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The Impact of Technology Developments on Legal Practice: Challenges for Advocates in the E-Court Era

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Abstract: The rapid development of information technology in recent decades has had a significant impact on various sectors, including the legal sector. One of the main impacts is the implementation of the e-Court system, which is a digitization of court procedures starting from case registration, fee payment, to trial that can be done online. This innovation is designed to overcome various challenges faced by the conventional justice system, such as convoluted bureaucracy, length of case resolution, and limited access for the general public. E-Court plays a role in improving the efficiency, transparency, and accessibility of legal processes. However, in addition to the various benefits it offers, the implementation of e-Court also brings new challenges, especially for advocates who need to adapt to the development of this technology. This study aims to analyze the impact of technology on legal practice, with a particular focus on the roles and challenges faced by advocates in the context of e-Court. Through a qualitative approach supported by literature studies and in-depth interviews with advocates, this article explores how technology is influencing the role of advocates in the modern legal process. The results show that although technology has accelerated case resolution, advocates are faced with a number of obstacles, such as limitations in digital literacy, difficulties in adopting new technologies, and concerns related to data security and client privacy. In addition, the limited infrastructure in some areas, especially in remote areas, is a challenge in the optimal implementation of e-Court. Furthermore, the study also revealed that e-Court can reduce direct interaction between advocates and courts, potentially affecting the quality of legal defense and representation. Therefore, strategic steps are needed so that advocates can quickly adapt to technological developments, including through training, skill improvement, and adequate infrastructure development. This article emphasizes the importance of clear and inclusive regulations in facing the challenges of digitalization in the legal sector, in order to create a more responsive, efficient, and fair judicial system in the digital era.

Keywords: Technology, E-Court, Advocates, Digital Law, Legal Challenges, Judicial Modernization.

1. INTRODUCTION

Article 1 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia firmly stipulates that the Republic of Indonesia is a country based on law with the principle of equality for everyone before the law (equality before the law) (Ismi, 2019). The Constitution also stipulates that everyone has the right to recognition, guarantees, protection, and certainty of fair law and equal treatment before the law (Lutfiyah, 2021). To realize the principles of a state based on law in society and government, the existence and role of advocates as an independent, autonomous, and responsible profession is crucial (Nuna et al., 2020). This is in line with the function of judicial institutions and law enforcement agencies such as the police and prosecutors. Through the legal services they offer, advocates carry out their duties to uphold justice based on law for the benefit of the community

seeking justice. In addition, they also strive to empower the community to better understand their basic rights before the law (Aziz, 2019). Advocates play an important role in society because they strive to increase legal awareness and the ability of social forces to fight for their Human Rights (Aziz, 2019). In addition to the judicial process, the role of advocates is also seen in professional paths outside the courts. Currently, the need for legal services of advocates outside the judicial process is increasing because of the increasing legal needs of the community, especially to enter new laws. Because of this, almost everyone in Indonesia who faces a problem in the legal field tends to use the services of legal professionals. The advocate profession plays an important role in law enforcement, both in criminal, civil, and state administrative cases (Purnomo & Dewi, 2023). According to Article 2 Paragraph (1) of Law Number 18 of 2003 concerning Advocates, advocate organizations are responsible for organizing special education for the advocate profession in accordance with Article 6 Paragraph (2) of the Advocates Association Regulation that the mandatory material for the special education is procedural law material (litigation), non-litigation material, and supporting material (legal skills) (Sari, 2018).

The digital era and advances in information and communication technology (ICT) have changed many aspects of life including legal practice. The implementation of the e-court and e-litigation systems has become an important component of the reform of the judicial system in Indonesia which has caused major changes in the way advocates work (Kurniawan, 2020). In this era, the online system is also the latest breakthrough in the administration of justice. In its implementation, it can utilize the sophistication of internet network technology in creating an application container called e-court (Djameludin et al., 2023). With the launch of this application, it is easier for people to seek justice without having to register themselves directly in court. The e-Court application is inseparable from the Supreme Court Regulation Number 1 of 2019 concerning Electronic Court Case Administration (Gracia et al., 2021). Supreme Court Regulation Number 1 of 2019 is an innovation and commitment for the Supreme Court of the Republic of Indonesia in realizing reform in the Indonesian judicial world (Justice reform) which synergizes the role of information technology (IT) with procedural law (IT for Judiciary) (Gracia et al., 2021) and (Hutahuruk, 2018). The service features offered are E-Filing (Case registration), Estimated Cost Advance (e-Skum), Obtaining Case Numbers, Online Party Summons (e-Summon), Electronic Trials (e-Litigation), Electronic Copies of Decisions (e-Copy) and Electronic Signatures (e-sign) (Shodikin et al., 2021).

The e-court system simplifies the process of registering a case, submitting documents, and conducting trials online. However, in this change, advocates are forced to adapt to new working methods based on technology online (Kurniawan, 2020) (Rizkiana & Gerry, 2023). One of the striking issues in this implementation is the advocate's concern about the possibility of data leaks, misuse of client personal information and protection of client rights. In the digital era, threats to cybersecurity are a major focus, especially because legal processes often involve important documents that are confidential. Advocates must understand how important it is to maintain data confidentiality and how the e-Court system works to protect sensitive information (Singh, 2011). In this case, data protection is an important issue that requires special attention from legal regulators so that sensitive information does not fall into irresponsible hands (Yakovlev & Semyonova, 2020) (Beck et al., 2016). In addition, the implementation of the online system also has an impact on direct interaction between advocates and clients. Face-to-face meetings that were previously considered crucial for building trust and effective communication are now starting to be replaced. This has the potential to reduce the quality of professional relationships and make it difficult for advocates to understand the needs and concerns of clients in more depth.

Based on what is described above, the researcher is interested in studying more deeply the challenges faced by advocates in the e-court era, and a fundamental question arises, namely how to implement e-court applications in legal practice and what problems advocates experience in implementing e-courts in legal practice.

2. RESEARCH METHODS

This type of research is normative legal research, which is research conducted by examining library materials or secondary data. According to Peter Mahmud Marzuki, normative legal research is described as a process of finding rules, principles, and legal theories to solve legal problems. This research uses a normative approach to see how technological developments, especially the e-court system, impact legal practices and problems faced by advocates. The normative method was chosen because the focus of the research is on the legal elements, norms, and regulations that govern technological practices. This research was conducted at the Law Office of Mangara Manurung S.H., M.H & Associates with the consideration that the Law Office of Mangara Manurung S.H., M.H & Associates has implemented an e-court system in case registration and up to the verdict.

3. RESULTS AND DISCUSSION

3.1. *Application of Technology in the E-Court Judicial System*

The advancement of information technology in recent decades has caused major changes in various areas of life, including the justice system. One concrete manifestation of this modernization is the implementation of E-Court, an abbreviation of Electronic Court or electronic-based court (Kirsanova et al., 2021) (Djamaludin et al., 2023). The E-Court system aims to increase efficiency, transparency, and ease of access in the judicial process by digitizing various legal procedures that were previously carried out (Hidayat et al., 2020). The implementation of E-Court covers various aspects, such as electronic case registration, digital delivery of legal documents, and online trial implementation. All these processes are supported by information technology infrastructure that allows interaction without physical presence in the courtroom. Thus, E-Court is a solution to traditional challenges, such as trial delays due to geographical distance, case backlogs, and slow bureaucracy.

On the positive side, E-Court brings many benefits to the efficiency of the judicial process. Case registration, which previously took several days due to administrative limitations, can now be completed in a matter of hours through the online system (Shodikin et al., 2021). In addition, electronic submission of documents also reduces operational costs, such as photocopying, sending physical documents, and time spent on administrative matters (Sun et al., 2006). At the stage of filing a case, better known as e-filing, the parties can file their lawsuits or applications online through an e-court platform connected to the court. This certainly makes it easier and increases efficiency because the parties involved in the case no longer need to come directly to the court to submit documents. In this system, all required documents can be uploaded electronically, and the court will verify their validity digitally. E-filing also allows documents to be automatically stored in an organized digital system, making it easier to search and manage documents (Actie, 2010). In addition to e-filing, there is also e-payment which makes it easier for all parties to make online court fee payments. This payment process can be monitored transparently, thus reducing the possibility of abuse of authority or corruption in the management of court fees. In addition, this system offers convenience for all parties, because payments can be made from any location without having to visit the court office to hand over

cash. One of the most innovative stages in the implementation of e-court is the implementation of electronic trials, known as e-litigation. In this system, the trial process can be carried out online via video conferencing technology. Judges, prosecutors, lawyers, and parties involved in the case can participate in the trial from their respective places without having to be in a physical courtroom. This is very relevant and beneficial, especially in certain situations, such as during the COVID-19 pandemic, where face-to-face meetings must be limited to avoid the spread of the virus. In addition, online trials also contribute to reducing operational costs related to transportation and accommodation for the parties involved, especially if they have to travel far to attend the trial. In terms of infrastructure, the implementation of e-court in Indonesia requires reliable information technology support. The availability of a stable internet network is an absolute requirement to ensure the smooth implementation of e-court, especially in areas far from the city center. The Supreme Court has made efforts to improve access to technology in various courts in Indonesia so that the implementation of e-court can run smoothly in all jurisdictions. In addition to the internet network, an integrated software system is also needed, which can handle all stages of the trial electronically, from filing a case to a verdict.

3.2. Technology Challenges for Advocates in the E-Court Era

The digital era has had a major impact on various aspects of life, including the justice system in Indonesia. The implementation of the e-court system has increased efficiency and accessibility in the legal process. However, despite the convenience provided, there are several challenges faced by advocates. These challenges include technical aspects, skills, and the ability to adapt to rapid changes in the legal environment (Kurniawan, 2020) (Chawinga et al., 2019).

One of the main challenges for advocates is the need to master information technology. With the e-court system, advocates are required to have good knowledge of the digital platforms used in filing cases, payments, and online trial processes. Many advocates, especially those who have experience in traditional legal practice, may have difficulty adapting to this new system. The process of learning to understand and use the latest technology often requires more time and effort, which can be an obstacle to carrying out their legal practice efficiently. Another important challenge is the difference in access to technology between urban and rural areas. Although the e-court system is designed to facilitate access to justice, many lawyers who work in remote or less developed areas face difficulties in obtaining a stable internet connection. This lack of technological infrastructure can hinder lawyers' ability to actively participate in legal processes conducted electronically. This gap poses a risk that lawyers working in underserved areas may lag their colleagues in more developed areas. In addition, cybersecurity issues are also a major focus for lawyers. In the context of e-courts, they face the potential for data breaches, hacking, or misuse of sensitive information (Kirsanova et al., 2021). It is important for them to ensure that client information and legal documents remain safe from various cyber threats. Therefore, an understanding of cybersecurity practices is crucial for lawyers. They need to have adequate knowledge and skills to protect sensitive data and comply with regulations related to the protection of personal data. Despite the challenges, lawyers also could leverage technology in their legal practice. By implementing an e-court system, they can speed up the case filing process, reduce operational costs, and increase work efficiency. The challenges that exist should be seen as an opportunity to adapt and grow in the face of change. Therefore, education and training related to the use of technology in legal practice are very important to help lawyers face the challenges that exist and maximize the potential of e-courts. To overcome these challenges, cooperation between lawyers, the government, and related institutions is essential. Initiatives to provide training, better access to technology, and support in dealing with cybersecurity issues should be a major focus. With a

comprehensive approach, advocates can adapt well to the e-court era, so that a more efficient and transparent justice system can be realized.

3.3. Ethics in Electronic Trials

Lawyers face new ethical challenges in the context of electronic or online hearings. The use of technology in the judicial system offers many benefits, such as efficiency and increased accessibility. However, this transformation also raises important ethical dilemmas, especially related to the violation of legal protocols and the lack of oversight in online hearings. One ethical challenge that arises is the potential for disregard for due process. In online hearings, it is often difficult to maintain control over the legal process as in a face-to-face hearing. The lack of oversight can lead to unethical behavior, such as the presentation of irrelevant evidence or manipulation of data. Lawyers involved in online hearings must ensure that they adhere to established protocols, even though there is the potential for engaging in unethical behavior in a less monitored environment. This concern is further compounded by the fact that technology is not always reliable. Poor internet connections, technical problems, or malfunctioning software can disrupt the hearing. In such circumstances, lawyers may feel compelled to continue the hearing despite unresolved issues. This uncertainty can raise doubts about the fairness and appropriateness of the legal process, so lawyers must remain ethical despite the challenges.

The legal basis underlying ethics in electronic trials can be found in various regulations and laws governing legal practice in Indonesia. One important law is Law Number 48 of 2009 concerning Judicial Power. This law emphasizes that everyone has the right to obtain justice and legal protection. This underlines the importance of integrity and ethics in carrying out legal duties, including in the context of online trials. In addition, there is also Law Number 11 of 2008 concerning Information and Electronic Transactions (ITE). The ITE Law regulates the use of information technology in legal transactions and the protection of personal data. The application of this law in electronic trials includes the responsibility of advocates to maintain the confidentiality of client information and avoid misuse of data that could harm other parties. In this situation, both the Judicial Council and the advocate organization have a code of ethics that regulates their professional behavior. The code of ethics usually includes fundamental principles such as integrity, honesty, and responsibility. Advocates are expected to follow this code of ethics, even though they operate in an online environment that is more difficult to monitor. Understanding these ethical responsibilities is essential to maintaining public trust in the legal system. In addition, advocates must also be aware of how their interactions with clients and other parties in online hearings can affect their professional ethics. Inappropriate communication, outside influence, or pressure from third parties can impact the decisions made by advocates. Therefore, it is essential for advocates to adhere to ethical principles, even when facing challenging situations.

Overall, ethics in electronic hearings create new challenges for advocates. They need to be able to address the various issues that arise while still adhering to existing legal protocols and codes of ethics. By understanding the legal basis that governs legal practice in Indonesia, advocates can be more effective in carrying out their roles in the digital era. The application of strong ethics in electronic hearings will not only protect the interests of clients but also ensure that the justice system remains fair and reliable for the public.

3.4. Solutions and Adaptation Strategies

To face the challenges arising from technological advances in legal practice, especially with the implementation of the e-court system, advocates need to adopt comprehensive solutions and adaptation strategies. A crucial first step is to take ongoing technology education and training. Legal

technology does not only include tools and software for e-courts, but also a deep understanding of new ways of communicating with clients, submitting documents, and conducting trials. Advocates who do not develop adequate technological knowledge risk being left behind and losing their competitiveness in the modern legal world. Therefore, advocates must proactively take technology-related training, which can be provided by legal professional organizations such as the Indonesian Advocates Association (PERADI) or other authorized institutions. Legal education institutions also need to start including legal technology material in the curriculum, so that graduates are ready to face these changes early on. This training must be ongoing, considering that technology continues to develop rapidly. On the other hand, technology accessibility is an important issue. The e-court system requires adequate technological infrastructure, such as stable internet access, supporting hardware, and integrated applications. In urban areas, this may not be a problem, but in remote areas, advocates face greater challenges due to inadequate infrastructure. To overcome this, cooperation is needed between the government, judicial institutions, and advocate organizations. The government, through the Ministry of Communication and Information, needs to accelerate the development of technological infrastructure throughout Indonesia. Advocates in areas with inadequate facilities must be supported with special training or subsidies for technological devices so that they are not left behind in adopting the e-court system.

Data security and privacy are also major challenges in implementing e-courts. Advocates must manage a lot of sensitive client information, which is vulnerable to hacking or data leaks in this digital era. Therefore, advocates need to implement strict digital security protocols, use encrypted software, choose a secure communication platform, and have a strong data backup system. Consultation with cybersecurity experts is also important to ensure that security standards comply with applicable regulations. In addition, advocates need to adapt to changes in traditional legal processes. Processes that were previously carried out in person have now shifted to digital, so advocates must learn new strategies, such as arguing via video conference or presenting digital evidence effectively in front of a judge. Professional ethics in the technological era are also important to consider. Unwise use of technology can damage an advocate's reputation and have legal implications. For example, while artificial intelligence (AI) can help with case research, advocates should still play an active role in the analysis and legal advice. Collaboration with technologists is also key to this adaptation strategy. Advocates can work with experts to ensure that the software and systems used are appropriate and secure. For example, technologists can help develop an efficient and secure electronic document management system, or ensure that video conferencing platforms meet technical standards for virtual trials. Overall, adapting to technological advances in legal practice, especially in the e-court system, requires strategic and ongoing efforts. Advocates must continue to learn, develop skills, and collaborate with various parties to remain relevant in carrying out their roles. Technological innovation is inevitable, but with the right approach, these challenges can be overcome, and the opportunities available can be utilized to strengthen the justice system in Indonesia.

4. CONCLUSION

Rapid technological developments have had a major impact on legal practice, especially in the implementation of electronic trials or e-courts. Although e-courts offer many advantages such as increased efficiency, wider access, and reduced costs, advocates are faced with various challenges in this era. They must quickly adapt to technological changes and ensure that the implementation of the technology does not violate the principles of justice. Another challenge arises in the context of ethics in online trials, where minimal supervision of the trial process can pose a risk of violating the rule of law. The gap in access to technology also has the potential to disrupt a fair trial process, because not

all parties have the same access to the technology needed to participate optimally in e-courts. Therefore, advocates need to improve their technical skills while adhering to the principles of legal ethics. In addition, ethical issues arising from interactions through online media require special attention from advocates. Trials conducted via computer screens or digital devices can reduce the intensity of communication, both between advocates and clients and with judges and opponents. Therefore, advocates need to remain professional and maintain clarity and accuracy of communication, regardless of the trial format. Another challenge that must be anticipated is the protection of personal data, because sensitive information in online trials has the potential to be leaked if not managed properly. In this case, advocates need to understand cybersecurity in depth and protect their clients' information with the right steps. To face this challenge, strategic steps are needed. One of them is to improve the training and education of advocates on technology and ethics in online trials. With adequate skills, advocates can overcome technical challenges and maintain legal integrity. In addition, advocates need to work with the government and judicial institutions to develop policies and regulations that support the fair use of technology in the justice system. This collaboration will help ensure that technological developments do not harm any party. In the future, strengthening regulations and supervision in online trials is also important to maintain legal protocols. Advocates must be more active in defending the rights of their clients if there is inequality in access to technology or misuse of the system. With an ethical approach and a focus on justice, advocates can help maintain public trust in the justice system, even amidst this rapid technological change. With a better understanding of the challenges faced and the solutions that need to be taken, advocates in the e-court era are expected to continue to carry out their roles with professionalism and integrity. Technology brings major changes, but with the right adaptation, these changes can lead to a faster, more efficient and fair justice system.

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