

Electronic Evidence in Civil Proceedings of the Kyrgyz Republic

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ABSTRACT This article analyzes the adopted legal acts of the KR aimed at the development of the digitalization of the legal sphere. Also, it compares the use and recognition of documents in digital form, and the legal status of electronic signatures and documents in selected countries, regional unions (EU, EAEU). It also presents the prospects for improving legislation to enhance the role of digital documents and the importance of the legal regulation of electronic evidence in civil proceedings. The lack of clear regulations for accepting electronic evidence in civil proceedings and recommendations from the Supreme court on dealing with it causes uncertainty for the parties in proceedings. Particular attention is paid to the challenges of identifying the sources of digital information and ensuring its immutability from the point of fixation to its presentation in court. The findings of this research demonstrate the practical potential for integrating electronic evidence into the procedural framework of the Kyrgyz Republic. This integration may be achieved either through legislative clarification of the criteria for establishing the authenticity and legal validity of such evidence or through interpretive guidance provided by the supreme judicial authority.

KEYWORDS electronic evidence; electronic signature; admissibility of evidence; electronic document; Eurasian Economic Union; European Union.

1. Introduction

In recent years, the Kyrgyz Republic (KR) has undergone rapid digital transformation. This is evidenced by both political decisions made at the state level as well as their programmatic and technical implementation. The country's

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main ‘strategic goal’ is to build a digital ecosystem¹. The potential of information and communication technologies (ICT) is being implemented in all directions: the social life of citizens, business processes, government activities, and their interaction with each other.

According to the National Development Programme of the KR until 2026, digital technologies will be implemented in all spheres of human beings. For this purpose, it is necessary to create appropriate infrastructures and systems in addition to developing basic digital skills and building a favorable environment.² Moreover, seven goals of the Concept ‘Digital Kyrgyzstan 2019-2023’ prescribed in the National Development Strategy of the KR for 2018-2040³ are fixed: *“the construction of digital infrastructure, the creation of a legal environment and institutions for the innovative development of society, the availability of digital services, the involvement of citizens, the formation of a digital society, the transformation of the country into a safe place to live and work online, the desire to become a regional hub of the digital Silk Road.”*⁴

One of the major tasks of the government in this aspect is the digitalization of the judicial system, which includes the creation of a ‘Unified Judicial System,’ the widespread transition to electronic document management, e-payments of state services and fees, online broadcasts of court proceedings, free access to information about court hearings and judicial acts, and others.⁵ All of them are united by the common goal to foster the openness, transparency, accessibility, and efficiency of the judicial system.

Over the years, the ‘digital legislation’ of the KR has been amended and supplemented. Particularly, the Laws “On Electronic Commerce,”⁶ “On Electronic Signature,”⁷ “On Electronic Governance”⁸ which presented the terms like: electronic document or document in electronic form, electronic signature, electronic storage, electronic message. The Civil Code⁹ has been supplemented with specific digital objects of civil law regulation like electronic messages and electronic contract. The new Law “On Notariate”¹⁰ and its subordinate legislative acts have established provisions designed to regulate issues of notarial verification of information or data presented in digital form. However, there is

¹ Digital transformation concept of the KR for 2024-2028, 2024.

² National Development Program of the KR until 2026, 2024.

³ Development Partners Coordination Council: National Development Strategy of the KR for 2018–2040, accessed September 25, 2025, ([https://policy.thinkbluedata.com/sites/default/files/National%20Development%20Strategy%20of%20the%20Kyrgyz%20Republic%20for%202018-2040%20\(EN\).pdf](https://policy.thinkbluedata.com/sites/default/files/National%20Development%20Strategy%20of%20the%20Kyrgyz%20Republic%20for%202018-2040%20(EN).pdf)).

⁴ Ekaterina Rusakova, “The Political Impact of Digitalization on the Judicial Method of Protection of Rights in the EAEU Countries.” *WISDOM* 28 (4), (2023): 201-10. https://doi.org/10.24234/wisdom.v28i4.10_90.

⁵ Digital Transformation Concept for 2024–2028, 2024, para 10.

⁶ Law of the KR On Electronic Commerce 2021.

⁷ Law of the KR On Electronic Signature 2017.

⁸ Law of the KR On Electronic Governance 2017.

⁹ Civil Code of the KR 1996.

¹⁰ Law of the KR On Notariate 2023.

still lack of harmony between substantive and procedural laws of the KR regarding the use of electronic files as evidence.

2. The status of electronic evidence

2.1 The concept of electronic evidence

Let us start this article from the definition that we formulated, since there is no clear definition in legislative acts yet¹¹. ‘Electronic evidence’ means any evidence derived from information contained in or produced by any device (mobile phone, website, computer, GPS recorder) through a software program, a computer system or network, including relevant metadata.

The focus of this article is the analysis of ‘electronic evidence’ as a distinct means of proof in civil proceedings in the KR. Procedural Law establishes ‘written evidence’ as a type of evidence. art. 80 (1) of the CPC contains a definition: *“Written evidence are acts, documents, contracts, certificates, business correspondence, personal letters, other documents and materials containing information about circumstances relevant to the case, including those obtained through facsimile, electronic, or other communication, or by any other means that allow for the establishment of their authenticity.”*

As we see, procedural regulations do not limit the list of evidence or the methods of obtaining it. The essential requirement is their authenticity. Interestingly, the article mentions an electronic source of evidence and others, while classifying them as written evidence.

Conversely, the Criminal Law of the KR contains more advanced regulations. Particularly, the art. 89(3) of the Criminal Procedural Code explicitly recognizes *“the equivalence of digital documents to written evidence and has the same legal force as a document reproduced on paper, confirmed electronically”*. According to the report of CIIP: *“Equivalence of the digital document is important in the recovery of criminal case materials, which will have a positive impact on the observance of deadlines and will significantly accelerate the case consideration time at different stages of criminal proceedings.”*¹²

At the same time, the question arises as to how accurately digital documents correspond to the written form of evidence. In this regard, research on the current legislation would be a high subject of interest to clarify the issue of differentiating evidence which has a technical, electronic, or digital nature.

An electronic document, as well as any other information presented in electronic form, might be served as evidence, if they meet the following requirements:¹³

¹¹ A.A. Abrashin, “Electronic evidence as a separate means of proof” *Vestnik SGYUA* no. 3 (146), (2022) 133-138 DOI: 10.24412/2227-7315-2022-3-133-138.

¹² “Digital technologies in the judicial system of the Kyrgyz Republic 2023” Public Foundation Civil Initiatives on Internet Policy, accessed April 21, 2025, <https://internetpolicy.kg/wp-content/uploads/2024/01/Legislation-review-final1.pdf>.

¹³ Nadejda Veselova, Margarita Medvedeva, Natalia Voronkova, “Issues of modern jurisprudence: Evaluation of evidence in civil and arbitration process” *Voprosy sovremennoy yurisprudentsii* 50, no. 10–11 (2015): 24–29.

- Admissibility;
- Relevance;
- Authenticity/Reliability;
- Sufficiency.

But the question is how to present the electronic evidence: in its original form (i.e., directly in electronic, digital form) or in paper-based form? The popular way of presenting electronic evidence is to verify it through notarial offices. The certification of equivalence between an electronic document and a paper document means the confirmation of the identity of the content of an electronic document created by a notary to the content of a document presented to the notary in paper form. “The electronic document created by the notary has the same legal status as the document in paper form, the equivalence of which is certified by the notary,” states art. 82(1) of Law on Notariate.¹⁴ A similar rule applies when certifying the equivalence of a paper document to an electronic document (art. 83 (1) of the same Law). A document created by a notary in paper form and an electronic document are equivalent when certified by the notary.

Visually, an electronic document is expressed on a screen, paper, or other tangible medium, separable from the device, in a form that is understandable to a person, accessible for visual perception without the use of additional technical means (para. 3 of the Procedure for Performing Notarial Acts in Electronic Form and Using Electronic Documents).¹⁵

The information presented in electronic form and signed with a qualified electronic signature is recognized as an electronic document equivalent to a paper document signed with a handwritten signature, except in cases where legislation or other regulatory acts prohibit the creation of such a document in electronic form.¹⁶ An electronic document signed with an enhanced electronic signature is recognized as equivalent to a paper document signed with a handwritten signature and certified with a seal. In this context, regulatory acts or agreements between parties may establish additional requirements for electronic documents to ensure their equivalence to paper documents bearing a seal.¹⁷

This means that the national legislation of the KR has already permitted the usage of the electronic documents, however, the Kyrgyz courts are not ready to accept them in an authentic nature. They still demand to provide them in written form.

2. 2 The role of electronic evidence in the system of evidence

The position of identifying electronic evidence as an independent form is advocated by a few scholars. D.A. Zateeva, examining the legal nature of electronic evidence, points out the peculiarities of their variable character, which makes it difficult to define their classification within the existing system of

¹⁴ Law of the KR On Notariate 2023.

¹⁵ Procedure of the KR for Performing Notarial Acts in Electronic Form and Using Electronic Documents 2023.

¹⁶ Law of the KR On Electronic Signature, art 6, para 1.

¹⁷ Union of Banks of Kyrgyzstan: Akylbek Dzhusupov, “Electronic signature – as a distance signature” (30 July 2020) accessed 26 September 2025 <https://ub.kg/ru/elektronnaya-podpis-kak-podpis-na-rasstoyanii/>.

evidentiary means. Such evidence possesses specific characteristics: it can exist in digital form, is easily altered, and requires special methods of authentication. This also affects the development of uniform practices in their use. The absence of an established approach in judicial practice creates legal uncertainty and can lead to subjective assessment by the court of their probative value, which underscores the need to develop clear criteria for their application. Based on this, D.A. Zateeva holds the view of excluding electronic documents or other similar evidence from the traditional system and identifying them as an independent form – electronic evidence – enshrining them separately in an article.¹⁸

Other scholars discussed a lot on the legal nature and classification of electronic evidence. One of them is A.T. Bonner, who rightly points out the technical nature of an electronic document, which is created in machine-readable form and cannot be directly classified as written evidence, despite the possibility of converting it into a readable format on paper or electronic media.¹⁹ This position resonates with ours, as the peculiarities of electronic evidence indicate their independence. They are technically different from traditional written and physical evidence.

The next scholar, E.A. Nakhova, in her research, also emphasizes the special legal nature of electronic evidence, which requires a new approach to their identification, classification, and enshrinement in procedural law. She rightly asserts that the admissibility and reliability of electronic evidence depend on the identification of its original source.²⁰ The necessity of verification of electronic evidence authenticity is crucial for this approach, especially in the context of the technical variability of digital information.

It is proposed to define electronic evidence as data recorded in digital format, including an electronic image or other electronic files, that may be submitted to a competent tribunal as a means of ascertaining the truth during proceedings. That amendment appears promising, capable of bringing clarity to law enforcement practice and establishing conditions for legal certainty. It will facilitate the standardization of procedural norms governing the presentation and evaluation of electronic evidence, considering its unique characteristics, such as digital format, variability, and the presence of metadata, while also promoting a unified approach to its application in legal practice.

3. Electronic evidence in practice

3.1 The use of electronic evidence in practice in the Kyrgyz Republic

As for judicial practice, in KR, information posted on the Internet frequently serve as evidence if they presented in printed copies. Particularly, in disputes

¹⁸ D.A. Zateeva, “Elektronnyye dokazatel'stva v grazhdanskom sudoproizvodstve v usloviyakh tsifrovizatsii pravosudiya: teoreticheskiye i prakticheskiye aspekty”, *Vestnik SGYUA* 153, no. 4 (2023): 219–225. doi: 10.24412/2227-7315-2023-4-219-225.

¹⁹ A. T. Bonner, *Traditsionnyye i netraditsionnyye sredstva dokazyvaniya v grazhdanskom i arbitrazhnom protsesse* (Moscow: Prospect, 2014), 613.

²⁰ E. A. Nakhova, “Problemy elektronnykh dokazatel'stv v tsivilisticheskoy protsesse,” *Leningrad Law Journal* 42, no. 4 (2015): 301–312.

concerning the protection of honor, dignity, and business reputation. The Supreme Court of the KR addressed the admissibility of printed web information use in court to ensure the correct and uniform application of legislation.²¹ Specifically, para. 13 states that “*the plaintiff may present a notarized copy of the Internet page on which the disputed information was posted.*” Such type of presenting the electronic evidences occurred in judicial cases like: (1) B.E.V. vs N.A.N., Blockstroy LLC, Information Agency ‘24.kg’ in Lenin district court of Bishkek (GD-2756/16B1 dated December 23, 2016); (2) against Information Agency ‘24.kg’ in Sverdlovsk district court of Bishkek (GD -2756/16B1 dated November 25, 2016); (3) General prosecutor on behalf of the President vs Idinov N.A. and PF ‘Pro Media’ in October district court of Bishkek GD – 1347/17.B2 dated July 04, 2017.

The same idea of notarial verification of the screenshots was shared in the article “Social networks. How to use them as evidence in court.”²² However, the Resolution of the Kyrgyz Supreme Court does not include a classification of this type of evidence. By the meaning of the CPC KR, they are classified as written evidence, as electronic evidence is not provided for as an independent type of evidence.

Based on this, it is obviously that in some case, the reliability of electronic evidence requires significantly more digital information. Specifically, beyond the notarization of content, meta data may be required, such as information regarding the source and sender (subscriber number, IP address), reliable confirmation that a social media profile belongs to a specific individual, as well as other data pertinent to the case.

3. 2 The use of electronic evidence in practice in other countries

The Supreme Court of the Russian Federation decided that a screenshot can be used as evidence, which has practical significance for court proceedings.²³ When printed, it is evaluated as written evidence, since a screenshot records information that is perceived by the court similarly to traditional written evidence.

The Republic of Kazakhstan, a neighboring country, has made notable progress in regulating the use of electronic files in judicial proceedings. In 2019, a new chapter titled ‘*Features of Electronic Judicial Proceedings*’ was introduced into the Civil Procedure Code. This chapter permits parties to submit electronic files certified by an electronic signature, granting them the same legal force as documents in written form. Furthermore, to ensure clarity in their use, Kazakhstan adopted the ‘*Technical Requirements for an Electronic Document*

²¹ Resolution of Supreme Court of the Kyrgyz Republic on judicial practice in resolving disputes on the protection of honor, dignity, and business reputation N.4 2015.

²² A.A. Abdykalykov, “Social networks. How to use them as evidence in court,” *Yuridicheskaya nauka* 11, (2024): 313-317. DOI: 10.24412/2220-5500-2024-11-313-317.

²³ Resolution of the Supreme Court of the Russian Federation on application of part four of the Civil code 2019 para 55.

*and the Rules for its Circulation in the Automated Information System of the Court.*²⁴

We would also like to describe the judicial practice in Ukraine, where printouts from internet resources may be recognized as evidence if they are created, published, and certified by the owner of the corresponding web resource or the provider. In such cases, they acquire the status of written evidence. It is something different than the legislation of other countries including the KR. Web pages, being electronic documents, cannot physically be presented to the court in the traditional manner. Nevertheless, such pages may contain information relevant to the case. Therefore, the court has the possibility to conduct an inspection and examination of these documents directly on the web resource, recording the procedural actions in the minutes.²⁵

Such electronic evidence may be deemed admissible in court proceedings only upon the fulfillment of specific conditions. The court may recognize electronic evidence as admissible, even if it is printed from the court's computer system. It is crucial to note that in many cases electronic contracts cannot be considered reliable without an electronic signature. Because in such contracts, it is hard to identify the signed parties, and the document's content remains vulnerable to potential alterations and distortions.

4. Legislative regulation of electronic evidence in various Unions

4. 1 EAEU legislation

The Rules of Procedure of the Court of the Eurasian Economic Union (Rules of Procedure), contains a separate article in which the conditions for the submission of evidence are prescribed, which does not mention digital or electronic evidence. In particular:

“Litigious documents in the dispute are documents submitted to the Court by the parties involved in the dispute, or received by the Court written documents, or information, explanations, other documents, and materials, on the basis of which the Court establishes the presence or absence of circumstances justifying the claims or objections of the parties, as well as other circumstances that are significant for the resolution of the dispute”.²⁶

It turns out that the Court accepts only written documents, because in this paragraph, electronic evidence was not specifically highlighted. On the other hand, under the term ‘other documents and materials’ we can also understand documents and materials in electronic form, which can be presented as evidence. The Rules of Procedure refer to another international legal document regulating the activities of the Court. It states: “*The Court assesses litigious documents, as well as materials received in accordance with paragraph 55 of the Statute of the*

²⁴ Order ‘On approval of the technical requirements for an electronic document and the Rules for its circulation in the automated information system of the court 2020.

²⁵ Case No. 587/2051/18 7 November 2021 (Resolution of the Supreme Court of Ukraine).

²⁶ 2014 Rules of Procedure of the Court of the Eurasian Economic Union, art 35 para 1.

Court, on its own inner conviction, based on a comprehensive, full, objective, and direct investigation of the available case materials."²⁷

The Statute of the Court of the EAEU contains Chapter V. Court proceedings, Section 1 describing court proceedings in cases of dispute resolution. Thus, Statute states that "the Court may request materials necessary for the consideration of cases from the applicants, authorized bodies and organizations of the member states or Union."²⁸ Usually, materials might be in written or electronic form. Accordingly, the EAEU member states do not specify in what form, but at the same time do not restrict the Court's authority to request the necessary materials. For me, it means that we must refer to the Court's regulations themselves.

Indirectly, the opinion that the EAEU Court recognizes not only paper documents, but also electronic ones can be found in Chapter II. In particular, the application/complaint and the documents attached to it are submitted in one copy on paper and on electronic media.²⁹ In other words, if the EAEU Court were ready to accept electronic evidence, it would have clearly and openly written it in art. 35 (Litigious and other documents and materials) of the Rules of Procedure.

Moreover, the main executive body of the EAEU, the Eurasian Economic Commission, in its Analysis notes that the acceptance of electronic documents as evidence in courts is possible in the presence of an electronic-digital signature (except for electronic payment documents).³⁰

An interesting insight was presented by the authors of the article 'Electronic document management in the countries of the EAEU: comparative analysis and ways of unification'.³¹ They wrote: "*In practice, in all EAEU member countries, electronic documents are recognized as evidence in court and, subject to proper execution, are equivalent to documents on paper media (except for cases where the legislation does not allow the use of only an electronic document).*" The key idea of their conclusions is the necessity of the proper execution of electronic documents. The correctness of the execution of electronic documents can only be determined in electronic form, since a document signed by the parties (for example, a contract) through an electronic signature can only be verified using technology. At the same time, in the procedural laws of the EAEU, we could not find the ways for certifying electronic documents and submitting them to the Court. Although the national legislation of EAEU member-states authorizes that some public notaries have the right to certify electronic documents, how to transfer electronic contracts concluded through limited communication channels

²⁷ EAEU Court's Rules of Procedure, art 35 para 3.

²⁸ Treaty on the Eurasian Economic Union, signed 29.05.2014 appendix No. 2, para 55.

²⁹ EAEU Court's Rules of Procedure, art 8(3), art 9(4), clause 4, art 63(4).

³⁰ B.V. Khuljachiev, L.F. Lukashevich, L.I. Karlash, "*Analysis of the level of development of e-commerce in the sphere of foreign economic activity in the member states of the Eurasian Economic Union*", Eurasian Economic Commission, 2017:5.

³¹ M.S. Ablameyko, A.A. Andronchik, "Electronic document management in the countries of the Eurasian Economic Union: comparative analysis and ways of unification," *Zhurnal zarubezhnogo zakonodatel'stva i sravnitel'nogo pravovedeniya* 2, (2020): 36–47.

to paper-based files is not described there. Accordingly, the EAEU Court has not yet answered how to present a contract signed through digital means as evidence in court.

Even the Deputy Chairman of the Court of the EAEU, Doctor of Law, K.L. Chaika in his speech recommends introducing the following changes to the Statute and Rules of Procedure of the Court: *“provide for the possibility of holding court sessions through videoconference, as well as the submission of procedural documents by the parties involved in the case in electronic form.”*³²

5. EU legislation

Rules on the admissibility of evidence, including electronic evidence, in civil and administrative proceedings in the EU are regulated by various directives and regulations. Certainly, the main legal bases are contained in the founding treaties of the EU (Treaty on European Union (TEU))³³ and the Treaty on the Functioning of the European Union (TFEU).³⁴

Among these two Treaties the most relevant is TFEU, which has more provisions on procedural orders of the EU, rather than TEU which is more concentrated on the Union’s legal institutions. Particularly, the articles 81(2d) and 82(2) of TFEU contain provision on providing evidence.

The next legal document for research is the ‘Statute of the Court of Justice of the EU’. Even this document does not contain provisions about presenting evidence and electronic workflow. Thus, higher legislative bodies of the EU have not adopted legal acts binding for the Court of Justice of the EU (CJEU).

The CJEU itself approved the Rules of Procedure on September 25, 2021. These Rules state that *‘a party may present or propose additional evidence in support of its arguments’*.³⁵ Although there seems to be no explicit permission for the use of electronic evidence, the CJEU does not require presentation of evidence only in written form as it was shown in the Rule of Procedure of the EAEU Court. The same norms have the Rules of Procedure of the General Court (art. 85). This means that the participants of proceedings are not constrained by specific procedural restrictions and can maneuver in various ways to defend their interests.

However, the substantive law of the EU has presented interesting insights. Specifically, the Regulation on electronic identification and trust services for electronic transactions in the internal market and repealing Directive

³² Popova A.N. “K.L. Chaika Reforming the procedural aspects of the activities of the Court of the Eurasian Economic Union”, *Colorgrad* 2024: 65–76.

³³ Consolidated version of the Treaty on European Union [2012] OJ C326/13.

³⁴ Consolidated version of the Treaty on the Functioning of the European Union [2012] OJ C326/47.

³⁵ Rules of Procedure of the Court of Justice [2012] L 265/1 art 128, para 1.

1999/93/EC³⁶ (eIDAS regulation) established the fundamental principle that electronic means (signatures, seals, time stamps, electronic registered delivery service, electronic documents) should not be denied legal effect and admissibility as evidence in legal proceedings solely on the grounds that it is in an electronic form.³⁷ The definition is coupled in this European legislation with a provision requiring authorities not to deny legal effect to electronic documents or consider them inadmissible on the ground of their electronic format.³⁸

The eIDAS regulation has a cross-sectoral importance, since it establishes unified rules for recognition of national electronic identification across the EU aiming to create a single legal and technical framework that allows interoperability and recognition of national electronic identification schemes for electronic transactions in the internal market.³⁹

Another legislative act of the EU which deals with electronic evidence is the Regulation on cooperation between the courts in the taking of evidence in civil or commercial matters. Pursuant to it: *“Documents that are transmitted through the decentralised IT system shall not be denied legal effect or considered inadmissible as evidence in the proceedings solely on the grounds that they are in electronic form.”*⁴⁰

5. 1 Other European experience

Let me start from the approach of the arbitration court in Europe on electronic evidence, specifically the Arbitration Court attached to the Hungarian Chamber of Commerce and Industry. The arbitral tribunal may order the parties especially to produce documents, to make such documents available in hard copy or electronically, to take of witness testimony, to inspect an object or place and to appoint of experts, it may call upon any legal entity or any organization not being a legal entity.⁴¹

However, the most advanced legal document on how to deal with electronic evidence is developed by another authority acting in Europe. Guidelines on electronic evidence in civil and administrative proceedings deal with collection, seizure and transmission of evidence, oral evidence taken by a remote link,

³⁶Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market [2014] *OJ L* 257 (eIDAS regulation).

³⁷ eIDAS regulation, art 25(1), 35(1), 41(1), 43(1), 46.

³⁸ Elena Alina Ontanu, “Normalising the use of electronic evidence: Bringing technology use into a familiar normative path in civil procedure,” *Onati socio-legal series* 12, no. 3 (2022): 582–613.

³⁹ P.P. Polański, “Towards the single digital market for e-identification and trust services” *Computer Law and Security Review* 31, no. 6 (2015): 773–781.

⁴⁰ Regulation (EU) 2020/1783 of the European Parliament and of the Council on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence) (recast) [2020] *OJ L* 405, art 7.

⁴¹ Rules of Proceedings of the Arbitration Court attached to the Hungarian Chamber of Commerce and Industry [2024] art 40(3) <https://mkik.hu/en/rules-of-proceedings-15092024> accessed 16 April 2025.

relevance, reliability, storage and preservation, archiving, awareness-raising, review, training, and education.⁴²

In this document, the ‘electronic evidence’ is broadly defined as any information in digital form that possesses evidentiary value and can be utilized in legal proceedings.⁴³ It is not necessary to go through all sections of the Guidelines on Electronic Evidence, as it is quite clear how detailed work was done by the legislator. We will focus only on the specifically defined boundaries of action for judges. In particular, the section ‘Use of Electronic Evidence’ sets out the following norms:

- Courts should not refuse electronic evidence;
- Courts should not deny the legal effect of electronic evidence only because it lacks an electronic signature;
- Courts should be aware of the probative value of metadata and of the potential consequences of not using it;
- Parties should be permitted to submit electronic evidence in its original electronic format, without the need to supply printouts.

In addition, the authors of the book ‘Electronic Justice’ analyzed the main provisions of the EU Guidelines on electronic evidence, and emphasized the following requirements that national judicial systems of EU countries must meet when considering cases using electronic evidence:

- “Ensuring the reliability of electronic evidence - the identity of the signatory can be confirmed, and the integrity of the data is guaranteed by the possibility of verification in case of objective doubts;
- Ensuring the preservation of evidence, their readability, accessibility, integrity, authenticity, reliability, and, if necessary, confidentiality”.⁴⁴

According to the European lawyers, “*except the Guidelines only a few legal documents which have been adopted to facilitate the handling of electronic evidence in civil and administrative proceedings at international, European and national level so far.*”⁴⁵

6. Conclusions

1. It is necessary to incorporate a definition of electronic evidence into the procedural codes, the CPC KR. Electronic evidence should be conceptualized as data recorded in digital format.

⁴² Guidelines CM(2018)169 of the Committee of Ministers of the Council of Europe on electronic evidence in civil and administrative proceedings [2019].

⁴³ Shohrubbek Sobirov, “Comparative Legal Analysis of the Regulation of Electronic Evidence in Criminal Proceedings: The Experience of the USA, EU, and CIS Countries” *Science LLC* (2023):2181-1415/©. <https://doi.org/10.47689/2181-1415-vol4-iss5-pp96-117>.

⁴⁴ E.V. Burdina, C.V. Zueva, *Electronic justice* RGUP (2021): 344.

⁴⁵ R. Jokubauskas, M. Świerczyński. “Is Revision of the Council of Europe Guidelines on Electronic Evidence Already Needed?” *Utrecht Law Review* 16 (2020): 13–20. <https://doi.org/10.36633/ulr.525>.

2. We agree with the recommendations that courts should consider both types of evidence as equal ones (written and electronic form).⁴⁶ It is time for courts to recognize and accept electronic files in their original digital format. An analysis of European legal acts reveals their relevance and highlights the efforts of European legislators to adapt to the demands of the digital era.

3. The Parties to legal proceedings should be afforded the opportunity to obtain expert opinions from an authorized state body or a private organization for the fixation and examination of electronic files. This would facilitate the acquisition of an official opinion regarding the content and authenticity of such data.

4. In the legal proceedings of the KR, the court – using its computer or other electronic devices – should be authorized to examine a web page or other digital source, print it, indicate the date of access, and certify it as ‘verified against the original.’ Alternatively, the court may formally record the content displayed on-screen into the court transcript or review and document digital audio or video materials. Such a printout or court record would then be incorporated into the case file and accorded the status of reliable evidence.

5. It is necessary to issue an official recommendation from the highest court of the KR to implement the task outlined in the National Development Programme of the KR until 2026: “*strengthening uniform judicial practice, clearly established by the Plenum of the Supreme Court of the KR*” through “institutional foundations of the judicial system.” Even in the absence of regulations for the recognition of electronic evidence within procedural legislation, the guidelines for law enforcement practice disseminated by the Supreme Court of the KR will support the development of a more adaptive and technologically advanced judicial practice.

6. Although the possibility of submitting electronic evidence is not explicitly addressed in the legal instruments of the EAEU, a contextual analysis of the relevant provisions suggests that such submission is implicitly permitted. In current judicial practice, the admissibility of electronic evidence as a means of proof is often contingent upon its simultaneous submission in paper form, owing to the continued reliance on physical case files compiled in hard copy. However, this practice in the KR is poised for progressive change. Notably, the *Action Plan for the Implementation of the State Target Programme “Development of the Justice System of the KR for 2023–2026”*⁴⁷ includes a provision (Section 3.10) for the transition to the formation of electronic case files, signaling a move toward more modern and efficient handling of digital evidence.

⁴⁶ Digital technologies in the judicial system of the Kyrgyz Republic, Bishkek (2023).

⁴⁷ Decree of the President of the Kyrgyz Republic on the State Program. Development of the Justice System for 2023–2026.