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### **Ecuador and digital justice in time of the covid-19 pandemic**

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#### **Abstract**

The paper analyzes the situation of Ecuadorian digital justice in the face of the ravages caused by COVID-19, considering that the different organizations that make up justice previously began a process of digital transformation, the results of which were insufficient to allow compliance with the rights established by the constitution. Hence, reference is made to and study of the different milestones that mark the development from the regulations to the technological part of the development of e-justice in Ecuador. For this purpose, an adequate bibliographic systematization was used based on the study variables, within the results achieved are the historical - legal study of the subject of study.

#### **Keywords**

COVID-19, digital justice, e-justice, video conference.

## **Introduction**

With the declaration of pandemic due to the SARSCOV2 virus by the World Health Organization on March 11, 2022, humanity experienced great changes at all levels, many countries as a measure to control the spread of the virus and that their health systems do not collapse made the decision to isolate their population, in Ecuador President Lcdo. Lenin Moreno Garcés by Decree No. 1017 declared a state of emergency due to public calamity throughout the national territory and the restriction of some rights such as free mobility based on Article 165 of the Constitution, this led to the almost paralysis of the country's activities.

Faced with this reality of paralysis of almost all activities, one of the most important aspects that allowed to continue with the economic, educational, financial, administrative and justice proceedings was the accelerated adoption of Information and Communication Technologies (ICT), which already had a degree of penetration into people's lives. Companies and organizations, but which showed the abyss between developed and developing countries, are the least favored are the hardest hit (Acosta, 2020).

The developed or first world countries were logically the ones who could turn their progress using ICTs, while the third world countries saw limited use of ICTs, factors such as: economy, connectivity, telecommunication, state policies, among others, were important for this limitation, so it cannot be said that these technologies had the required effectiveness or convenience by increasing the digital divide.

To some important data of digital marginalization based on data published by the Observatory of the Development Bank of Latin America (CAF), the specialized site on the use of the Internet and the Ecuadorian Institute of Statistics and Censuses, corroborate how countries like Ecuador technologically faced the pandemic.

In Latin America, the digital divide reaches 32% of the population, according to a CAF study in April 2020, while in Ecuador, Internet penetration in 2019 was 79%, according to the Hootsuite website. The survey of the Ecuadorian Institute of Statistics and Censuses (INEC) reveals, however, that, in 2016, only 36% of households nationwide had this service, which was aggravated in rural areas where it reached only 11.6% (Mejía, 2021, p. 23)

On the other hand, the International Commission on Human Rights (IACHR) urged states to "guarantee the broadest and most immediate access to Internet service for the entire population and develop positive measures to rapidly reduce the digital divide faced by vulnerable and lower-income groups" (IACHR, 2010).

Despite these limitations experienced by developing countries such as Ecuador, Mejía Medina (2020) considers that "the emergency of the covid-19 pandemic has shown the benefits that having adequate information and communication technologies can have for public health and for individuals, as well as the knowledge and training to use them", but what happened to the Ecuadorian justice?

Justice is a reflection of the situation of Ecuadorian society, for which it presents thousands of difficulties and these were aggravated in times of confinement, making them practically paralyzed, the processes, hearings, resolutions, release tickets, preventive detention, were seriously detained, in addition there was not and possibly still does not have the organization, structure and legal regulations necessary in the face of this reality, although it is true that there were already advances in e-justice, for example the Council of the Judiciary established in the framework of its second axis of action "the strengthening institutional through the training, evaluation and technification of judicial servants", in this same having the Council of the Judiciary issued resolution 031-2020 in which essential services that could not be suspended were defined. However, these were limited when responding to the rights established in the Constitution and international conventions signed by the Ecuadorian State.

Ecuador, like many other countries, faced significant challenges with the COVID-19 pandemic. In this context, the impact of legal research on post-pandemic social problems in the country has been analyzed by Ricardo, Vázquez, and Hernández (2022). They found that legal research has played a crucial role in addressing various social issues arising due to the pandemic. Additionally, the application of Neutrosophy in the analysis of open government and its implementation has contributed significantly to the Ecuadorian judicial system, as studied by Gómez, Vázquez, and Ricardo (2022). Meanwhile, Solano Moreno et al. (2022) revisited the fundamental right to education, specifically alimony for students of legal age. Finally, Moran Giler et al. (2022) examined the legal treatment of perfidy. These studies shed light on the various legal issues that have emerged in Ecuador in the context of the pandemic, including the need for digital justice, which has become increasingly important with the adoption of remote work and virtual proceedings.

This article analyzes the most significant advances in e-justice in Ecuador and its limitations when putting them into practice, also considers the importance of justice developing in all areas of ICT so that the rights of Ecuadorians are guaranteed.

### **Methods and tools**

The present research makes use of the qualitative paradigm, for which the bibliographic method was used as one of its research foundations, an exhaustive revision of scientific legal articles, government reports and texts related to the subject of research was made, in the same way national and international regulations were used. It provided the necessary legal basis.

A systematization of the bibliographic part was established, adequately establishing the study variables and making a parameterization of the required documentation. In the same way, the historical-logical method was used when referring to the development of our legislation before, during and after the pandemic.

## Results

Justice is an eminently human activity for which it was strongly influenced by the effects caused by COVID-19, in the face of this reality and considering that access to justice is a basic principle of the rule of law, this activity could not be paralyzed for a long time, because it is one of the pillars of democracy and, that Article 75 of the Constitution of the Republic of Ecuador considers that:

Each person has the right to free access to justice and to effective, impartial and expeditious protection of his rights and interests, subject to the principles of immediacy and speed; in no case shall he be defenseless. Failure to comply with judicial decisions shall be punished by law" and that the most important duty of the State is related to respecting and ensuring respect for the rights guaranteed by the Constitution (Constitution of the Republic of Ecuador. R.O. 441, 2008, Art. 11 numeral 9)

Therefore, the justice system redoubled efforts in the modernization of justice "through the implementation of digital tools that allow legal professionals in free professional practice, judges, prosecutors, public and private institutions, and even the general public, to carry out judicial procedures online and access information; considering as main objectives to promote transparency, speed and efficiency in the processing of judicial cases". (Sacoto Romo & Cordero Moscoso, 2021, p. 95) That is, the Ecuadorian justice system deepened its activities in relation to the implementation of telematic justice (e-justice) in the principles of speed and timeliness, but it cannot be said that due to the fact of the pandemic COVID19 initiated the process of digital transformation of Ecuadorian justice, since there have been multiple samples of digitalization, as well as for example the development and application of the e-SATJE system.

In the same vein, the Constitutional Court pointed out that effective judicial protection "[...] constitutes a right by which every person is guaranteed timely and effective access to the courts to claim their rights and obtain from them, through due procedural causes and with minimum guarantees, a decision based on law on the proposed claims ...", on the other hand the Constitutional Court stressed that the right to judicial protection is composed of three instances which are detailed in Figure 1. Therefore, the Constitutional Court issued a resolution, "which deals with the use of telematic means to guarantee access to justice, protect human rights and avoid omissions or abuses by authorities." (Cardenas Lorence, 2021, p. 9)

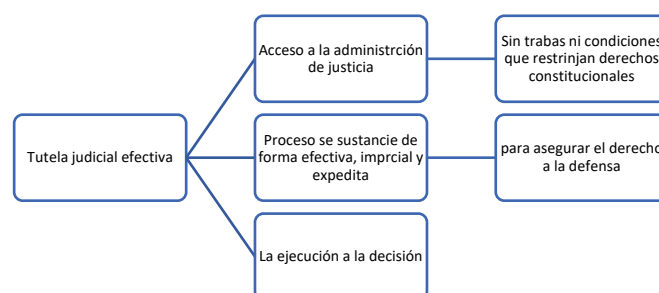


Figure No. 1. Right to an effective remedy

Source: Own elaboration based on (Constitutional Court, 2020)

Taking into account that the digital transformation of justice is framed in the benefits or positive aspects that the introduction of ICT entails, in this sense Sacoto Romo & Cordero Moscoso (2021) consider that the positive aspects are related to:

procedural economy, speed, greater security in the evaluation of evidence — whenever possible — and better access to justice for the general population, with limited resources and people with limited mobility. It will also be possible to notice, although at an advanced stage, reduction of costs for the State and for the parties, 24/7 access to justice, from anywhere in the world, and even openness to cross-border litigation (p. 94).

Another aspect to take into account in favor of the use of ICTs is that they promote the approach of the citizen to the Judicial Function and in theory improve services and information is transparent.

Based on the above, digital justice "should be aimed at providing an agile and expeditious service to those who access the administration of justice, with greater effectiveness and better quality results, meeting the expectations of citizens." (National Court of Justice, 2021)

Now, there are a number of difficulties that technology presents in developing countries, it is questionable whether ICTs can guarantee transparency in the handling of proceedings, but the difficulties are not only on the side of technology but also on the part of the people who make up the Ecuadorian justice system. "Prosecutors, prosecutors or judges, from the personal and institutional sphere, require greater preparation and training in the procedural legal field so that the guarantees of due process are not relativized with telematic hearings." (Arizaga Calderón, 2021, p. 11)

As far as the legal framework is concerned, it should be pointed out first of all to the Constitution of 2008, the Law of Electronic Commerce, Signatures and Data Messages of 2002, whose last reform in 2014. The Organic Law of Consumer Defense, Law of the National System of Public Data, Organic Law of Telecommunications, General Organic Code of Processes, Organic Integral Criminal Code.

### **Field of ICT in justice**

The Spanish jurist Fabra Pere (2004) considers that in the field of justice ICT can have mainly four uses: a) the treatment of information, b) management, c) the relationship and d) finally the decision, then a review of these in the Ecuadorian framework.

### **The processing of information**

Electronic justice can be defined as one that makes inclusive and extensive use of information and communication technologies in different areas, one of them being document management.

In relation to information, this is one of the most important aspects in any public or private institution, so the process of managing it must be carried out properly and with the technology that guarantees its reliability, security and reliability. In the case of justice Sacoto Romo & Cordero Moscoso (2021) establish certain criteria in which the need to move from a manual treatment of information to a digital one is established and thus minimize the negative effects of poor document management, table No 1 details them.

Table No 1. Disadvantages in the physical handling of documentation

No	Drawback
1	Deterioration of physical documents due to the passage of time and manipulation.
2	Physical space occupied by documents
3	Limitation of the persons who can simultaneously access the files.
4	Unnecessary duplication of physical documentation making it costly and polluting

Source: Based on (Sacoto Romo & Cordero Moscoso, 2021)

When reviewing chronologically the development of computer systems in the judicial field these have gone through several stages, the first could be in the year of 1999 where the Judicial Function promoted the development of pilot phases of automation of judicial processes in some Courts of Justice of the country, then it was promoted and the Automatic System of Ecuadorian Judicial Procedure (SATJE) or e-SATJE since to access it is done through a browser, it is a priority that the user of the system has an electronic signature and electronic judicial box. Another technological advance by the Judicial Branch is the Electronic Judicial Management Office that was put into operation in 2020.

Another example of the development of the online management of Ecuadorian justice is the system implemented by the National Court of Justice in relation to the automatic drawing of cases and monitoring of their processes.

Similarly, the Jurisprudence Processing System (e-SIPJUR) has been developed, which facilitates the location of mandatory jurisprudential precedents, resolutions with the force of law and sentences, minimizing the possibility of dispensing justice with errors. In addition, in relation to unified electronic systems that contain the latest updates and reforms of rules or jurisprudence, some private companies have taken a leading role.

### **The electronic file**

The electron file is not a recent discussion in our positive law and does not constitute a reconceptualization of principles. The Organic Code of the Judicial Function (2009) on the basis of the principle of functional equivalence and taking into account the Law on Electronic Commerce, Signatures and Data Messages (2002) clearly speaks of the validity and effectiveness of electronic documents and

by extension of the actions carried out through these dematerialized formats, this is how Art. Article 147 of the Organic Code of the Judicial Function is quite extensive with warning in addition to what these supports should look for, preserve the authenticity and integrity of the information to preserve the legal value that may be derived from the documentation and the file itself as such.

Article 115 of the General Organic Code of Processes (COGEP) states that the electronic file is this mechanism in which judicial proceedings are incorporated, recorded, in the electronic file the petitions and documents that the parties want to use within the process are stored. In the second paragraph of the same article, emphasis is placed on something that may not yet be properly understood, such as digitized or scanned reproductions of public or private documents that are added to this electronic file, having the same probative force as the original. In addition, it considers the importance of the protection, security and integrity of electronic information(COGEP, 2015).

Articles 117 and 118 of the C OGEP deal with digitized documents and the registration of the actions carried out by or before the judge must be done by any telematic means of that installed in the judicial dependencies.

Similarly, the Comprehensive Criminal Code (2014) establishes the types of files, and clearly mentions in its Article 579 that they are physical and electronic s and finally deals with electronic registration of procedural acts.

When talking about electronic file, its basis is to use the electronic support that documents all the actions that have been reduced to written in a format that is digital and that the court incorporates its actions to this file, in addition all hearings must be registered in a reliable manner, which mechanism that serves to record the judicial proceedings are provided for the assurances that are necessary to preserve their integrity.

Another technological advance in relation to the implementation of ICT in justice is the implementation of the virtual window at the national level, this is an alternative mechanism whose function is "the presentation of briefs in pending cases" (Maldonado, 2021, p. 15) It is necessary to indicate that, from May to September 2020, the entry of writings by this means increased progressively and, At present, they exceed 135,000, in all judicial instances.

Among the operational difficulties that have occurred since the implementation of the virtual window is that when trying to enter writings through virtual window there is a window that establishes a schedule from 08:00 to 15:00, which is in contradiction with articles 110, 115, 116, 117 and 118 of COGEP.

### **The E-SATJE**

The SATJE is a system that has many benefits and has been a great advance in Ecuadorian justice, Maldonado (2021) considers e-SATJE 2020 as "one of the main projects developed by the Judicial Function in times of pandemic" (page 14), said online computer system works under the principle of publicity and The actions

are usually uploaded in a short time for review online to follow up on everything that happens within a process.

e-SATJE presents several benefits to its users table No 2.

Table No. 2. Benefits of SATJE

No	Detail
1	Electronic draw – automatic
2	Receipt of writings
3	Follow-up of causes
4	Electronic notifications
5	Criminal and traffic records
6	Collection and payment of maintenance
7	Leasing of electronic judicial lockers
8	Citations
9	Information on touch screens
10	Information for the proper performance of the Judicial Function

Fountain: (Council of the Judiciary, 2019)

Among the limitations that can be observed in the e-SATJE system is that not all documents (writings of the parties) of the process can be viewed using the e-SATJE, among other circumstances because not all are digitized, so, in many cases it is necessary to go to see the physical file of the file or go to your electronic locker, But it may be the case that they are not digitized.

On the other hand, the Constitutional Court has made significant progress in the digital part of the processes since everything is digitized.

### Hearings via videoconferencing

Hearings are a means to the realization of justice. The constitution states that all proceedings must be conducted through hearings. Article 4 of the COGEP establishes that "hearings may be held by videoconference or other means of communication of similar technology, when personal appearance is not possible" (COGEP, 2015) and Art. 565 of COIP says "when for reasons of international cooperation, security or procedural utility and in those cases in which it is impossible for the person who must intervene in the hearing to appear, with the prior authorization of the judge, the diligence may be carried out through telematic communication or videoconference or other similar technical means".(COIP, 2014)

In art. 11 of Resolution 057-2020 of the Council of the Judiciary in relation to the holding of hearings establishes that: "judges may prioritize the holding of video hearings in territorial districts where there is the technical feasibility that allows their execution ... ", this in accordance with Art. 4 of the COGEP and 565 of the COIP, so that the hearings have the same guidelines and guidelines and that access to them is adequate and with the same quality, the Council of the



Judiciary issued in 2021 the "Protocol for the realization of video hearings for courts, judicial units, tribunals and provincial courts".

The principles on which the operation of this protocol is based are: principle of independence (art. 168.1 of the Constitution of the Republic, Article 8 of the Organic Code of the Judicial Function), principle of impartiality (Article 9 of the Organic Code of the Judicial Function), principle of concentration (Article 19 of the Organic Council of the Judicial Function), principle of publicity (Article 13 of the Organic Code of the Judicial Function), principle of immediacy ( Art. 19 of the Organic Council of the Judicial Function), principle of access to justice (art. 22 of the Organic Council of the Judicial Function), principle of good faith and procedural loyalty (art. 22 of the Organic Council of the Judicial Function), principle of orality (art. 168. of the Constitution, Art. 4 of the COGEP, Art.560 and 565 of the COIP).

According to the analysis of the video hearings that have been held since the beginning of the health emergency, the following were identified as participants: judge, judge or court, secretary or secretary, plaintiff or actor / accuser or accuser, defendant or defendant / prosecuted or prosecuted, Attorney General's Office, Public Defender's Office and / or private defender or defender, third parties or other participants (including other State entities), logistical and technological support personnel, general public, under the principle of publicity (National Directorate of Procedural Management, 2021).

The Council of the Judiciary mainly had Polycom technology for video hearings, although in extreme cases the Zoom platform was used. One of the benefits of video audiences is that they force to measure the times in a better way since paradoxically the use of technological means can be more exhausting than when hearings are held physically.

Among the difficulties that arise when using a video hearing are that some jurisconsults consider that the use of these breaks the principle of immediacy, another aspect to take into account is a correct evidentiary evacuation, in addition the difficulties of connection are also considered, but it is necessary to consider the performance of the good faith of all parties, which may not always happen.

On the other hand, both judges and clerks must share the information and the mechanism to hold the hearing before it takes place and whose administration was centralized.

The judge should give very brief guidelines on how the hearing will be conducted, even if it is already established as mentioned above in Art. 11 on the basis of Art. 75 of the Constitution.

In the event of any problem or difficulty, the judge has the obligation to correct the distortions in order to preserve the right to defense as part of due process. 3 COGEP. Arizaga Calderón (2021) considers that justice must face the change we face and that we must do it in pursuit of a better service and not see it as an obstacle, since technology will always be present, also points out that "the transition from face-to-face to telematic hearings does not imply that the process limits its role of exercising and protecting material rights, nor does it lose its status

as a technical model, but rather a change of structure, according to the circumstances of the time we live in" (p. 12).

### **Exhibit**

According to Talavera (2009), cited (Puetate , Coka, & Méndez, 2021) by "the proof is the activity of accreditation of the reality of a fact affirmed by the parties and that has legal relevance for the object of the process" (p. 7).

As far as documentary evidence is concerned, it must be considered that Ecuadorian legislation considers that all documents submitted electronically should be considered authentic and complete (LCEFMD, 2002, Art. 2), unless a party objects to them on grounds, the challenge should be made in a hearing and the judge should rule on it.

It is considered by the authors of this article that the secretary should be the depositary of the information, so that he can share on his screen the pages that the parties require them from the file. The parties should have access to the digital file in advance (the entire file should be scanned).

All this context shows that "the institutionality needs to strengthen technological systems that allow an adequate and fluid procedural development of causes, fundamentally, in the field of evidence". (Arizaga Calderón, 2021, p. 10)

### **Witness statements**

With regard to witness statements, the provisions of art. 174 of COGEP says "[...] either directly or through videoconferencing or other means of communication of similar technology"(COGEP, 2015) and Art. 502 of the COIP states "[...] 10. Testimony shall be made at the trial hearing, either directly or via videoconference." The difficulties that may arise are that the parties, their defenders or third parties cannot have suitable audio and video reproduction mechanisms.

In relation to the testimony of witnesses through the use of technological means, an important factor to take into account is the way in which the camera is placed, since this makes it possible that judicial officials cannot be identified.

Likewise, if the declarant is not in a so-called 360-degree environment, there is the possibility that his testimony will be manipulated without being able to observe the people who are behind, forward or one of his sides, and the risk of coercion may be presented. The judge must suspend the proceedings and request that the witness attend an appropriate courtroom.

### **Challenges of telematic justice**

One of the problems that could lead to the use of ICT-based strategies is the desire to achieve efficiency because, above all, efficiency is a good thing and should be sought as a purpose, but we must look towards the central.

Table No 3. Digital justice, its conditions and difficulties

<p>Greater accessibility to the process, in terms of the presentation of memorials and attendance at hearings: it is not necessary to transfer to the seat of the court</p>	<p>The parties, their counsel or third parties (e.g. witnesses) may not have access to suitable audio and video playback mechanisms (or the system used by the Judicial Function is not suitable, problems with Polycom). Depending on how the camera is positioned, court officials may not be able to be identified.</p>
<p>Proper development of secure computer systems</p>	<p>Are the systems managed by the Judicial Branch inviolable? (SATJE, electronic locker, etc.)</p>
<p>It should be allowed to be used even as a means of proof.</p>	<p>The certified copy (on paper) is still considered as an ideal medium.</p>
<p>The information must be complete</p>	<p>The SATJE does not reflect important information ( e.g. submissions of the parties)</p>
<p>Source: Taken from (Aguirre, 2021)</p>	

### Discussion

Information or Communication Technology (ICT) has been one of the protagonists in recent years, the COVID19 pandemic has made it necessary to accelerate the accelerated implementation of such technology so as not to paralyze the different activities of humanity, but it depends on several factors that have been analyzed in this article and unfortunately for Ecuador it was not prepared in the field of health and telecommunications, vulnerable groups were the most complicated in this aspect "to a person with limited economic resources, who lives in a marginalized neighborhood, where there is hardly any electricity, with physical or intellectual disabilities, who has capital only to cover their basic needs; or a citizen who did not have access to the education that allows him to know the Internet" (Cardenas Lorence, 2021, p. 9) hence several questions arise, but for the authors of this article the main question is can they be guaranteed due process?

Many criteria have been raised in the sense that the use mainly of videoconferences has allowed the violation of the rights of the procedural parties "the use of online channels also suffers questions because it would affect rights and principles of due process, such as defense, contradiction, immediacy and effective judicial protection".(Arizaga Calderón, 2021, p. 10) On the other hand, were and are the different officials who are related to the Ecuadorian justice system prepared? The author Maldonado (2021) argues that if significant advances have been developed by the Judicial Function in "acts, contracts and notarial proceedings through the use of electronic means, regulations for the management of judicial

summonses, protocols for the development of video hearings, implementation of virtual windows, certificates of electronic signatures" (p. 14).

On the other hand, the reality of the Ecuadorian shows that the country was not sufficiently prepared, since not all Ecuadorians had the possibility of accessing e-justice. For Ávila (2020), "the management of justice during the pandemic is disastrous due to the contradictory resolutions of the Council of the Judiciary and the National Court of Justice. Actions such as the memorandum that restricted the receipt of jurisdictional guarantees or the reactivation of deadlines and terms without receiving writings are, in his opinion, the reflection of a justice in crisis" (p. 12).

In contrast, in the opinion of Arizaga Calderón (2021) "negative assessments can be overcome with adequate infrastructure and connectivity for justice operators, through institutional work" (p. 11), it also points out that "the equipment with technological platforms, with protection systems and information security, is another important challenge, as well as the updating of the legislation that regulates the virtual litigation, because the rules in force are specific and exceptional" (p. 12).

Faced with the aforementioned reality, the Ecuadorian justice has tried to protect the rights enshrined in the constitution, with many shortcomings, but the efforts made should not be ignored, in the technological field it has been overwhelmed by the requirements of society, since it not only depends on what justice entities provide to citizens, but also of what the citizen can use technologically. But it must be emphasized that independently justice entities must provide quality, safe and reliable services. While it is true that administering justice in times of pandemic does not only mean adapting the performance of a diligence to a virtual platform, there are many other considerations that must be taken into account in this area.

For example, Article 3 of the Judicial Function Code establishes that the organs of this function will formulate the necessary policies for its transformation. This transformation implies the action of profoundly changing something, which in the perspective of the Judicial Function refers to the ability to develop the structures for its better functioning. In this context, action is needed to modernize the justice system, incorporating tools and mechanisms that make it possible to generate the most appropriate conditions for the administration of justice.

### **Conclusions**

The Ecuadorian judicial system was not prepared to face the serious problems produced by the COVID-19 pandemic, although the process of digital transformation began, this was incomplete, in addition the economic, social, educational and technological situation of its population made and make the digital divide very large in relation to developed countries and the region.

Within the strategies, two aspects should be considered, on the one hand, the structures of the justice system, that is, the civil infrastructure and ICT

development and on the other hand, what sustains the first and allows it to develop its full potential: management model. Therefore, management models must be based on appropriate infrastructures and technologies.

Promote, enhance and develop integrated, modern information systems containing procedural and institutional information, improving access, processing and security in data conservation.

Produce reliable and timely statistical information to evaluate progress in the implementation of justice policies.

Laws such as the Electronic Commerce Law, Firms and Data Messages must be modified to adapt to the reality that this time requires.

## **References**

- Alex Fabián Solano Moreno, Josué Ramón Limaico Mina, Diego Vladimir Garcés Mayorga, Paul Orlando Piray Rodríguez; Alimony in Students of Legal Age as a Fundamental Right to Education (revisited), *Neutrosophic Sets and Systems*, vol. 52, 2022, pp. 01-08. DOI: 10.5281/zenodo.7373283
- Acosta, A. (2020). The coronavirus in the times of Ecuador. Carolina analysis.
- Aguirre, V. (January 21, 2021). Challenges of digital justice. Quito.
- Arizaga Calderón, J. (2021). The viability of technological use for judicial litigation in the context of the global pandemic. *Defense and justice*.
- Avila, L. (2020). Action for breach Ecuador. Inter-American Institute of Legal Research.
- Cardenas Lorence, P. (2021). Justice vs covid. Challenges of the Ecuadorian justice system during the 2020 pandemic.
- Organic Code of the Judicial Function. (2009). Organic Code of Judicial Function. Quito: National.
- COGEP. (2015). General Organic Code of Processes. Quito: National.
- COIP. (2014). Organic Integral Penal Code. Quito: CEP.
- Council of the Judiciary. (2019). Operational plan. Quito: CNJ.
- Constitution of the Republic of Ecuador. R.O. 441. (2008). Retrieved from <https://www.wipo.int/edocs/lexdocs/laws/es/ec/ec030es.pdf>
- Gómez, G. A. Á., Vázquez, M. Y. L., & Ricardo, J. E. (2022). Application of Neutrosophy to the Analysis of Open Government, its Implementation and Contribution to the Ecuadorian Judicial System. *Neutrosophic Sets and Systems*, 52, 215-224.
- National Court of Justice . (2021). Protocol for conducting telematic hearings in the National Court of Justice. Quito: National.
- National Directorate of Procedural Management. (2021). Protocol for conducting video hearings. Quito: CJ.
- LCEFMD. (2002). Law on Electronic Commerce, Signatures and Data Messages. Quito: National.
- Maldonado, M. (2021). Digitalization in the justice system. *Defense and justice*.

- Mejia, L. (2021). Access to justice in times of COVID-19 requires effective communication and information strategies. *Law and justice*.
- Mejía Medina, F. (2020). Decrease in the time required for the adoption of technologies. PAHO.
- Merly Claribel Moran Giler, Alexandra Dolores Molina Manzo, Nelson Francisco Freire Sánchez, Rene Estalin Portilla Paguay; Analysis of the Legal Treatment of Perfidy , *Neutrosophic Sets and Systems*, vol. 52, 2022, pp. 09-20. DOI: 10.5281/zenodo.7373312
- Puetate , J., Coka, D., & Méndez, C. (2021). Digital evidence in judicial processes applicable to the General Organic Code of Processes (COGEP), from the COVID-19 pandemic. *Contemporaneous dilemmas*.
- Ricardo, J. E., Vázquez, M. Y. L., & Hernández, N. B. (2022). Impacto de la investigación jurídica a los problemas sociales postpandemia en Ecuador. *Universidad y Sociedad*, 14(S5), 542-551.
- Sacoto Romo, M. C., & Cordero Moscoso, J. M. (2021). E-justice in Ecuador: inclusion of ICTs in the administration of justice. *A legal review forum*.
- Talavera, P. (2009). Evidence in the new criminal process: Manual of evidentiary law and the valorization of evidence in common criminal proceedings.