E-LITIGATION IN THE REPUBLIC OF NORTH MACEDONIA – NEAR OR DISTANCE REALITY?

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Abstract

The trend of the digitalization of the trade and communications led to digital transformation of the public services. The courts as judicial power have to become part of this process. In that order the civil procedure i.e. litigation, must be reformed and updated. This is why the issue of legal regulation of e-litigation is more and more important.

Precisely because of this the subject of this paper is an analysis of the Strategic plan of the Ministry of Justice 2020-2022, the Strategy for information and communication technology in the judiciary 2019-2024 of the Ministry of Justice and the Information with planned activities for digitalization in the judiciary for 2021 of the Government of Republic of North Macedonia and the Macedonian legislation in the context of the possibility of functioning of e-litigation,.

The main thesis of this paper is that currently the Law on Civil litigation does not sufficiently regulate the issue of e-litigation. Due to this, the Macedonian legislator is facing the challenge to prescribe precise and clear rules for conducting e-litigation as soon as possible, as well as to provide conditions for the e-litigation rules really to work in the practice of the courts.

Keywords: *e-litigation, strategy, digitalization, amendment, legislation*

INTRODUCTION

The increased development of information and communication technology has led to its integration in almost every part of the Macedonian judiciary. The computerization of the key actors in the judiciary, quite expectedly, has been constantly evolving in recent years mainly

through the introduction of a system for court case management, development of a new courts' websites and equipment for some of the courts with audio recording hardware and software.

The great implementation of the information and communication technology in judiciary and the amendment of the legislation in the field of civil litigation would create the conditions for development of e-litigation which will increase the accessibility of the legal services for all users and will secure the cooperation among institutions in Republic of North Macedonia.

1. ON THE NEED FOR LEGAL REGULATION OF E-LITIGATION

From the beginning of the XXI century onwards, as never before, the academic interest is focused on e-litigation (Tholabi, K. A & Cholil, A. 2020, 2206). This is because the digitalization of trade and communications is leading to a new reality - an era of information society and digital economy, galloping a few steps before the law (material and procedural). The civil procedure in order not to stand still and receive the blows of time must be transformed to adapt to the new reality (Kengyel, M & Nemessányi Z, 2012, 3-27).

The transformation of the traditional into an e-litigation is a new challenge in the administration of justice (Nguyen, D. 2017, 1). As a separate modus operandi, e-litigation worldwide was first regulated in detail by Singaporean legislation in 2000 (Tholabi, K. A & Cholil, A. 2020, 2207), and it is used throughout the court practice in countries belonging to the common law system (Griese M, 2004, 1). In the civil law system, the need for e-litigation is partially promoted by the EU civil procedural law, and at the national level it is rediscovered as a consequence of the COVID-19 pandemic (Uzelac A, 2021, 50).

The e-litigation in the civil law system is currently at the center of scientific popularity because it is a balance between access to justice and the protection of human health in conditions when there is inability to physically access the court as a result of the COVID pandemic - 19 (Gjorgjioska, E & Gorgieva D & Stoileva Z, 2020, 1). Although at present no one can say for sure how much and whether e-litigation will oust traditional civil proceedings, the fact is that it will bring out fundamental reforms in national civil procedural legislation that will give civil proceedings pro futuro a new design.

E-litigation is a concept that means the use and implementation of information and communication technology in order to effectively and quickly resolve civil disputes (Stanfield, A, 2003, 3).

The introduction of e-litigation in national civil litigation legislation is an essentially fundamental process that presupposes the initial creation of basic electronic media for electronic access to justice, and then reforms in national civil litigation laws that should lead to the creation of rules for e-litigation.

The basic electronic media for electronic access to civil justice are: creating an electronic platform for (civil) justice and creating special web portals for the development of e-litigation.

Reforms in the national civil procedure laws that will enable the legal regulation of elitigation must initially guarantee the work of the courts in the digital world without compromising the basic principles of civil procedure and basic human rights.

Reforms must be well and carefully designed so as not to provoke additional newly designed disputes as a result of ignorance or misuse of information technology. For this purpose, the vigilance of the national legislator is required in the reform of the civil procedural laws, which should be preceded by the establishment of special electronic committees for the judiciary, training of professional staff that will manage and participate in e-litigation, electronic networking of courts with lawyers and notaries , networking the courts (from the lowest to the highest level or vice versa), creating a video conferencing system of the courts and state guarantees and sanctions for cyber security on e-litigation websites.

Reforms should lead to the creation of rules for e-litigation in accordance with the internal needs of lex nationalis.

The rules for e-litigation should minimally regulate: rules for electronic registration in court registers, rules for electronic filing of documents, rules for hearing and open trial, rules for electronic conduct of civil proceedings and rules for electronic communication between the parties and the court.

The need for legal regulation of e-litigation is a reality of the Macedonian procedural legislator. The Macedonian procedural legislator for this purpose in at the beginning of the XXI century made the first steps towards e-litigation. Exactly because of this, raises the question of how far is the reform of the Macedonian judiciary and litigation in the context of e-litigation (where we are?) and what we should focus on pro futuro (where we need to be in the short and long term?).

2. STRATEGIES AND PLANS FOR INTRODUCING INFORMATION AND COMMUNICATION TECHNOLOGY IN THE MACEDONIAN JUDICIARY

The question of e-litigation in North Macedonia is closely connected to the reform of the Macedonia judiciary or so called introduction of information and communication technology in the Macedonian judiciary through the Strategic plan of the Ministry of Justice 2020-2022, the Strategy for information and communication technology in the judiciary 2019-2024 of the Ministry of Justice and the Information with planned activities for digitalization in the judiciary for 2021 of the Government of Republic of North Macedonia. The Ministry of Justice as a state administration body is responsible for policy-making, drafting and proposing laws and other regulations in the field of justice, as well as supervising the implementation the Strategic plan 2020-2022.

According to the Strategic plan 2020-2022 in determining its strategic priorities and goals, the Ministry of Justice, primarily had in mind the determined strategic priorities of the Government of the Republic of North Macedonia (one of them digitalization of the judiciary). Among the other priority goals of the Ministry of justice the most important are: advancement of information and communication technologies in the judicial system; establishment and development of a modern and automated judicial system; increasing the efficiency, effectiveness and independence of the judiciary; improvement of data protection; standardization and unification of procedures, processes, nomenclatures in the judicial system.

The Ministry of Justice achieves its goals through the application of several programs, including the Program - Information and Communication Technologies in the Judicial System, through which it is expected to develop Information and Communication Technologies in the judicial system in order to support the reform of the judicial system. The mail priority of the program is creation of conditions for an independent, impartial and efficient judiciary and justice accessible to all. The goals of the program are centralized data system of the judicial system and education and training of the employees in the regional departments of Ministry of justice for using web applications for free legal aid.

The plan for the implementation of the Program - Information and Communication Technologies in the judicial system includes several activities: analysis and upgrade of the case management system in the courts and the public prosecutor's office; establishment of a centralized web portal -

providing electronic services to citizens, lawyers, notaries, enforcement agents; establishment of a new network architecture, analysis, consolidation and upgrade of the judicial network infrastructure; introduction of functional interoperability among courts, public prosecutor's offices and state administration bodies; Conducting public procurement for maintenance and servicing of hardware and software.

In 2019 the Ministry of justice also rendered the Strategy for information and communication technology in the judiciary 2019-2024 (hereinafter: the Strategy).

According to the Strategy the information technology cannot replace the basic activity of the judiciary - judging, but it can still help significantly, especially with: improving access to justice by improving business procedures and practices that lead to reducing delays; improving the efficiency of judicial institutions and their staff (by speeding up processes such as data entry, easier document tracking, automatic generation of frequent documents using templates, access to data required in external registry procedures, easier access and analysis of data related to individual procedures); strengthening transparency, public trust and citizens' trust in the judiciary (online access to all judicial information, web services such as information on the status of court proceedings, court decisions, communication through electronic filing of complaints and lawsuits); the use of information and communication technologies can have many positive effects on the judiciary, but it should be borne in mind that their efficiency and applicability depend mostly on key stakeholders in the judiciary.

The strategy identifies the key components on which its implementation depends:

- technical components: providing appropriate infrastructure, choice of architecture and technologies;
- institutional component: introduction of centralized ICT management in the judiciary by providing adequate human resources;
- organizational components: reorganization and strengthening of the capacities of human resources in all institutions which will then be able to adequately support all processes in the judiciary;
- financial resources: planning and providing appropriate financial resources, as well as applying for funds from donors;

- business components: clearly defined business objectives, a plan for measuring and achieving those objectives and establishing a system for continuous monitoring of project success based on measurable indicators;
- regulatory components: compliance with applicable regulations, adjustment proposals and amendments to regulations.

The Strategy also describes the current state of the information and communication technology in courts in Republic of North Macedonia. It states that in the Supreme Court of the Republic of North Macedonia an IT center with a database for the Judicial Information System has been established.

The situation with the hardware equipment is disrepair because it is outdated and defective, there is a lack of workstations, and they do not support the software solutions used in the courts, which causes their inefficient functioning. The condition of the servers in the courts is low capacity, i.e. there are no servers for data storage, nor for the ACCMIS database and the FEMIDA audio recording system have enough capacity (the records stored on local computers and transferred to CD).

The courts dispose with software called ACCMIS (Automated Case Management Information System). It is three-layer architecture (Database Server, Application Server, Client part), built with DELPHI software tool, runs on Microsoft Windows Server 2008 R2, Microsoft SQL Server 2008 platform and is installed in every court of Republic of North Macedonia. The application keeps a complete record of the court proceedings from the receipt of writs, automatic distribution of cases by judges, to the archiving of each case. The basic data for the cases of each court and all the documents that are generated during the court procedure are entered in the local ACCMIS databases located in each court of Republic of North Macedonia. For the needs of ACCMIS, the Information Center of the Supreme Court of RSM provides a central database of nomenclature for lawyers, notaries, enforcement agents, mediators, bankruptcy trustees, courts, states, municipalities, etc. which is replicated in local ACCMIS court databases.

The Information Center of the Supreme Court provides a system for electronic service of court documents that uses public certificates for identification of registered users and operates in the first phase of implementation which involves service of court documents (summons to

hearings, judgments, decisions, various acts, etc.) from the courts to the registered users. Each court submits the documents for service through the ACCMIS applications to the electronic mailboxes of the users that are served in the Information Center of the Supreme Court. Once users have identified themselves with a digital certificate and logged in with a username and password, they have access to the incoming documents

The Strategy articulate the priorities for development of information and communication technology in the judiciary which include:

1. Continuous priorities: implementation of the Strategy and reorganization and optimization of the information and communication technology sectors in the judicial bodies;

2. Short-term priorities which among other include the constitution of the Council for coordination of information and communication technology in the judiciary (the ICT Council), upgrade of hardware equipment, centralization and integration of the information systems.

One of the most discussed short-term priorities is the ICT Council whose main task is to plan and realize the needs of judicial institutions. I has the following tasks:

- Continuous monitoring of the implementation of the ICT Strategy in the judiciary and the Action Plan; Proposing a revision of the ICT Strategy in the judiciary and the Action Plan;
- Defining and implementing ICT policies in the judiciary;
- Ensuring compliance with other government ICT development policies;
- Regular monitoring of project progress and evaluation of their effects;
- Establishment of internal communication in order to improve the daily activities of the ICT staff in the judiciary;
- Continuous education and training to upgrade the knowledge of the ICT staff.

According to the information published by the Ministry of Justice, the Minister of Justice established the the ICT Council, as operational expert body composed of representatives of the judicial bodies.

3. Medium-term priorities: introducing centralized, integrated and modern information systems, e-Archive, data storage solution accompanied by business intelligence tools for accessing, reviewing, processing and analyzing data from various sources, CMS - Case Management System - Analysis and upgrading of the Case Management System in Public Prosecutions (Case management System), JDBIS -

Integrated system and database of case law in the Republic of Macedonia and CENTRALIZED WEB PORTAL – which will allow access of electronic services to the citizens, chambers of lawyers, notaries, mediators and enforcement agents, as well as international institutions, formal policies and procedures for institutional continuity, formal policies and procedures for safety (the procedures and policies should cover all aspects of the security field, from physical security, systems security, their communication and end-user security).

4. Long-term priorities: the introduction of the interoperability platform which enables connection of all institutions, faster data exchange, data exchange security, data availability, more efficient work of the institutions and more efficient and faster service to users. In this regard the regulatory framework for interoperability in the judiciary should be addressed.

In April 2021_the Government of Republic of North Macedonia published that among other decision, within the 66-th session, the Ministers reviewed and adopted the Information with planned activities for digitalization in the judiciary for 2021. The plan contains activities that will take place in several phases, starting from changes in the existing legislative framework as a basis for taking procedural actions (e-mail and e-delivery) with the participants in the proceedings, ICT tools for remote trials or presenting only some evidence thus, by providing the courts with appropriate ICT equipment, internet connection and other necessary devices for preparing electronic documents. In addition to equipping more than 100 courtrooms in 34 courts in North Macedonia, the plan for digitalization in the judiciary envisages equipping a courtroom within the Academy for Judges and Public Prosecutors as well as in the Idrizovo Prison. The equipping of the courts for online trial is planned to be realized by the end of 2021.

At the press conference held on the occasion of the adoption of the above mentioned information the judge Lazar Nanev, as chair of the working group for digitalization of the judiciary, presented the benefits of digitalization of the judiciary. As he said, the digitalization of the judiciary facilitates the work, increases access to justice for all the citizens, reduces the costs and increases the efficiency. He stressed that the Operational Plan adopted by the Government provide 90 million denars for 2021, which funds will be used for hardware and software rehabilitation. He also referred to the possibility of online trials and stated that the analyzes showed that distance trials or online trials increase efficiency and transparency by 60% and

additionally, reduces the costs. Even more he mentioned the possibility for implantation of the interoperability system, which will means saving 15 million euros annually, or 2.5 tons of paper, i.e. 3,000 trees.

3. CURRENT SITUATION IN THE MACEDONIAN LEGISLATION IN THE CONTEXT OF E-LITIGATION

The Macedonian legislation as part of the civil law culture has not regulated the elitigation issue at all for a long time. Undoubtedly, e-litigation is an institute that will initially be created in the legal culture of common law countries (England, USA, Australia) in the Practical Directions of court case management (W. S. W. M. Saman & A. Haider, 2013, 2296-2298).

At the time of the adoption of the Law on Civil litigation of the Republic of Macedonia, the issue of e-litigation was not open at all. The main reason for this is the fact that information and communication technology was not sufficiently penetrated in the judiciary. Due to this, the minimum conditions for creating e-litigation - electronic platform of the judiciary and web portals of the courts were not met.

Things started to change when for the first time in the Law on civil litigation were introduced provisions for e-submission of documents (Janevski, A & Zoroska Kamilovska T, 2009, 267-278). These provisions are the first step towards e-litigation.

The Law amending the Law on civil litigation form 2010 for the first time in the Macedonian civil procedural law introduced some of the aspects of e-litigation.

According to the Ministry of justice as an authorized proposer of the Draft Law amending the Law on civil litigation (Decision of the Constitutional court No. 96/2011-0-1 from 26.10.2012) the adoption of these amendments to the Law on civil litigation is in function of establishing more appropriate legal mechanisms that will ensure faster and more efficient review by courts of the disputes about the basic rights and obligations of man and citizen, personal, family, employment, property and other civil-legal relations, in order to achieve a final settlement of the disputed relations between the legal entities in the shortest possible time, which would provide legal assumptions for respecting the principle of fair trial within a reasonable time and greater legal certainty.

According to the new added Article 125-a the legislator for the first time in the Macedonian civil procedural law introduced mandatory and only way of service of writs via electronic means to the electronic mailbox to the attorneys at law, state bodies, i.e. state administration bodies, local self-government units, legal entities and entities to which public authorizations have been entrusted.

The new Article 126-a regulated the procedure which the court must to follow when it does service via electronic way. It states that the service via electronic means shall be performed via an information system of the court to the address of the electronic mailbox of the receiver of the service. So the portal of the Electronic Delivery System of court documents, https://edostava.sud.mk/, was created.

According to the Terms of Use of the Electronic Delivery System of court documents the users of the System, legal or natural persons are obliged to provide the following minimum technical conditions at their own expense: digital certificate issued by an authorized issuer in the Republic Macedonia, internet access, e-mail address for receiving notifications from the System, Internet Explorer 7.0 or later, Mozilla Firefox or Google Chrome (using digital certificate and the Internet browser is in accordance with the rules of the authorized certificate issuer), Adobe Acrobat Reader or other appropriate software for previewing and printing.pdf files. To use the services of the System, the legal or natural person must first register electronically as a new user of the portal http://edostava.sud.mk, in any court in the Republic of Macedonia.

Furthermore the above mentioned article regulate that the service via electronic means shall be considered completed on the day of receipt of the writ via electronic means. The paragraph three also states the information system of the court shall at the same time when sending the writ to the recipient of the service send to his/her e-mail address a notification that the information system of the court has sent it a written document that the holder of the address has to download. The electronic mail from the electronic mailbox has to be downloaded no later than eight days from the day of its sending. The notification referred to in paragraph (3) shall warn the recipient of the service that in case if the electronic mail is not accepted from the electronic mailbox in the time period eight days, the service shall be considered as completed. The recipient of the electronic mail shall prove his identity with his electronic signature, shall perform insight in his electronic mailbox and shall by electronic means sign the writ it addresses to the court, i.e. confirms the receipt of the electronic mail.

If the served writ via electronic means contains attachments that are technically impossible to be served via electronic means, the court will serve a writ in which it shall notify the recipient whose head office, permanent or temporary place of residence is located in the head office of the court, that the attachments shall be taken directly from the court in a period of three days as of the day of notification, otherwise it shall be considered that the attachments have been served.

Besides of the mandatory character of the provisions of article 125-a of the Law on civil litigation not all of the attorneys at law, state bodies, i.e. state administration bodies, local self-government units, legal entities and entities to which public authorizations have been entrusted, registered and used the Electronic Delivery System of court documents, due to the fact that not all of them had been able to provide the minimum technical conditions at their own expense but also not all of courts had the technical conditions and human resources to use the System. So a big part of the service of judicial writs by courts to the above mention persons has been done with the other methods of service as provide by the Law on civil litigation.

The issue of the existence of this System became especially relevant with the outbreak of the Covid-19 pandemic, when the Ministry of justice called the lawyers to register on the platform https://edostava.sud.mk/, because the increased number of registered users of System will reduce the physical contacts among the court with the parties and thus will reduce the risk of spreading the Corona virus and the courts will be able to perform save service via electronic mean of the courts' documents in one direction.

The Draft Law on Civil Litigation published on ENER in September 2020, contains a provision that allows for remote trials. According to the proposed provisions, the hearing, as a rule, is held in the court building and is recorded in tone. The court may decide to hold the hearing outside the court's building when it finds that it is necessary or that in way there are will be save in time or in the cost of the procedure. The court may decide to hold the hearing at a distance, using a closed technical remote connection device (video conferencing), or to present separate evidence in the stated manner. The Draft Law on Civil litigation does not allow the parties or other persons to submit appeal against the decision of the court to hold hearing outside the court's building or at distance.

The Law on Management of the Motion of Cases in the courts was adopted in February 2020 with delayed application in the second half of May 2020. This law regulate important issues regarding to the management of the motion of cases in the courts in the Republic of North

Macedonia. The mail aims of the law are: ensuring the right to an impartially elected judge in the distribution of cases in the courts; management of the motion of cases in the courts in the Republic of North Macedonia through the use of an automated computer management system court cases (hereinafter: the automated system); prevention of delays in the motion of court cases; preventing the creation of backlog of unresolved court cases and compliance with the legal deadlines for undertaking procedural actions, legal deadlines for adoption, preparation and publication of court decisions and deadlines determined by this law.

This law constitute the Working Body for Standardization of the Procedures when using the automated system in the courts which with an act unifies the terminology used in the automated system, the codes placed at the central level, the electronic forms, receipts, letters, decisions and other documents, the methodology of data entry, the protocols for motion of cases etc.

The application of this law unifies the approach which the courts use when they publish final court decisions on the website.

According to this law the courts have a bulletin board on their websites where they can publish their announcements and announcements of the notaries and enforcement agents, for which notaries and enforcement agents pay an annual fee in the amount determined by a decision of Judicial Budget Council. The documents when published on the website are properly protected by software so that they can only be printed and their modification, copying and word processing would not be not possible.

4. FUTURE STEPS OF THE MACEDONIAN LEGISLATOR TOWARDS ELITIGATION

The Law on Civil litigation of the Republic of North Macedonia does not contain special detailed provisions for e-litigation. Currently, the topic of e-litigation is reduced to the electronic system for submission of court documents, which seems to be insufficient. This is because the electronic system for submission of court documents allows only one-way electronic communication (court - party), and not vice versa (party - court). Because of this, the first step that must be taken in order to create real rules for e-litigation is to enable twoway electronic communication when submitting documents between the court and the parties through specific electronic media. For this purpose, the electronic system for submission of court documents needs

to be upgraded. The Law on Civil litigation in this regard should regulate the provision that the party may submit any request through electronic media to the court register.

The legal regulation of e-litigation is not only conditioned by two-way electronic communication when submitting documents between the court, the parties and other participants in the procedure, but also by the need for electronic networking of the courts from the first to the last degree. This means that courts must use special uniform hardware and software equipment in order to smooth the electronic movement of court cases from a lower to a higher court. This in itself should lead to the avoidance of the possibility of delaying the litigation procedure conducted electronically and trial within a reasonable time. Once these steps have been taken in the short term, in the long term the Law on Civil litigation must be reformed with rules for electronic litigation.

The rules for regulating e-litigation must be clear and precise in order not to cause further disputes. The purpose of these rules should be faster and more efficient service of documents and movement of court cases, faster access to court information with the help of modern information and communication technology as well as promotion and expansion of knowledge on the use of information technology in the administration of justice.

The rules for e-litigation must be in accordance with the principles of traditional litigation. This is because otherwise they would lead to unequal treatment and access to justice. In this context, special care should be taken with the rules for e-litigation not to violate the principle of publicity as a fundamental principle of traditional litigation. The e-litigation rules will significantly upgrade the principle of procedural economy and the principle of trial within a reasonable time because they will neutralize most of the possibilities for postponing court hearings.

The rules for e-litigation should not only regulate the issue of two-way electronic communication between the court, the parties and other participants in the procedure, but must also regulate the conditions that must be met by the electronic documents submitted by the parties and other participants in the procedure to the court (PDF form, legible, etc.).

The existence of e-litigation is impossible even without legal rules for electronic payment of court and other costs of proceedings. In this context, this issue must be regulated in the Law on Civil litigation.

The rules for e-litigation must also contain provisions for remote hearing. This means that the Law on Civil litigation must specify the ways and conditions under which a party, lawyer,

witness, expert can participate in the preparatory and the hearing for the main hearing. In connection with this, it is necessary to introduce a provision for video conferencing, whereby it is necessary to transmit not only audio but also audio and video in real time. In addition, the section on e-litigation should include provisions on ways of involving the public in the trial, provision on the absence of parties to remote hearings for justified or unjustified reasons, provisions for recording, using and keeping electronic documents with a criminal ban the hearing to be broadcast live or retransmitted or used on social media or to be recorded, a ban on cybercrime, a ban on the submission of false electronic documents.

For instance the provision of the new Macedonian Law on civil litigation can regulate mandatory pre-trial hearing using technical solution for the parties and their representatives which include both a visual and an audio connection. Furthermore, the legislator can regulate that the party concerned can participate by means of a technical solution in the main hearing too if he or she agrees and if the court finds it appropriate and again if the chosen technical solution include both a visual and an audio connection.

The new law as same as the Finish legislation can also regulate the situation when a party is being heard for probative purposes and a witness and expert witness may be heard in the main hearing without being present in person, through the use of a video conference or other suitable technical means of communication by which the persons participating in the hearing have audio and video contact with one another, if the court deems this appropriate and if: (1) the person to be heard cannot arrive in person in the main hearing due to illness or another reason; (2) the arrival in person of the person to be heard in the main hearing would, in comparison with the significance of the testimony, cause considerable expenses or inconvenience; (3) the reliability of the statement of the person being heard can be assessed in a credible manner without his or her physical presence in the main hearing

The new should also have provision concerning the form and content of the minutes of the remote hearing and its accessibility to parties.

CONCLUSION

The e-litigation is a concept that means the use and implementation of information and communication technology in order the courts effectively and quickly resolve civil disputes. The

introduction of e-litigation in national civil litigation legislation is an essentially fundamental process that presupposes the initial creation of basic electronic media for electronic access to justice, and then reforms in national civil litigation laws that should lead to the creation of rules for e-litigation.

The question of e-litigation in North Macedonia is closely connected to the reform of the Macedonian judiciary or so called introduction of information and communication technology in the Macedonian judiciary through the Strategic plan of the Ministry of Justice 2020-2022, the Strategy for information and communication technology in the judiciary 2019-2024 of the Ministry of Justice and the Information with planned activities for digitalization in the judiciary for 2021 of the Government of Republic of North Macedonia published. All this documents create the basic electronic media for electronic access to justice. In other words we can conclude that the Macedonian Government and the Ministry of justice has drafted and adopted a lot of strategies on paper and took steps to make available the software and hardware which is necessary for the existence and function of the elitigation, but they have not done the appropriate amendments of the legislation i.e. the Law on civil litigation which will make the e-litigation legal and functional.

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