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Litsenziya C-5669732

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Journal home page:
https://adolatmarkazi.uz/magazine/electron?id=372

2026-yil
6-son
iyun
ISSN 3093-8546



The Legal Significance and Future Development Prospects of Electronic Court Systems in Insolvency Proceedings in the Context of Digital Transformation

Rakhmatjon Berdiyarov,
Academy of Justice of the Republic of Uzbekistan
Acting Associate Professor (PhD)
e-mail: berdiyarovr@mail.ru

Аннотация. Maqolada raqamli transformatsiya sharoitida to‘lovga qobiliyatsizlik (bankrotlik) ishlarini yuritishda elektron sud tizimining huquqiy ahamiyati va rivojlanish istiqbollari tadqiq etilgan. Muallif O‘zbekiston Respublikasi sud tizimini raqamlashtirish bosqichlari, so‘nggi yillardagi islohotlar va sun'iy intellekt texnologiyalarini joriy etish masalalarini tahlil qiladi. Shuningdek, xorijiy tajriba asosida elektron hujjat aylanishi, videokonferensaloqa va ma'lumotlar xavfsizligini ta'minlashdagi mavjud huquqiy va texnik muammolar hamda ularning yechimlari yoritilgan.

Калит сўзлар. to‘lovga qobiliyatsizlik, elektron sud, raqamli transformatsiya, sud tizimi, sun'iy intellekt, elektron hujjat, axborot xavfsizligi, sud islohotlari

Аннотация. В статье исследуются правовое значение и перспективы развития систем электронного суда в делах о несостоятельности (банкротстве) в контексте цифровой трансформации. Автор анализирует этапы цифровизации судебной системы Республики Узбекистан, недавние реформы и вопросы внедрения технологий искусственного интеллекта. На основе зарубежного опыта освещаются существующие правовые и технические проблемы в сфере электронного документооборота, видеоконференцсвязи и обеспечения безопасности данных, а также предлагаются пути их решения.

Ключевые слова. несостоятельность, электронный суд, цифровая трансформация, судебная система, искусственный интеллект, электронный документ, информационная безопасность, судебные реформы

Annotation. This article examines the legal significance and future development prospects of electronic court systems in insolvency proceedings within the framework of digital transformation. The author analyzes the stages of judicial digitalization in the Republic of Uzbekistan, recent reforms, and the integration of artificial intelligence technologies. Drawing on international

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experience, the paper highlights current legal and technical challenges regarding electronic document management, videoconferencing, and data security, while proposing strategic solutions to enhance judicial efficiency.

Keywords. insolvency, electronic court, digital transformation, judicial system, artificial intelligence, electronic document, information security, judicial reforms

Under the conditions of a market economy, ensuring the effective operation of business entities, maintaining financial stability, and safeguarding the rights and legitimate interests of parties involved in credit relations constitute important responsibilities of the state. In this regard, the institution of insolvency occupies a special place within the legal framework governing economic relations. It comprises a set of legal mechanisms designed to assess a debtor's financial condition, identify the prospects for restoring its solvency, or, where such restoration is impossible, terminate its business activities in accordance with the procedures prescribed by law.

The primary purpose of the insolvency institution is not only to ensure the fair resolution of a debtor's existing obligations, but also to satisfy creditors' claims to the greatest extent possible, maintain a balance among participants in economic relations, and preserve the stability of the market environment. In this regard, the insolvency institution contributes to the efficient allocation of economic resources by facilitating either the withdrawal of inefficient entities from the market or their financial rehabilitation.

At the same time, the determination of insolvency, the examination of insolvency cases, and the establishment of their legal consequences are closely linked to the activities of the courts, making this process one of the important areas of civil judicial proceedings. The court's assessment of a debtor's insolvency status, verification of the legitimacy of creditors' claims, and application of the relevant legal procedures play a crucial role in safeguarding the rights and legitimate interests of participants in economic transactions. Therefore, the institution of insolvency is recognized as an important component not only of the economic system but also of the legal system.

In the Republic of Uzbekistan, the legal basis of the insolvency institution is determined by the Law "On Insolvency", which comprehensively regulates the assessment of a debtor's financial condition, the procedure for satisfying creditors' claims, the insolvency estate, and the activities of insolvency administrators.

From an economic standpoint, this institution ensures healthy market competition, enhances the efficiency of business activities, strengthens the confidence of creditors and investors, and contributes to the sustainable development of the national economy.

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Accordingly, the institution of insolvency represents not only a legal mechanism for regulating economic relations but also an important strategic tool for maintaining economic stability and fostering sustainable economic growth.

Currently, insolvency proceedings are associated with a growing number of court cases, significant volumes of document management, and difficulties in ensuring the completeness, accuracy, and accessibility of information. The adoption of digital technologies offers an effective solution to these challenges by enabling electronic case administration and establishing a transparent and equal information environment for all stakeholders involved in the proceedings.

Moreover, the experience gained during the COVID-19 pandemic highlighted the efficiency and resilience of electronic justice systems. The integration of electronic court technologies into insolvency proceedings can contribute to the automation of procedural processes, minimize the influence of the human factor, improve transparency, and ensure more effective protection of the rights and legitimate interests of creditors and debtors alike.

Uzbekistan has also undertaken comprehensive reforms aimed at the digital transformation of its judicial system. The digitalization of court activities, the implementation of electronic document management, and the introduction of online court hearings have become key priorities of state policy, supported by the gradual development of an appropriate legislative framework. Consequently, the application of digital court technologies in insolvency proceedings is increasingly recognized as an important mechanism for ensuring fairness, efficiency, and transparency in judicial decision-making.

The digital court system may be defined as a modern legal and technological platform that enables the administration of justice within a fully digital environment. Its fundamental element is the electronic court (e-court) system, which represents the first stage and institutional foundation of judicial digitalization. Whereas e-court systems initially relied on electronic documents, online filings, and videoconferencing, they are gradually evolving into a comprehensive digital court model that incorporates advanced digital technologies throughout the entire judicial process

The legal framework governing the introduction of digital court practices is primarily based on legislative and regulatory acts aimed at integrating modern information technologies into the administration of justice. In Uzbekistan, a significant milestone in this process was the adoption of the Presidential Decree of 7 February 2017, “On the Action Strategy for the Further Development of the Republic of Uzbekistan,” which marked a new stage in judicial and legal reforms. Under the second priority area of the Action Strategy, devoted to strengthening the rule of law and further reforming the judicial system, one of the key objectives was the introduction of modern information and communication

technologies into court operations.

Further progress in this area was achieved through the adoption of the Presidential Resolution of 3 September 2020, "On Measures for the Digitalization of the Activities of Judicial Authorities." The Resolution was aimed at enhancing the digital transformation of the judiciary, improving data exchange between courts and other public authorities, and creating the necessary conditions for the broader implementation of electronic justice mechanisms within the judicial system.

As part of the ongoing digital transformation of the judiciary, several electronic justice mechanisms have been introduced in stages. Since 1 January 2021, court hearings in all courts have been subject to audio recording upon the request of the parties and with the approval of the presiding judge. From 1 July 2021, the automated allocation of cases among judges has been implemented in appellate and cassation courts, thereby enhancing transparency and reducing the risk of external interference in the assignment process. Since 1 October 2021, all participants in judicial proceedings have been notified of the date, time, and venue of court hearings free of charge through SMS notifications. Furthermore, from 1 January 2022, court decisions have been delivered electronically to the parties, while paper copies remain available upon request. In addition, beginning on 1 January 2023, an electronic system for the transfer and receipt of court files between courts and the State Archives was introduced, contributing to the further digitalization and modernization of judicial administration.

The Presidential Decree of the Republic of Uzbekistan of 16 January 2023, entitled "On Additional Measures to Further Expand Access to Justice and Improve the Efficiency of Court Activities," laid the groundwork for the full-scale digitalization of the judiciary and the introduction of artificial intelligence technologies into judicial practice.

Subsequently, in accordance with the objectives of the "Uzbekistan–2030" Strategy, the Presidential Decree of 21 August 2025, "On Additional Measures to Enhance Access to Justice through the Introduction of Artificial Intelligence Technologies into Court Activities and to Improve the Material and Technical Capacity of the Judicial System," marked a new phase in judicial reform. The Decree envisaged the acceleration of digitalization processes within the judiciary, the integration of artificial intelligence into judicial activities, the gradual transition to fully electronic case management under the "Digital Court" concept with the ultimate goal of eliminating paper-based proceedings, and the development of AI-assisted mechanisms for calculating court fees and costs. Collectively, these initiatives have established a new foundation for the development of a modern, technology-driven judicial system.

Comparative analysis of foreign experience demonstrates that advanced jurisdictions such as Estonia, the Republic of Korea,

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Singapore, and Germany have successfully implemented electronic court platforms that enable insolvency proceedings to be conducted in a highly automated manner. Within these systems, judicial documents are certified through electronic digital signatures, and all stakeholders are provided with online access to case information and procedural developments. The effectiveness of these mechanisms suggests that the adoption of the most progressive elements of such practices would be beneficial for further modernization of the national judicial system.

In this context, the digital court system represents an important tool for improving both the automation and efficiency of insolvency proceedings. Its advantages are manifested in several dimensions.

First, insolvency petitions and accompanying documents may be filed electronically, substantially reducing the time required for document submission, verification, processing, and analysis. The use of electronic document management systems facilitates automated information exchange between courts and participants in the proceedings, thereby enhancing procedural efficiency, reducing administrative burdens, and improving the overall effectiveness of insolvency administration.

Second, the application of videoconferencing technologies in insolvency proceedings allows court hearings to be conducted remotely, ensuring greater procedural efficiency and accessibility. As a result, debtors, creditors, insolvency administrators, and other participants can take part in judicial proceedings without the need for physical attendance, thereby reducing costs, saving time, and improving access to justice. At the same time, such technologies contribute to the transparency, flexibility, and overall effectiveness of judicial administration.

Third, court decisions issued in insolvency cases may be certified through digital signature technologies, which guarantee their authenticity, legal validity, and integrity. The use of digital signatures strengthens the legal force of electronic documents and enables the automated generation, transmission, and delivery of judicial acts in electronic form. In addition, the storage of case information within centralized digital databases promotes transparency, facilitates data analysis, and improves oversight throughout the insolvency process, thereby enhancing the overall quality of judicial decision-making.

Moreover, digital court systems increasingly rely on intelligent algorithms, artificial intelligence, blockchain technologies, and Big Data analytics to process and evaluate large volumes of information in dispute resolution. The application of these technologies enables the identification of relevant patterns, the assessment of procedural and financial data, and the prediction of potential outcomes of insolvency proceedings, thereby contributing to more efficient and evidence-based judicial decision-making.

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From this perspective, the ongoing development of digital court practices in Uzbekistan represents more than a technological modernization initiative; it reflects the formation of a new legal and organizational model for the administration of justice in the digital era.

Indeed, contemporary digital transformation processes are reshaping not only economic relations but also the very foundations of judicial governance and legal institutions, creating new opportunities for enhancing the accessibility, transparency, and effectiveness of justice.

Despite the considerable opportunities created by the digitalization of insolvency proceedings and the implementation of electronic court systems, the process continues to face a number of legal, organizational, and technical challenges. The timely resolution of these issues is essential for enhancing the effectiveness and sustainability of digital justice mechanisms in insolvency cases.

First, one of the principal challenges concerns the inadequacy of the existing regulatory framework. Current procedural legislation does not comprehensively regulate the use of electronic documents, digital signatures, and videoconferencing technologies, nor does it establish sufficiently clear and uniform procedural standards for their application in judicial proceedings.

Therefore, procedural legislation should be supplemented with explicit provisions governing electronic document circulation, the legal status and evidentiary value of digital signatures, and the procedures for conducting remote court hearings through videoconferencing technologies. The establishment of such legal safeguards would strengthen legal certainty, promote consistent judicial practice, and ensure the stable and effective functioning of electronic court systems in insolvency proceedings.

Second, the insufficient development of technical infrastructure may adversely affect the stability and effectiveness of digital court systems. In particular, inadequate internet connectivity in certain regions and technical interruptions associated with the operation of the “E-Sud” platform can delay procedural actions and reduce the overall efficiency of insolvency proceedings.

Consequently, the modernization of technical infrastructure and the further development of a unified judicial information platform should be regarded as key priorities. This includes ensuring reliable internet connectivity for courts and insolvency stakeholders, integrating governmental and judicial databases, and establishing automated mechanisms for interagency data exchange. Such measures are essential for the effective operation of a fully digitalized insolvency framework.

Third, ensuring information security and the protection of confidential data constitutes another major challenge. Given that insolvency proceedings involve commercially sensitive and legally significant information, the risks of unauthorized access, data

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manipulation, or cyberattacks may negatively affect the credibility and reliability of digital justice systems. Furthermore, the misuse of digital technologies for the submission of unreliable or falsified electronic evidence may create additional procedural risks.

For this reason, the implementation of advanced cryptographic safeguards, blockchain-based verification mechanisms, and secure server architectures is highly recommended. These technologies can strengthen data integrity, enhance cybersecurity, ensure the confidentiality of judicial information, and ultimately increase public trust in digital court systems.

Fourth, disparities in digital skills and technological literacy among judges, court personnel, debtors, creditors, and other participants in insolvency proceedings constitute a significant challenge to the effective implementation of digital justice mechanisms. Limited practical experience in the use of electronic platforms may hinder procedural efficiency and create obstacles to the consistent application of digital court technologies.

To address this challenge, electronic court systems should be further enhanced through the integration of artificial intelligence and Big Data analytics, allowing them to function as decision-support and predictive tools in insolvency proceedings. At the same time, continuous professional training programs should be introduced to strengthen the digital competencies of judges, court staff, insolvency administrators, and other stakeholders. Such initiatives would not only improve the effective use of digital court technologies but also maximize the benefits of judicial digitalization and contribute to the development of a more efficient and technologically advanced insolvency framework.

In conclusion, the implementation of electronic court practices in insolvency proceedings constitutes a significant step toward the establishment of a modern, efficient, and transparent system of justice. By utilizing centralized digital information platforms, it enhances the efficiency of procedural administration, improves access to procedural rights for all participants, and supports the adaptation of the national judiciary to the demands of the digital era. Moreover, the integration of digital technologies into insolvency proceedings promotes innovation within the judicial system while strengthening transparency, accountability, and compliance with the rule of law. As a result, electronic justice mechanisms have become an essential component of the ongoing modernization and sustainable development of the judicial system.