

ABOUT SPECIAL DOUBLE ISSUE 2-3/2020 'JUSTICE UNDER THE COVID-19 PANDEMIC'

The 2020 COVID-19 pandemic has touched all mankind. Our health is put at risk and our everyday lives have been transformed. Many social institutions no longer function effectively in the new reality of the measures governments have taken and the lockdowns ordered in an attempt to halt or at least mitigate the danger. The efforts of authorities and researchers all over the world are directed at the creation of approaches to deal with the new reality and the issues it raises. These efforts include the development of special adaptive regimes that will ensure the possibility of effectively performing everyday social functions now and, if needed, in the future.

Access to justice is an integral element of a rule-of-law democratic state, a common value of human civilization, the effective implementation of which symbolizes the high level of our social evolution. In the context of the rapid spread of the coronavirus, the hospitalizations and lockdowns, the public health measures such as mask-wearing and social distancing, the duty to administer justice properly and in a timely manner has become a difficult task. The general lack of preparedness by legislative and judicial institutions beforehand, and the seemingly ad hoc approaches and development of actions in response to the pandemic have led to outcomes the meaning and consequences of which we will be contemplating and evaluating for a long time.

This special double issue of our journal is symbolic. The arrival of COVID-19 in the early months of this year has had an impact on all spheres of our lives, including scientific and publishing activities. The disruption of plans and schedules, and, most importantly, the changes in our perceptions and feelings about the reality around us which the pandemic has brought with it, have affected us directly, too.

The preparation of a special issue devoted to access to justice in Eastern Europe amid the challenges brought about by the pandemic is an attempt to attract attention and intensify research in this subject area. In this way, we join scholars all over the world who are contributing to similar studies. In particular, we should note the ELI Principles for the COVID-19 Crisis¹, the special issue 'Civil Justice and COVID-19'², edited by Bart Krans and Anna Nyland, and the joint project of the UNDP, WHO and others 'COVID-19 Law Lab'³.

1 European Law Institute, 'ELI Principles for the COVID-19 Crisis' <https://www.europeanlawinstitute.eu/fileadmin/user_upload/p_eli/Publications/ELI_Principles_for_the_COVID-19_Crisis.pdf> accessed 30 August 2020.

2 Bart Krans and Anna Nyland (eds), *Civil Justice and COVID-19* <https://septentrio.uit.no/index.php/SapReps/issue/view/465?fbclid=IwAR0HDrBxo0t_ag9x2rvL9TYx55Z86WHz-Bh6n2YzygQHxK_dVXaBvBYeFXU> accessed 30 August 2020.

3 COVID-19 Law Lab <<https://COVIDlawlab.org>> accessed 30 August 2020.

The challenges of access to justice which are directly related to the pandemic should be analyzed and include dealing with, in particular, organizing the work of the judiciary, administering justice and changing approaches to the methods of resolving disputes, even if the results can only be interim at best. By dedicating this special issue of our journal to the topic of Justice under the COVID-19 Pandemic we want to emphasize the need to unite efforts in order to draw lessons from the experience.

With this in mind, we include notes as well as articles in this special issue. ‘Notes’ comprises contributions in AJEE that give a brief introduction to the topic, in this special issue the challenges COVID-19 raises for certain jurisdictions. Here, academics and practitioners may share the interim results of their research, which is something that will be helpful for other ongoing studies and contribute to the common efforts against the negative consequences of COVID-19, as well as invite reviewer feedback.

Among such notes we have an excellent contribution by *Elisabetta Silvestri* which presents an overview of the solutions devised by the Italian authorities to handle civil disputes in the time of COVID-19, in particular, concerning the deadlines and hearings in civil cases.

The Lithuanian experience shows us a different approach taken amid the pandemic – in Lithuania there has been no special legislation for court proceedings in response to COVID-19. In Vigita Vebrate’s note, she describes the most important effects of the pandemic on court proceedings and discusses the lessons that could be learned from the situation.

The Polish strategy towards the administration of justice during the COVID-19 pandemic is similarly controversial, perhaps problematical; but that is for the determination of the reader, who is invited to read attentively the note by *Bartosz Szolc-Nartowski*.

The note, written by Costas Popotas, is based on his presentation given at the online conference ‘The COVID-19 crisis – Lessons for the Courts’, organized by EGPA Permanent Study Group XVIII ‘Justice and Court Administration’⁴. The positive experience of the Court of Justice of the EU is highly demanded and is worse deep studying and sharing even outside of the Union.

The Ukrainian experience of justice under COVID-19 is presented in four articles, with the general focus on the organization and functioning of the judiciary, and special attention to its financing, as well as peculiarities in relation to consideration of civil and criminal matters.

The first of these articles written by *Serhii Prilutskyi* and *Olga Strieltsova* describes the main challenges that the Ukrainian judiciary faces this century and especially those amid the pandemic. The state of affairs seems to be the logical consequence of deeply systemic problems that have accompanied the evolution of the judiciary in Ukraine since it became an independent state, at that time and still today significantly influenced

4 EGPA Study Group / K2 < <http://www.justizforschung.ch/index.php/homepage/egpa-study-group> > accessed 07 September 2020 and EGPA Permanent Study Group XVIII, Justice and Court Administration’ < https://egpa.iias-iisa.org/PSG_XVIII_JUSTICE_AND_COURT_ADMINISTRATION.php# > accessed 07 September 2020.

by both the post-Soviet legal heritage and the complex of contemporary challenges the Ukrainian judiciary faces – from the onset of military actions in the east of Ukraine to the COVID-19 outbreak. The pandemic shows how vulnerable the judiciary is. One path forward is to find a new vision and a new understanding of the judiciary in order to ensure its normal functioning, as well as to ensure accessible and effective justice, perhaps partly through lessons learned in the experience with the pandemic.

One of the most difficult steps taken in Ukraine during the pandemic has been the provision of normal funding for the work of government agencies, including the judiciary. In the article by *Tetiana Korotenko* and *Iryna Kondratova* a study of existing approaches to the financing of the judiciary in Ukraine is undertaken, in particular an assessment is made of the measure as a result of which the salary of judges was reduced during the lockdown. Using the example of a complex court case which passed all judicial instances in the state as well as studies of the main approaches that were implemented in independent Ukraine, the authors offer conclusions about the possibility of the financial autonomy of the judiciary.

Traditionally in Ukraine, procedural timeframes have been established by law or decided by judges with the aim of having a fair and timely trial and establishing equal access to justice for both parties. Today, new legislative COVID-19 regulations break with this approach and create a new vision of trial timeframes. In his article, *Oleh Rozhnov* explores the determination of timeliness in the consideration and resolution of civil cases under the conditions of a lockdown in response to the pandemic. In particular, the author criticizes the adoption by the legislator of measures for the automatic extension of procedural deadlines as those that violate the basic principles of civil proceedings and the right of a person to a quick and fair trial.

The most important issues of access to justice and fundamental rights in criminal matters are offered in the article by *Oksana Kaplina* and *Svitlana Sharenko*. Some significant remarks are made in their study concerning the derogation of the European Convention and the various measures intended to help maneuver through, as well as successfully deal with the main challenges to the judiciary in matters of criminal law under the conditions of the COVID-19 pandemic in Ukraine.

We wish to thank all the co-authors of this special double issue of our journal for their contributions to the worldwide efforts of scholars researching the impact of COVID-19 in various areas of legal science. Let us hope that this joint endeavor is successful in helping all of us through these challenging times and making us more the wiser.

It should be noted that AJEE systematically publishes articles related to topical issues concerning the judiciary and procedural reforms. The scope of articles also includes the development of access to justice in East European countries, as well as new proposals and approaches for solutions to a variety of problems in this region. To this end, we would like to offer a partial list of the research subject areas most in demand for further articles from a scholarly perspective.

Research which aims at contributing to and helping the further development of access to justice in the face of the challenges accompanying the processes of globalization and internationalization of the law, in particular the crisis of the transitional period and the economic crisis, unveiling the effects of the pandemic, etc., are highly welcome.

We serve to establish foundations for the international dissemination and a better understanding of East European law, particularly the law of post-Soviet states from a transnational perspective and its further harmonization and approximation with European Union law.

Another seminal area of research we are interested in is SDG 16 and ways to implement peace, justice and strong institutions in Eastern Europe for sustainable development. Sustainable and resilient justice, as well as all aspects of friendly justice and adaptive justice and the implementation thereof are the most sought-after topics, and they are highly recommended for our contributors.

Issues concerning public and private justice, as well as e-justice, also have always been within the scope of our attention. New articles in these spheres would be a great contribution to our journal. Along with the subject areas already mentioned, fundamental methodological questions of procedural law and related areas, traditionally fall within the interest of AJEE.

Our commission aims at providing guidance for our potential authors in the range of topical issues for research. This guidance is just that, and should not be considered obligatory or binding.

We would also like to share some ideas regarding new parts of AJEE presentation. We invite potential authors to contribute 'Case notes' on the most important recent decisions on procedural law from East European state jurisdictions, the European Union and the European Court of Human Rights, which have influence over civil procedural law and practice. 'Case notes' is designed to stimulate discussion among legal scholars and to serve both practitioners and academics – who are equally welcome to contribute articles – from a variety of jurisdictions.

The second novel part of AJEE is a 'Reform Forum'. Access to justice in Eastern Europe is subject to endless reforms aimed at providing a fair and just trial. The challenges in achieving this goal confront legislators in all of the jurisdictions. In the light of this, AJEE has undertaken to maintain a forum for discussing the most recent reforms, in particular, draft proposals, law amendments, etc., and invites all interested parties, including academics and practitioners, who may represent and provide relevant and well-argued positions. The peer reviews accepted by AJEE will certainly contribute to this study going forward, as will the open discussion of each specific reform proposal.

With great pleasure we announce that AJEE is now indexed in the Web of Science Core Collection, ESCI. On behalf of the Editorial Team and Board, I want to express my sincere gratitude to everyone who contributed to this achievement and my hope to continue our high-quality scholastic publishing collaboration with scholars and researchers in the sphere of access to justice in East European countries.

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