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Authentication and verification in arbitration proceedings

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Abstract: The extensive and intensive development of digital technologies is a constant process that co-occurs with the same steady increase in the level of social significance of the justice process. One of the cornerstones in integrating individual technological solutions into the justice administration ecosystem is the development of technologies that can carry out many procedures remotely. These problems indicate a real need to develop a comprehensive scientific understanding of verification and authentication. This study aims to analyze the concepts of verification and authentication in the context of modern arbitration proceedings in Russia and define issues arising from the digitalization of procedural relations. The authors concluded on the possibility of convergence of arbitration institutions and state courts, the creation of a unified information system aimed at increasing the accessibility of arbitration proceedings, which correlates with the reduction of judicial workload in state courts, as well as the prospects of integration of authentication and verification mechanisms in arbitration proceedings.

Keywords: Authentication. Verification. Arbitration proceedings. Arbitration. Civil procedure. Dispute.

1 Introduction

The extensive and intensive development of digital technologies is a constant process that occurs simultaneously with the same steady increase in the level of social significance of the justice process. At the same time, the introduction of these technologies also predetermines an increase in the level of social responsibility of the entities using them, which corresponds to the constitutional right to judicial protection in the event of both a violation of rights and legitimate interests by these technologies, and an application for judicial protection through the use of

the achievements of modern science and technology.[1] It is also important to note that in all types of legal proceedings established by the Constitution of the Russian Federation, there are actually some modern technological solutions that contribute to the implementation of the above mentioned right.

One of the cornerstones in the context of the integration of individual technological solutions into the justice administration ecosystem is the development of technologies that provide the ability to carry out many procedures remotely. With regard to civil procedural relations in their broad sense, the key in the context of this study is the ability to seek protection of potentially violated rights in a remote format, which creates the need for remote participation in a court hearing and remote submission of various kinds of documents and information.

Integration into the legal field and law enforcement practice of technological solutions related to remote access to processes of administration of justice in the framework of civil, arbitration and administrative proceedings, as well as out-of-court protection of rights, is designed to increase their accessibility, openness and transparency, as well as reduce costs, which can also be perceived as a manifestation of the social orientation of policy in this area, since the totality of the above mentioned determines the beneficiary of all ongoing transfigurations and reorganizations of citizens of the Russian Federation and other individuals, as well as organizations, which in its essence is intended to create comfortable conditions for the protection of potentially violated rights and legitimate interests.

Also, within the framework of this research, emphasis is placed on the need to study the level of information technologies integration in the notarial activities' boundaries and as a part of consideration of cases in arbitration proceedings. In this context, it is necessary to note the large-scale modernization of notarial activities and the need for scientific comprehension of these transformations, as well as the need to improve arbitration proceedings, which can increase its attractiveness.

[1] SOLHCHI, M.A., BAGHBANNO, F. Artificial Intelligence and Its Role in the Development of the Future of Arbitration, International Journal of Law in Changing World, 2 (2), 56, 2023; ERMAKOVA, E.P. Features of Online Settlement of Consumer Disputes by e-commerce Platforms in the People's Republic of China. Journal of Digital Technologies and Law, 1(3), 691, 2023; FERREIRA, D. B., GIOVANNINI, C., GROMOVA, E., SCHMIDT, G. R. Arbitration Chambers and trust in technology provider: Impacts of trust in technology intermediated dispute resolution proceedings, Technology in Society, 68, 101872, 2022; FERREIRA D.B., SEVERO L. Multiparty Mediation as Solution for Urban Conflicts: A Case Analysis from Brazil. BRICS Law Journal. 8(3), 5-26, 2021; FERREIRA, D.B., GROMOVA, E.A. Hyperrealistic Jurisprudence: The Digital Age and the (Un)Certainty of Judge Analytics. Int J Semiot Law, 36, 2261–2281, 2023; FILIPCZYK, H. ADR in Tax Disputes in Poland – The State of Play and Perspectives. Revista Brasileira de Alternative Dispute Resolution – RBADR, vol. 5, n. 10, pp. 205, 2023; GROMOVA, E.A., FERREIRA, D.B., BEGISHEV, I.R. ChatGPT and Other Intelligent Chatbots: Legal, Ethical and Dispute Resolution Concerns. Revista Brasileira de Alternative Dispute Resolution – RBADR, Belo Horizonte, ano 05, n. 10, p. 153, jul./dez. 2023; HALOUSH, H.A. The Liberty of Participation in Online Alternative Dispute Resolution Schemes. International Journal of Legal Information, 36(1), 102, 2008.

The significance of the issues raised acquires additional impetus in the light of the modernization of civil procedural, arbitration procedural and administrative procedural legislation that is actively underway these days. The presence of these problems indicates a real need to develop a comprehensive scientific understanding of verification and authentication.

2 Concepts of authentication and verification

Questions regarding the interpretation of the above-mentioned concepts of "authentication" and "verification" have their roots in the times of Ancient Greece and Rome.[2] Thus, the word "authentication" has one common root with the Greek word "*αύθεντικός*" [*authentikos*], which means "real, genuine",[3] as well as with the word "*αύτός*" [*autos*], related to the Greek language, which in translation into modern Russian language means "oneself; it is".[4] The second term – "verification" – is genetically formed by merging two words of the Latin language: *verum* – "true"[5] and *facere* – "to do".[6] Such a linguistic analysis allows both to determine the very general lexical meaning of these two terms and, at this stage of consideration, to conduct a comparative analysis of them.

The interpretation of the term "authentication" has not been properly reflected in existing Russian-language dictionaries, so the starting point here seems to be possible to take the approach outlined above, since, despite the versatility of this term, its main meaning will be associated precisely with identifying an individual and confirming that the personality participating in the trial is the one who should take part in it or has the right to do so.

If you turn to explanatory legal dictionaries, you can find the following approaches to the interpretation of the term "verification".

Verification is the act of testing something (proving or testing something to determine that it exists or is true or correct).[7]

Verification is the process of testing or finding out whether something is true, real, accurate.[8]

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2 See: MAKOLKIN, N.N. Some approaches to the legal interpretation of the terms verification and authentication, Laplage Em Revista, 6, 185, 2020.

3 NEWMAN, M. Greek-Russian Dictionary of the New Testament, Russian Bible Society, 2012. P. 18.

4 *Ibid*. P. 41.

5 DVORETSKY, I.H. Latin-Russian Dictionary. About 50 000 words. 2nd ed., rev. and ext. M.: Russian Language, 1976. P. 1070.

6 Ibid. P. 412.

7 MCINTOSH, C. Cambridge Advanced Learner's Dictionary. Cambridge University Press. 2013.

8 Cambridge Academic Content Dictionary. Cambridge University Press. 2008.

A confirmation is a statement under oath or under penalty of perjury that a statement or petition is true.[9]

A systematic analysis of the views of foreign linguistic and legal thought shows that verification is an action, a process that allows to establish the accuracy and reliability of something.

The above-mentioned sources did not ignore the concept of "authentication", the lexical meaning of which was also revealed in a number of works.

Authentication is a confirmation provided by a court official that a certified copy of a judgment is an exact copy of the original adjudication. In evidence law it is an act, statute, record, or other document, or a notarized copy of such a document, confirming that it can be used in litigation as evidence when resolving a dispute. Self-authentication of certain categories of documents is ensured by federal and state rules of evidence. A document or other information that has been notarized by its signers, a certified copy of a public record, or an official government publication are examples of self-certifying documents.[10]

Authentication is the act of proving that something is real, or that someone claims it to be true.[11]

Authentication is the process or act of proving or demonstrating that something is true, genuine or valid.[12]

Analysis of these approaches allows us to identify a number of overlapping characteristics between verification and authentication. This is due to the fact that authentication is also a process, an action, and at the same time, like verification, it is aimed at establishing the truth of something.

At the same time, the technical approach to this term deserves attention, which comes down to the following: "Authentication is the process of verifying the identity of a person or device".[13]

The technical approach, of course, more accurately describes the main element of authentication associated with identifying an individual, but it is the presence of the interpretations demonstrated above that further confirms the thesis about the versatility of this issue.

Thus, as a result of the analysis of legislation, as well as foreign legal thought and individual linguistic Russian and foreign research suggests the conclusion that the terms "authentication" and "verification" are universal for various legal families, various government systems, and also have certain unique features.

9 BOUVIER, J. A Law Dictionary, Adapted to the Constitution and Laws of the United States. 1856.
10 West's Encyclopedia of American Law, (New York, 2005). 524 p.
11 Cambridge Advanced Learner's Dictionary (Cambridge University Press. 2013).
12 Oxford English and Spanish Dictionary.
13 Authentication, https://techterms.com/definition/authentication (03.04.2021).

Based on the above mentioned, we can formulate the author's approach to understanding the terms discussed.

Thus, verification, as it seems, can be understood as follows: "the process of confirming the truth of evidence and information presented to judicial and non-judicial jurisdictional bodies in a remote format, regardless of their type, using procedural and material tools".

Authentication, in its turn, despite the existing opinion about its similarity with verification and the presence of functionality to confirm the truth of documents, can be considered as "the process of verifying a person's identity in a remote format", while, for justice, it should be noted that in the law of evidence there is a special place for resolving the issue of subjects of proof.

3 Authentication and verification in arbitration proceedings

In the context of this study arbitration proceedings are perceived as one of the components of the civilistic process. It is important to note that in the doctrine of procedural law there is a certain pluralism on this issue, which is beyond the scope of this dissertation research. So, D.H. Valeev, A.I. Zaitsev, M.V. Fetyukhin perceive arbitration proceedings as part of the civilistic process and it seems possible to agree with this point of view.[14] At the same time, we note that the civilistic process is understood as a term that was first introduced into scientific circulation and accompanied by massive scientific justification by T.V. Sakhnova, who states that the civilistic process can be characterized as a system of procedural actions performed by courts and other participants in legal proceedings when considering non-criminal disputes.[15]

If we revise the essence of the arbitration proceedings itself, it is important to note that the institution of arbitration proceedings or arbitration is not a new matter for our legal reality, but was already known in the times of Ancient Greece,[16] as evidenced by the statement of Aristotle: "An arbitrator gravitates towards justice, a judge towards law; arbitration is created so that justice can be realized".[17] Additionally, this thesis is confirmed by the fact that in Ancient Rome, general

[14] See more about this: VALEEV, D.H., ZAITSEV, A.I., FETYUKHIN, M.V. Commentary to the Federal Law "On Arbitration Courts in the Russian Federation", The Herald of Civil Procedure, 1, 104, 2016.

[15] SAKHNOVA, T.V. Reform of civilistic process: problems and prospects, State and Law, 9, 12, 1997; ABOVA, T.E. Arbitration court in the judicial system of Russia, State and Law, 9, 40, 2000; ZHILIN, G.A. Justice in civil cases: actual issues: a monograph (M., 2010); Yarkov V.V. Arbitration process (M., 2012).

[16] CALAP DELPHI, C. War and the question of arbitration (500–400 BCE), Social Sciences & Humanities Open, 1, 23, 2023; SHOEMAKER, G. Ancient Greek arbitration: practices, failures, and the decline of the Greek world // International Law and Politics, 55, 24, 2023; PIEGDOŃ, M. Roman Arbitration in the Greek Oikumene in the Third–Second Century BCE: Some Observations,[in:] Diplomacy and Inter-State Relations in the Hellenistic World, ELECTRUM vol. XXV, ed. E. Dąbrowa, Kraków, 27, 2018.

[17] ARISTOTLE. Ethics. Politics. Rhetoric. Poetics. Categories (Minsk: Literature, 1998).

provisions on arbitration were reflected in the Code of Justinian (the eighth title of the fourth book of the Digest).[18]

If we refer to the domestic history of arbitration proceedings, we can reveal the following: "During its activity, as of January 1, 1982, the Foreign Trade Arbitration Commission[19] considered 2890 cases. The first decision of the Foreign Trade Arbitration Commission was dated November 15, 1933. It was made on the claim of the All-Union Association "Zagotsherst", Moscow, against the Liquidation Committee of the Mongolian Central People's Cooperative, Ulaanbaatar; the dispute was considered by a sole arbitrator M.O. Reichel. Before the beginning of the Great Patriotic War, the Commission considered 87 cases".[20]

Also, within the framework of this study, it is interesting that the Foreign Trade Arbitration Commission is not the first arbitration body in the history of Russia. Previously, there was the Maritime Arbitration Commission at the Chamber of Commerce and Industry of the Russian Federation, which is the oldest and one of the most famous Russian arbitration institutions and is one of the oldest maritime arbitrations existing in the world.[21]

If we talk about times closer to today, it is worth noting that the liberalization of foreign economic activity in Russia has led to a significant expansion of the circle of Russian participants in international commercial turnover[22] and considerable experience in their activities has already been accumulated, which is reflected in the practice of the International Commercial Arbitration Court at the Trade and Commercial Court within Industrial Chamber of the Russian Federation.[23]

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18 The Digests of Justinian: Digests of Justinian (Moscow: "Statut", 2002).

19 Resolution of the Central Executive Committee and the Council of National Commissars of the USSR of June 17, 1932. The Collection of Legislation of the USSR. 1932. No. 48. Art. 281) to resolve by arbitration disputes arising out of foreign trade transactions, in particular disputes between foreign firms and Soviet economic organizations.

20 ZHILTSOV, A.N., MURANOV, A.I. Some statistical data on the activities and decisions of the ICAC. 1933-2011 // International Commercial Arbitration: Experience of Domestic Regulation/Self-Regulation. 80 Years of the ICAC at the Chamber of Commerce and Industry of the Russian Federation: 1932-2012: a collection of selected scientific, normative, archival, analytical and other materials. Vol. I (Moscow: Statut, 2012).

21 International Commercial Arbitration: Experience of Domestic Regulation. 80 Years of IAC at the USSR Chamber of Commerce and (Moscow: Infotropic Media, 2011).

22 ROSENBERG, M.G. International sale of goods: commentary on legal regulation and dispute resolution practice (M.: Statut, 2010).

23 ROSENBERG, M.G. From the practice of the International Commercial Arbitration Court at the Chamber of Commerce and Industry of the Russian Federation for 2008, Economics and Law, 8, 101, 2008; ROSENBERG, M.G. From the practice of the ICAC at the Chamber of Commerce and Industry of the Russian Federation, Economics and Law. 2009. No. 5. Pp. 109-118, 2009; ROSENBERG, M.G. International contract and foreign law in the practice of the International Commercial Arbitration Court. 2nd ed., revision and addendum (M: Statut, 2000); ROSENBERG, M.G. Limitation in international commercial turnover: practice of application (Moscow: Statut, 1999); ZYKIN, I.S. Basic procedural aspects of consideration of disputes by international commercial arbitration in the Russian Federation // International Commercial Arbitration, 4, 33, 2004; KABATOV, V.A. Applicable law in dispute resolution in the International Commercial Arbitration Court at the Chamber of Commerce and Industry of the Russian Federation, Economics and Law, 6, 105, 1998.

At the same time, it is necessary to make one more reservation, indicating the essence of modern arbitration proceedings. So, in accordance with Part 4 of Art. 44 Federal Law of December 29, 2015 No. 382-ФЗ"On Arbitration (Arbitration Proceedings) in the Russian Federation" (hereinafter also referred to as the Federal Law "On Arbitration"), the right to exercise the functions of a permanent arbitration institution is granted by an act of the authorized federal executive body, adopted in the manner established by it, on the basis of the recommendation of the Council for the Improvement of Arbitration proceedings on granting the right to exercise the functions of a permanent arbitration institution. That is, today the procedure for creating arbitration courts[24] has undergone significant changes, and if previously they were created spontaneously, which could serve as a basis for abuse, today this activity is sanctioned by the state, which in its turn not only predetermines the creation of additional barriers, but also contributes to increasing the authority, as well as the trust level in arbitration courts.

The long path of development of the institution of arbitration has allowed it to become largely original, but at the same time it is subject to general trends that are characteristic of the entire civilistic process today, and one of these trends is digitalization.[25]

This state of affairs also indicates that the institution of authentication and verification is not alien to arbitration proceedings due to its intersectoral character.

Honed procedures for remote identification and presentation of evidence have their impact and importance on arbitration proceedings. For example, noting the positive aspects of remote participation in a court hearing, a partner at "Pepeliaev Group" Yu. Vorobyov points out that "if at present the parties are actually free to provide evidence, submit motions at any time during the consideration of the process (despite the requirement of the current Arbitration Procedure Code of the Russian Federation for the advance disclosure of evidence), then within the framework of this process it will be much more difficult to do this "Industry legislation relating to arbitration (arbitration proceedings) operates with the

[24] GERASIMENKO, Yu.V., TEREKHOVA, L.A. On the new procedure for creating an arbitration institution (introductory article to the review), Law Enforcement, 2, 207, 2017; PAVLOV, R.V. On the limits of state influence on the procedure for creating permanent arbitration institutions in Russia, Vestnik VSU. Ser. Law, 3 (38), 126, 2019.

[25] WAINCYMER, J. Procedure and Evidence in International Arbitration (Hague, Wolters Kluwer, 2012); GREBELSKY, A.V. Electronic evidence in international commercial arbitration, Law, 10., 59, 2015. (3) COHEN S., MORRIL, M. Fordham International Arbitration & Mediation Conference Issue: a Call to Cyberarms: the International Arbitrator's Duty to Avoid Digital Intrusion, Fordham International Law Journal, 40, 981, 2016; POPOV, E.V. Challenges of the digital and information age and arbitration reform in Russia, The Act, 9, 91, 2017; SEVASTYANOV, G.V. The soul of Russian arbitration, Arbitration Court, 2 (126), 10, 2021; MOLCHANOV, V.V. Prejudice in arbitration (arbitration proceedings), Legislation, 6, 51, 2022; GABOV, A.V. GAIDAENKO-SHER, N.I., GANICHEVA, E.S., ZHUIKOV, V.M. Violation of public policy as a ground for refusal to recognize and enforce an international commercial arbitration award, The Herald of Civil Procedure, 7, 5, 45, 2018.

concept of "electronic document transmitted via communication channels". So, according to paragraph 21 of Art. 2 of the Federal Law of December 29, 2015 No. 382-ФЗ "On Arbitration (Arbitration Proceedings) in the Russian Federation" such a document is "information prepared, sent, received or stored by electronic, magnetic, optical or similar means, including electronic data interchange and e-mail".[26] And in accordance with Part 6 of Art. 45 of the same Law, such documents can be accepted by the court as evidence. However, the procedure for their remote submission, as well as the remote identification of participants in arbitration proceedings, is established by the Rules of the permanent arbitration institution. More specific and detailed instructions, such as those developed and adopted for state courts, are not contained, therefore, in practice, the order may depend on the discretion of the court.

Despite these and other requirements for the procedures for remotely identifying participants in legal proceedings and presenting evidence to the court, the advantages of remote dispute resolution are recognized by both participants in proceedings in courts of general jurisdiction, arbitration courts, and participants in arbitration proceedings.

Remote identification and presentation of evidence in arbitration proceedings meets the same goals as in arbitration courts or courts of general jurisdiction. However, having a fundamentally unified focus on expanding guarantees for the implementation of the right to judicial protection, participants in the process may face various approaches to identifying their personality. In this context, we can add that arbitration proceedings, although not regulated by mandatory rules of civil procedural law, nevertheless, like state courts, resolve the dispute on the merits, therefore, in our opinion, the general trends in the use of existing and proven ICTs with clearly defined methods of personal identification can also be adopted by arbitration courts, which in one way or another have developed a serious practice of conducting court hearings via video conferencing, web conferencing, and online hearings. This is confirmed by the regulations of individual arbitration courts. For example, in the pre-reform period in the Rules of the First Arbitration Institution as amended on February 1, 2016 in Art. 115 was clearly defined "participation in court hearings through the use of videoconferencing systems".[27] At the same time, according to the same provisions, the court establishes the identity of those present at the court hearing "using the original documents presented at the hearing." This feature became the subject of attention of the state court. So, for instance,

[26] Federal Law of December 29, 2015, No. 382-ФЗ "On Arbitration (arbitration proceedings) in the Russian Federation".

[27] The Regulations of the First Arbitration Institution in the version of February 1, 2016, effective February 1, 2016 (approved by the First Arbitration Institution at the autonomous non-profit organization for the settlement of entrepreneurial disputes "Independent Arbitrator").

in the reasoning part of the Resolution of the Arbitration Court of the Moscow District of August 4, 2016 No. Ф05-10328/16 in case No. A40-82002/2016, the court states the following: "Having established the factual circumstances of the case correctly, the court of first instance came to erroneous conclusions, because identification and verification of the powers of persons participating in the court hearing; the arbitration court's examination of evidence in the case was carried out in real time directly during the arbitration proceedings using technical means while its participants and the judge were in different places". Thus, the presence of the arbitrator and the parties to the dispute in different places at the time of the videoconference not only does not prevent the remote identification of those participating in the case in the ways determined by the arbitrator, but also, if there is no doubt about the identification of the relevant persons, cannot be unconditional evidence of a violation of the fundamental principles of Russian law.[28]

As a rule, the arbitrator does not have such systems and methods that arbitration courts and courts of general jurisdiction have access to, so often remote identification and presentation of documents in arbitration proceedings is based either on the presentation of original documents, or on their presentation on camera in during the trial itself.

One of the ways to unify the procedure for authentication and verification in arbitration proceedings, in our opinion, could be the use of the state automated system "Justice",[29] where users have access to information on cases filed in court electronically. In this case the same multi-factor identification and authentication of the identity of participants in a court session cannot be ruled out, which exists now for citizens, their representatives and representatives of legal entities whose disputes are considered by arbitration courts and courts of general jurisdiction.

But there is another option. On the Gosuslugi portal, the "Online Justice" super service has been added to the development and implementation, which, according to the plan, will allow the user to undergo biometric authentication, and during the trial, send documents and notifications digitally to the courts, as well as to persons participating in the case to familiarize yourself with the case materials online. At the present stage, participants in arbitration proceedings, like all subjects of this professional community, should, in our opinion, take advantage of the already existing level of identification of the portal user based on a personal account confirmed in the prescribed manner.

As a potential additional trajectory for the development of authentication in the context of arbitration proceedings, it is possible to use two extra mechanisms,

[28] Resolution of the Arbitration Court of the Moscow District from August 4, 2016, No. Ф05-10328/16 in case No. A40-82002/2016.

[29] State Automated System "Justice", https://ej.sudrf.ru/ (01.04.2022).

similar in essence to the organization of videoconferencing in state courts, when the issue of identification is left to the court where the litigant participates. In the context of arbitration proceedings, the role of the court can be assigned either to an arbitration institution at the location of one of the parties, if there is one, or to a notary who would provide services for organizing videoconferencing with arbitration institutions. This development track is possible, but at the same time it seems unpromising due to the fact that it is associated with many difficulties, and this in its turn makes it possible to refuse further analysis and consideration.

4 Conclusion

Summarizing the analysis, we come to the following conclusion. The provisions of the codes and the Rules establish a fairly effective, efficient and fully operational mechanism for remote identification and submission of evidence to arbitration courts and courts of general jurisdiction, which inherently and for the purposes of this study are referred to as verification and authentication. However, the practice of arbitration courts often bypasses the mechanisms tested by state courts, and such mechanisms are often simply not available to them. Authentication and verification, which are potential for implementation and reviewed in this study, were developed by practice itself and do not conflict with the existing norms of legislation on arbitration proceedings. Therefore, there are no obstacles to the use of a similar system for identifying an interested party and for direct remote participation in arbitration proceedings, provided that the parties agree to take advantage of the achievements of existing ICTs and legal provisions governing the identification and authentication of their users, as well as the remote submission of documents and evidence to the court. We especially emphasize that it is not enough not to raise objections to the consideration of a case by an arbitrator using the *Skype* system; one should strive to ensure that arbitration justice, which is flexible in character, can fully become electronic, remote, cyber or online justice.

In development of this idea, it can be noted that arbitration courts should consider the possibility of joining existing platforms both in terms of authentication of participants in the process and in terms of document verification, which will improve existing mechanisms that to some extent copy what is implemented in the system of state courts. So, for example, one of the first steps could be the integration of a videoconferencing system, which would allow full remote participation in a court hearing, and at the same time, the organization of work would fall on both the arbitration court and the state court. The second development track is the already mentioned joining the «Justice Online» super service. Moreover, these two ways of developing the system of administering justice through arbitration courts do not compete, but can be combined symbiotically.

In the context of this study, it also seems possible to somewhat shift the focus of the issue of integrating authentication and verification into the system of arbitration courts towards the general issue of digitalization of this system and formulate several more possible development trajectories.

So, an example of what arbitration courts potentially need to adopt is a system similar to that implemented in the system of arbitration courts. "My Arbitrator" has extremely broad functionality and openness, and here we have to take into account that some aspects of this openness are unnecessary in arbitration proceedings, which is precisely an alternative to this excessive openness. But at the same time, it is important to mention that in some way closed system of arbitration courts[30] seems unnecessary and even infringes on the rights of third parties. In this context, this should be perceived as the difficulty of obtaining information about whether a particular person is a participant in any legal process. This information for the counterparty can be of significant importance when entering into a contractual relationship, and its confidentiality predetermines the emergence of a situation where the counterparty is a kind of "pig in a poke", and it is equally difficult to fully assess its solvency and diligence. In this sense, the formation of a unified database and a slight expansion of the list of open data could both increase confidence in arbitration courts and create an additional source of information that would allow assessing the counterparty, which has a significant impact on participants in civil transactions. This expansion of the level of openness can potentially be perceived as the formation of a new guarantee of law, but material one, which is not of interest for this study, but seems significant from the point of view of compliance theory.[31]

Another potential development path relates to the ideas already mentioned in this study about interdepartmental cooperation and increased procedural guarantees. Thus, existing law enforcement practice indicates that the norm of the procedural law on the issuance of a writ of execution on the basis of an arbitration court decision does not work properly. Examples of this are the following cases:

[30] SKVORTSOV, O.Yu. The principle of confidentiality of arbitration proceedings and its correlation with related institutions of public law, Bulletin of St. Petersburg State University. Ser. 14. Law, 4, 181, 2014; BEVZENKO, R.S., et al. Scientific and practical commentary to the Federal Law of the Russian Federation "On Arbitration Courts in the Russian Federation" (Moscow: Delovoy dvor, 2011); SKVORTSOV, O.Yu. System of principles of arbitration proceedings // The Bulletin of St. Petersburg State University. Ser. 14. Law, 3,100, 2013; KUROCHKIN, S.A. The concept and system of principles of arbitration proceedings, Arbitration and Civil Procedure, 11, 7, 2005; KAZACHENOK, S.Y., Antipova E.A. Unification of arbitration agreement terminology in the process of international integration, Legal Concept, 2, 150, 2014.

[31] ASHFA, D.M. Compliance in competition law: problems of theory and practice, The Bulletin of O.E. Kutafin University, 7 (95), 50, 2022; GARMAEV, Y.P., IVANOV, E.A., MARKUNTSOV, S.A. On the formation of an interdisciplinary concept of anti-corruption compliance in the Russian Federation, Law. Journal of the Higher School of Economics, 4, 106, 2022; ERSHOVA, I.V., YENKOVA, E.E. Sanction Compliance, or Intrafirm Risk Management from Restrictions, Actual Issues of Russian Law, 8 (141), 93, 2023.

A65-16167/2022, A65-11220/2022, A65-3407/2022, A07-18094/2022, A10-4850/2022, A38-3604/2022, A40-73146/2022. This list can be continued, but there is no need for this, since a certain pattern can be formulated based on the analysis of these cases, which are also related to a close completion date. What these cases have in common is that from the moment the subject applied to the arbitration court to the issuance of a performance list for the execution of the arbitration court decision, much more than one month passed, which contradicts the provisions of Art. 240 Arbitration Procedure Code of the Russian Federation. Such a contradiction seems unacceptable, since it actually predetermines the fact that state courts neutralize all the advantages that are provided by arbitration courts in terms of the timing of receiving a writ of execution. In this context, it seems possible to automate the process of issuing writs of execution in the sense that the arbitration court itself can send an application for the issuance of a writ of execution for its decision either automatically, or at the request of a participant in the process, which would reduce time costs, and would also be a manifestation of the necessary interdepartmental interaction. At the same time, the question of the very timing of consideration of cases on the issuance of a writ of execution against the decision of arbitration courts seems inappropriate for consideration within the framework of this study, since this problem to some extent goes beyond its scope, but at the same time one of the mechanisms for solving it, at least partially, seems appropriate for implementation in law enforcement practice.

In addition, it is important to note that the above-mentioned procedure for creating arbitration courts has changed significantly, which also necessitates the need to rethink the level of trust to this method of resolving disputed legal relations. This idea correlates with another trajectory of development of the arbitration court system from the point of view of giving them the right to independently issue writs of execution, which would be equal in strength and significance to writs of execution issued by state courts. This proposal is also intended to reduce the burden on the judicial system and fully contributes to the implementation of the principle of procedural economy. Let us note that such a model for organizing the activities of arbitration courts in terms of expanding their powers seems to be a logical step from the point of view that persons applying to an arbitration court deliberately minimize state intervention in these legal relations, which can subsequently be leveled out in the process of obtaining a writ of execution. Yes, to be fair it is worth noting that the very character of the activities of arbitration courts implies that their decisions will be executed voluntarily, but existing practice dictates other conditions and predetermines the need to involve persons with authority like bailiffs, what doesn't violate private law basis and allows you to respect the rights and legitimate interests of participants in civil transactions.

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