.

The goals of the proposed future program for the development of the judiciary system-2030 should, on the one hand, align with the global goal 16 of the U.N. Agenda and only in terms relevant to Russia. Thus, our country will reach both global and national goals pertaining to justice.

The list of issues should begin with the challenge of ensuring effective access to court. To this end, the national procedural legislation should stop empowering the prosecutor's office and court workers with the discretionary authority to make decisions on the procedural appeals accepted at court.

Tax legislation should provide for flexible mechanisms for deferring payments and allowing payments by installment, upon the taxpayer request. Currently this option is only granted in extremely rare cases which does not take into consideration the average poverty level of the population and limits access to court.

In addition to the above, the Chapter 25.3 titled "State Tax" of the Tax Code of the Russian Federation should be amended as follows:

– The list of state taxpayers should be articulated first. Then, the tax deductions should be explained according to provisions 2 and 17 of the Constitution of the Russian Federation stating that a person and his/her rights and freedoms should be of highest value in the country, and the government is responsible to recognize, observe and protect those rights and freedoms. Categories of individual taxpayers that are able to benefit from these tax deductions should be listed first, with a list of

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49 Alekseevskaya, *Russian Justice System Phenomenon*.

50 *See Гайдидей Ю.М.* Судебная система в современной России: общетеоретический аспект: дис. … канд. юрид. наук [Yuri M. Gaididei, *The Contemporary Russian Judicial System: A General Theoretical Aspect: Synopsis of a Thesis for a Candidate Degree in Law Sciences*] 8 (Krasnodar, 2012).

51 Resolution of the Government of the Russian Federation No. 1406, *supra* note 1.

corporate bodies following. Remarkably, this very order existed in one of the former versions of the national procedural legislation (Art. 80 of the Civil Procedure Code of the RSFSR), as the list of beneficiaries entitled to State Tax exemptions began with the categories of citizens and was followed by other items. The current tax law is written vice versa: the list of government bodies and institutions enjoying this state tax deduction is listed first;[52]

– The income qualification based on the claim amount of preferred taxpayer categories should be discontinued. This preferential treatment should instead be enjoyed by all individuals regardless of tax bracket, which would promote effective financial access to court.

An open and barrier-free environment should be created in every court, including the front offices for the acceptance of court document, and bailiff services. This measure would greatly promote inclusiveness for persons with disabilities, the elderly and the ailing. Moreover, it would be fully consistent with the spirit and letter of the Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels, adopted by the General Assembly on 24 September 2012.[53]

The excessive requirements regarding the list of documents needed to accompany an application to the court and for bailiff services should be modified to require less bureaucracy and paperwork. In particular, the requirements of procedural codes in the Federal Constitutional Law of 12 July 1994 No. 1-FKZ "On the Constitutional Court of the Russian Federation" to attach copies of regulations and non-regulatory acts that are to be disputed (including their translation into Russian, if necessary, and the copies of judicial acts) should be eradicated from the law.

The openness of the court system and of bailiff services should be substantially improved. Currently, this system provides poorer service than a "single-window" public service, which should be considered unacceptable in terms of a fair trial concept. The people should be fully informed of the process of filing a court action, and the working hours of judicial institutions and bailiff services. A person's paperwork progress should be fully accessible via the internet and all results available in electronic form. At present, the functionality of electronic appeals is significantly limited making it impossible, for example, to file a class action lawsuit or a complaint to the court. Quite often, due to the failure of the Gosuslugi public service portal to identify the user, it is impossible to file an electronic lawsuit at all.

Furthermore, the recipients of public services should be informed of their right to file a complaint to court officials in the event of a violation of their right to have

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52 Alekseevskaya 2017, at 60.

53 U.N. General Assembly Resolution 67/1, Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels, A/RES/67/1, 30 November 2012 (May 4, 2020), available at https://www.un.org/ruleoflaw/files/37839_A-RES-67-1.pdf.

their cases considered by a court within a reasonable time. Obviously, to this end, they should be fully informed of the available means of resolving conflicts and related procedures, requirements for the filing of an appeal, and the court process of considering the appeals of individuals and companies. The consideration of procedural requests by a court seems to be in its most critical state presently. For instance, the author's recent research revealed unfortunate statistics: in 9 lawsuits, 26 motions to expedite were filed, and in 7 lawsuits, 10 complaints were filed for the qualification board of judges. Only 19 responses were received in the first case, and only 5 in the second case. This means, as many as 7 motions to expedite and 5 complaints to the board of judges were ignored and left unanswered. Moreover, the bailiffs' service reacted to only one of ten filed complaints.

Ensuring the right to a fair trial across Russia, in our opinion, should begin with the following:

The main goal of legal proceedings should be articulated thus: "To ensure equal and free access to court and to protect the rights, freedoms and legitimate interests of all individuals and citizens, as well as organizations, and to enforce law and order, and the warning against offenses (in corresponding areas of legal relationships)." The task therefore of the legal proceedings should be as follows, "the correct and timely consideration and settlement of the case."

According to the fair trial concept, the enforcement of any judicial act is considered a part of the trial, therefore it would be correct to set forth Article 2 of the Federal Law "On Enforcement Proceedings" as follows:

> The purpose of the enforcement proceeding is to ensure free access to the bailiffs' service, to protect violated rights, freedoms and legitimate interests of citizens and organizations, and to enforce the Russian Federation's obligations under international treaties through the correct and timely enforcement of judicial acts, as well as through the acts of other public bodies and officials.

The Federal Constitutional Law "On the Constitutional Court of the Russian Federation" should be amended by filling this legal gap with clearly articulated goals and objectives of constitutional legal proceedings, as noted in legal literature.[54]

This might be successfully achieved through applying the Justice Index method to assess new bills containing amendments to national procedural legislation. Therefore, it seems only right to enhance the Rules of Procedure of the State Duma of the Federal Assembly of the Russian Federation with a requirement to attach a statement with Justice Index figures showing the level of legal guarantees to the bill and proposed amendments to the procedural legislation. The Justice Index figures would need to show "before" and "after" results to reveal the document's dynamics.

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[54] *Алексеевская Е.И.* Законы развития судебной системы [Ekaterina I. Alekseevskaya, *Laws of the Judiciary*] 57–59 (Moscow: Iustitsinform, 2016).

At the same time, it would be reasonable to officially approve of this method – the Justice Index – which provides the desired objectivity of assessment, by including relevant provisions in the next federal target program for the development of the judicial system of Russia (in the national project). Thereby, giving it an official status and defining the guidelines of legal policy in the justice sector. This proposal is fully consistent with the Russian tradition of law which dictates socially significant law criteria to be established in form of a special regulation (like the "Development of the Judicial System of Russia" Targeted Federal Program of Russia or other national projects).

Based on previous review, the procedural legislation and the Federal Constitutional Law "On the Constitutional Court of the Russian Federation" should be enhanced with articulated principles of a fair trial, which have presently been omitted.

Regulation of the litigation process should include the establishment of a fair trial system including the setting and enforcing of this system. It should include proper deadlines for actions established by the court and litigious parties as well as maintain the obligation of the court (judges) to produce reasoned judgments. Currently, the procedural legislation has very few time limits established for legal proceedings which undoubtedly promotes red tape and other violations. For instance, the Civil Procedure Code of the Russian Federation does not set a time limit according to which the judge is obligated to make a decision to either refuse to allow the claim to move forward, or meet the deadline for issuing a writ of execution.[55] Therefore, every procedural action of the court and of the lawsuit parties lacking deadlines that should have been established by the legal system should be designated time limits, and ensured that these limits are uniform. For instance, the current deadline for lawsuit acceptance by the court, as well as the period during which the judge may leave a suit without consideration, must be five days from the moment the plea is received by the court desk. Moreover, the procedural time limits for each stage of litigation should be uniform with the existing procedural codes, with the only exception being the Federal Constitutional Law "On the Constitutional Court of the Russian Federation."

The court should be bound by the law to produce reasonable adjudications, both interim and final. Indeed, we share the opinion of S. Afanasiev,[56] S. Zagainova[57]

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[55] *Кашепов В.П.* Институт процессуальных сроков как инструмент регулирования порядка в уголовном судопроизводстве // Комментарий судебной практики. Вып. 21 [Vladimir P. Kashepov, *Concept of Procedural Deadlines as a Regulating Tool in Criminal Proceedings* in *Comments on the Judiciary Practices. Issue 21*] 154–169 (K.B. Yaroshenko (ed.), Moscow: Institute of Legislation and Comparative Law under the Government of the Russian Federation; Infra-M, 2016).

[56] *Афанасьев С.Ф.* Право на получение мотивированного судебного решения по гражданскому делу (международный и национальный аспекты) // Арбитражный и гражданский процесс. 2008. № 12. С. 13–16 [Sergey F. Afanasiev, *The Right to a Substantiated Judicial Decision in a Civil Case (International and National Aspects)*, 12 Arbitration and Civil Procedure 13 (2008)].

[57] *Загайнова С.К.* Судебные акты в механизме реализации судебной власти в гражданском и арбитражном процессе [Svetlana K. Zagainova, *Judicial Acts as Part of the Judiciary Mechanism in Civil and Arbitration Proceedings*] 299–300 (Moscow: Wolters Kluwer, 2017); *Загайнова С.К.* Какие последствия

and other researchers,[58] who viewed a reasonable court decision to be a significant warranty of a truly fair trial.

The procedural codes of the Federal Law "On Enforcement Proceedings" should be amended with to include a clear and comprehensible action plan for court officials and bailiff service workers including a timeframe for every stage of the litigation process and its subsequent enforcement.

Obviously, the current legal gaps maintain a substantial theoretical and practical disorder throughout public entities, all the while contributing to further hindrances for individuals and organizations in their ability to enjoy legitimate rights, especially concerning process of adjudication verification and its subsequent enforcement. For example, it is unclear when a court of law should issue and provide the suit parties with copies of the court's decision during civil proceedings, as pertains to the case and whether the party was present at the court hearing, or if the judge had read the resume of the decision only, but did not produce the full text of adjudication.

It's worth mentioning here, that the abovementioned list of problems is based on an analysis of procedural law compliance with the fair trial standard[59] and could form a foundation for the next targeted federal program of Russia as is or with some additions. The current issues of the Russian judiciary system should be recognized and amended in the next program of judicial system development to be subsequently addressed by 2030.

Another issue is that the program should be designed with strategic planning principles. The program's objectives should be consistent with its goals, a sufficient budget should be provided, and its goals should be objective and based on actual data. Therefore, it is crucial to stop providing surveys as a way to assess the results of the federal targeted judicial development program. Recipients of judicial authority services may provide their feedback via the "reply" form on a personal page of the official Gosuslugi ("public service") public internet-portal, including the possibility of leaving suggestions and comments, and written requests for relevant officials of judicial institutions. It would be beneficial to save and analyze all accumulated feedback in order to understand the urgency and/or scale of the problem, and work toward a solution.

Indeed, an impartial assessment of the national judiciary system and its progress toward sustainable development is of paramount importance now. Thus,

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будет иметь отказ от мотивировки судебных актов? // Арбитражный и гражданский процесс. 2017. № 12. С. 35–36 [Svetlana K. Zagainova, *What Will Be the Consequences of Abandoning Offering Motivated Judicial Resolutions?*, 12 Arbitration and Civil Procedure 35 (2017)].

[58] *Рабцевич О.И.* Право на справедливое судебное разбирательство: международное и внутригосударственное правовое регулирование [Olesia I. Rabtsevich, *The Right to a Fair Trial: International and National Law*] 136 (Moscow: Leks Kniga, 2005]; *Зайцев И.М.* Решение суда как процессуальный документ // Вестник Саратовской государственной академии права. 1995. № 2. С. 74 [Igor M. Zaitsev, *Court Decision as a Procedural Document*, 2 Bulletin of Saratov State Academy of Law 74 (1995)].

[59] Alekseevskaya 2017, at 81–101.

a quantitative measurement of qualitative changes complies best with the United Nations practice. The U.N. Secretary-General's Report noted that real improvements in the quality are found where there is substantial political support.[60] Therefore, the practical application of the author's "Justice Index" method[61] by the national judicial authorities will testify both to the political will to achieve global development goals and to the actual judiciary support of human rights and freedoms.

Furthermore, the "Justice Index" method may serve as a soft power tool. Introduction of this new method for quantitative measuring of qualitative changes as a universal and reliable instrument will also solve the problem of rating our country according to the WPJ method. Given the unfavorable geopolitical circumstance around Russia, this seems to be an adequate response to its contemporary global challenge (like preventing "doping" scandals). Moreover, no advanced country of Europe has been able to figure out how to measure judiciary sustainable development effectively yet. Thus, Russia would be the first country in the world to come up with an effective method for quantifying judiciary quality in terms of a fair trial standard and access to its court systems.

The method proposed by the author may be considered a first step in measuring sustainable development in the field of justice and establish a foundation for further improving quantitative measuring of judiciary quality and accessibility.

The proposed method may deliver qualitatively new data, allow tracking in real time and provide a picture both locally and nationally. It should be also noted here that this method gives an opportunity for the early detection of any problems which would be of utmost importance to do before the European Court of Human Rights finds out and charges the Russian Federation with Human Rights Convention violations. We are absolutely convinced that the early detection of these violations would substantially help to fill the legal gaps in the rules of justice proceedings and to weed out systemic faults before they are discovered by the supranational justice bodies. Moreover, it will also save the federal budget from redressing victims of violations, as well as will promote social peace nationwide and raise public opinion of Russia and its justice system.

The expected outcome of this new program implementation, i.e. its indicators (targeted indicators of the method are called the "Rule of Law Index") should reach 100 percent by the end year. However, a range of acceptable/expected Court Access Index results would need to be defined in an annex to the program. Currently, they are clearly defined.

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[60] *See* U.N. General Assembly, Delivering Justice: Programme of Action to Strengthen the Rule of Law at the National and International Levels, Report of the Secretary-General, U.N. Doc. A/66/749, 16 March 2012 (May 4, 2020), available at https://www.un.org/ruleoflaw/files/SGreport%20eng%20A_66_749.pdf.

[61] Ekaterina Alekseevskaya & Larisa Treskina, *The "Justice Index" Is a Step Towards the Implementation of the Global Goal 16 of the U.N. Agenda*, 5(3) BRICS Law Journal 64 (2018).

However, given the non-linear and cyclical external factors affecting the judicial system, it is impossible to expect linear growth of all indicators since the court workload and number of judges and their assistants fluctuates with the paradigm of resonating economic crises correlated with the judicial workload peaks. Therefore, indicative indicators of the program should take into account the fluctuating dynamics of the judicial workload.

The measures prescribed by the new program should be interrelated and cover the following areas.

First, the judges, court workers, judiciary officials and other related executive authorities should be provided with continuing education and training opportunities through the public procurement process. Our country needs to ensure the ongoing training of its civil servants, as well as raise awareness of the law among its citizens: to inform both sides of the new obligations of the government to its people to ensure and protect human rights and freedoms and provide protection to the business sector. The demand for education raises another issue: the lack of relevant professional specialists and trainers. Therefore, it would be reasonable to supplement the Master of Law university programs with such training. Also, it seems appropriate to include the concept of sustainable development, its aspects and best practices in writing and implementing the Development Programs including the development of the judicial system, in the basic and advanced training programs for civil servants of governmental ministries and departments, the national judicial system and the Judicial Department of the Supreme Court of Russia. Better understanding of the sustainable development concept will help Russia become the true rule-of-law nation and reach the U.N. Global Goals effectively.

Second, the procedure of public educational services' procurement should be elaborated and established. It would provide the judges and the court apparatus with very crucial advanced training. This type of public procurement would also cover training of staff at the judicial governing bodies and other executive authorities as part of the "Justice" Federal Targeted Program. It seems also quite appropriate to enhance these advanced short-term training programs (for civil servants of governmental ministries and departments, the judicial system and the Judicial Department of the Supreme Court of Russia) with the special course on the concept of sustainable development. This course could contain the thorough study of the Concept's aspects and best international practices in building and implementing of national sustainable development programs, including the one in the realm of justice (focused on the rule of law and access to court). Clearer understanding the sustainable development concept will allow Russia to move towards being a rule-of-law country and effectively reach global and national goals.

The importance of well-trained educators on a national sustainable development scale is confirmed by researchers G. Karaarslan and G. Teksöz, who argue from the Turkish experience that "integrating Sustainable Development Concept into Science

Education Program is not enough"; the nation drastically needs competent science teachers for sustainable development education to promote systemic thinking in this area.[62] Their view of the problem seems quite accurate. Indeed, an interdisciplinary approach is an answer to the multidimensional challenge of the Sustainable Development U.N. Agenda.

Y. Mochizuki and M. Yarime rightly point out that the sustainable development in Western academic circles calls for wider interdisciplinarity of research, which most often focuses on technology without much attention to the missing link of "education for sustainable development and the science of sustainable development in terms of the reorientation of higher education and research."[63]

Apparently, for this reason the U.N. Institute of Statistics, OECD and other international organizations have yet to formulate the indicators for the global goal 16 of the U.N. Agenda. These issues are yet to be addressed both at the regional and national levels throughout the world. This focus is entirely consistent with Article 21(a) of the United Nations Declaration on Social Progress and Development of 1969:[64]

> The training of national personnel and cadres, including administrative, executive, professional and technical personnel needed for social development and for overall development plans and policies.

In Russia, the law science has not yet recognized this issue. So, the approaches to the periodic post-graduate training of judges and the court apparatus should be reconsidered to comply with international principles of "adult education" and "lifelong learning."[65]

Third, it is crucial to rethink approaches to staffing the national judicial system. To that effect, S. Perov in his book pointed to the great value of implementing the strategic principle of proper employee recruitment for an organization.[66] We believe

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[62] Güliz Karaarslan & Gaye Teksöz, *Integrating Sustainable Development Concept into Science Education Program Is Not Enough; We Need Competent Science Teachers for Education for Sustainable Development – Turkish Experience*, 11(15) International Journal of Environmental & Science Education 8403 (2016).

[63] Yoko Mochizuki & Masaru Yarime, *Education for Sustainable Development and Sustainability Science: Re-Purposing Higher Education and Research* in *Routledge Handbook of Higher Education for Sustainable Development* 11 (M. Barth et al. (eds.), London; New York: Routledge, 2016).

[64] Declaration on Social Progress and Development, proclaimed by General Assembly resolution 2542 (XXIV) of 11 December 1969 (May 4, 2020), available at https://www.ohchr.org/Documents/ProfessionalInterest/progress.pdf.

[65] *See* UNESCO, Executive Board, Report of the Director-General on the Activities of the Organization in 1998–1999, 160 EX/7, 15 September 2000 (May 4, 2020), available at https://unesdoc.unesco.org/ark:/48223/pf0000120550. *See also* Goal 4: Education, Sustainable Development Goals, United Nations (May 4, 2020), available at https://www.un.org/sustainabledevelopment/education/.

[66] *Перов С.В.* Организационное проектирование в уголовно-исполнительной системе: автореф. дис. ... канд. юрид. наук [Sergey V. Perov, *Organizational Design of the Russian Penal System: Synopsis of a Thesis for a Candidate Degree in Law Sciences*] 11 (Ryazan, 2009).

that putting this principle to work within the Russian judicial system will contribute to steady court operation. It proves to be quite instrumental and subject to further adaptation to the ongoing alterations of the judicial workload standards and the optimal court circuit capacity.

The elaboration and implementation of the candidate judges' selection system and their training should be established with unified requirements for their necessary skills and expertise which would also work well for their vertical rotation. The procedure currently in effect has proved to be deficient and has been rightly criticized by M. Kleandrov.[67]

The sufficient pool of human resources and transparent procedure for attribution of powers to judges in the Russian Federation, established both structurally and institutionally, will raise the authority of a court and a judge as the office. This brings us to believe that the Judicial Ethics Code should be revised and replenished with new instances deemed incompatible with the position of judge (similar to the academic ethics).

Fourth, there should be a national demand of creating and putting to work the sufficient domestically-produced software which would serve as a digital twin of the national judicial system and will facilitate data management and analysis, assessment of external and internal threats to the national sustainable development, simulation of judicial development scenarios, forecasts and search for best management solutions. Therefore, the new Federal Judicial Development Program – 2030 should be also focused on promoting the technology innovation and research aimed at the creation and implementation of the relevant software described above.

Currently, it seems infeasible to find a balance for the national judicial system, let alone ensure its steady development. This definitely calls for the introduction of an effective judicial assessment system which would also provide reliable forecasting and suggest new ways of judicial management. The move to a qualitatively new level of the judicial system of Russia, a number of problems should be marked by finding prompt solutions like describing the judicial system in mathematical language, identify its regularities and failures and apply mathematical approaches to establish its sustainable development and intelligent management.

Gartner, Inc. states that 75 percent of businesses implementing Internet of Things (IoT) projects already use digital twins or plan to deploy it within a year from 2018. It is predicted that by 2022, over two-thirds of companies that have implemented IoT will have deployed at least one digital twin in production.[68]

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[67] *Клеандров М.И.* Объединение Верховного и Высшего Арбитражного Судов Российской Федерации и конфигурация судейского сообщества // Журнал российского права. 2013. № 9. С. 52–60 [Mikhail I. Kleandrov, *Merger of the Supreme Court and the Supreme Arbitration Court of the Russian Federation and Configuration of the Judicial Community*, 9 Journal of Russian Law 52 (2013)].

[68] 13 Per cent of Organizations Implementing IoT Already Use Digital Twins: Gartner, Electronics For You, 20 February 2019 (May 4, 2020), available at https://iot.electronicsforu.com/headlines/13-per-cent-of-organizations-implementing-iot-already-use-digital-twins-gartner/.

Introducing the Internet of Things into the public life of Russia will rely on intelligent judicial management and automation of justice, including the judicial system stabilization.

Fifth, the introduction of the judiciary digital twin and of the services which streamline the generating and processing of court documents through the machine learning technology will obviously require finding new practices to serve as role models and correct application of the law. Therefore, it seems reasonable for the government to invest in studies of the procedures and rules for using Artificial Intelligence in the job of making content vectors.

Sixth, we need to establish a more user-friendly and ergonomic national public services, including courts, to carry out the effective interaction with users.

S. Afanasiev and V. Borisova point to the difficulties[69] a person currently encounters while accessing his/her personal account on the national Unified Identification and Authentication System (UIAS). Moreover, this Internet platform often freezes or does not function properly. S. Perov notes that

> the organizational design effectiveness of the UIAS should be evaluated by the system's truth to the expectations and projected expenditures, as its sufficiency in meeting the people's needs.[70]

These statements seem to be true concerning the national judicial system as well. Much work should be done to enhance the public electronic services ergonomization through innovative data flow technology.

There seem to be three scenarios of the national judiciary development according to law research.

The first may be called "conservative," or "keeping everything as it is." According to the author's findings, the first 25 years of the implementation of the national Concept of Judicial Reforms – 1991, 36 goals out of 66 were reached. Thus, the rate is 1.44 percent of the goals reached per year.[71] Neither people, nor the public authorities are satisfied with these results, so, hopefully, this model is unlikely to be maintained in future.

The second scenario may be called "liberal" with its focus on the cost-effectiveness. The national educational and healthcare reforms followed this path with sore outcome: in favor of economy, the personnel of academic and healthcare facilities

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[69] *See Афанасьев С.Ф., Борисова В.Ф.* О некоторых новеллах электронного документооборота в современном цивилистическом судебном процессе // Законы России: опыт, анализ, практика. 2017. № 10. С. 51–54 [Sergey F. Afanasiev & Viktoriya F. Borisova, *On Some of the Innovations of Electronic Document Management in the Modern Civil Litigation*, 10 Laws of Russia: Experience, Analysis, Practice 51 (2017)].

[70] Perov 2009, at 12.

[71] Alekseevskaya 2017, at 46.

were significantly reduced, programs mutated, and the overall outcomes are widely recognized as a failure.

The third scenario proposed by the author offers quite a different approach: a series of actions that will allow to achieve true sustainable development, not the imitation of it. We have defined the priorities that the public authority should honor in its quest for judicial development in Russia until 2030.

These proposals for the "Development of the Judicial System of Russia – 2030" Targeted Federal Program of the Russian Federation, when implemented, will be an effective solution to the outlined national challenges, will address global challenges, and guarantee genuine sustainable development of the Russian judicial system.

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