

# ERA-GLONASS State Information System: Practical Significance of Digital Technology for Recording the Circumstances of Road Traffic Accidents in the Judicial Resolution of Auto Insurance Disputes

Egorova O.A.\*

Russian State University of Justice, Moscow, Russia

\*Corresponding author. Email: olga\_0\_00@mail.ru

## ABSTRACT

This publication discusses the practical importance of using the digital technology of the ERA-GLONASS state information system for recording the circumstances of a road traffic accident. The research is based on the application of comparative legal analysis, systemic and structural analysis, synthesis method. The effectiveness and feasibility of using this digital technology, aimed at detailed and prompt registration of the initial circumstances of a road traffic accident, from the standpoint of their possible subsequent judicial proof in the course of litigation in an auto insurance dispute, is evaluated. The relevance of the study, dictated by the advancement of the digital paradigm for the use of various technical means of fixation, is also due to the fact that often the arguments about the inconsistency of the mechanism of occurrence of individual damages on the vehicle with the circumstances of a particular road traffic accident during the judicial resolution of an auto insurance conflict are based on the legal position of the insurance company referring to the absence of grounds for satisfying the claims of the policyholder to collect insurance compensation.

**Keywords:** digital technologies, auto insurance, ERA-GLONASS state information system, litigation, proof, significance

## 1. INTRODUCTION

The digital space for the development of public relations, the popularization of which takes place in various legal relations, has spread its sphere of influence and auto insurance as the most dynamically developing sphere of relations.

It was reasonably noted about the consequence of the spread of digital technologies in the form of the creation of new methods and means of regulation [1] and the conditionality of the expediency of digitalization of the law itself in view of the need to provide legal regulation of the processes of digitalization of the economy and public administration [2]. The priority of the interests of the individual, society and the state is a key determinant in the formation of the ideology of the state [3].

The increasing spread of the possibilities of using digital opportunities introduced into insurance legal relations contributes to the variability of the actions of its participants. The digital transformation of the methods of fixing insurance legal relations, which begins at the stage of formalizing the contractual relationship between the insurance company and the client, the consumer of the financial service, continues at the stage of fixing the occurred insured event (road traffic accident), recognized as an insured event, and at the stage of pre-trial and judicial dispute resolution.

The validity of the integration of the use of digital technologies in insurance legal relations, despite the number of legislative definitions already introduced in this part, further work on regulatory adjustment of which is ongoing, is not questioned. The doctrine notes the acquisition of a special "acuteness" of the issue of road safety and the operation of vehicles in connection with the growth of motor vehicles [4].

Popularization of the use of digital technologies to record the circumstances of a road traffic accident, the number of which is increasing every year, is an important and urgent task of the legislator. The position is expressed about the need to fill national legal systems with standards that can acquire a different degree of compatibility within the framework of the formation of a macroenvironment of legal regulation, in connection with the digitalization of society [5].

The normative incorporation of the use of digital possibilities for establishing the circumstances of a road traffic accident, which often have a "complex" combination and variety, serves as the basis for their timely fixation, providing a possible way of proving that may arise in the future, implemented with the help of such means of proof, the validity of a legal position in an auto insurance dispute, legally resolved.

The need for widespread introduction of information and communication technologies and digital data in public

administration is also indicated in the doctrine [6]. At the same time, the prospect of the emerging practical trend in the use of digital methods of recording the circumstances of a road traffic accident is subject to assessment from the standpoint of the effectiveness and appropriateness of the use of specific such technologies, including through the prism of the possibilities of their "procedural" use in judicial proving of certain circumstances of an auto insurance conflict.

## **2. RESEARCH METHODOLOGY**

The methodological basis of the research involves the use of comparative legal analysis, systemic and structural analysis, and the synthesis method.

The dynamically developing relations in the Russian Federation in the field of auto insurance give rise to a substantive interest in increasing the legislative level of protection of the rights of not only vehicle owners, but also other road users. Continuous normative and creative work in this direction, characterized by the combined nature of legislative adjustments, seeks to comply with the digital trends emerging in the current Russian realities. Ensuring the optimal level of specification of rights and freedoms is the responsibility of the legislator [7].

One of the significant legislative adjustments is the introduction of a digital emergency response system in case of a road traffic accident: the ERA-GLONASS state automated information system, created to improve the responsiveness of emergency operational services. The abbreviation "ERA", used by the legislator, suggests a meaningful decoding in the form of "emergency response in an accident", identical to the goals of creating this digital system. It should be noted that there is an identical pan-European eCall system, with the principle of operation of which, when developing the ERA-GLONASS system, for the purpose of technological compatibility, the requirements for the main functional properties are unified, including the minimum required amount and set of transmitted data, their obligation, and format.

The importance of using a digital emergency response system of operational services in a road traffic accident should be assessed through the prism of the cumulative effect of two aspects.

### ***2.2. "Technical" consequences of the results of the application of the ERA-GLONASS state automated information system***

The operation of the ERA-GLONASS state automated system presupposes the operation of several interconnected structural elements, the key of which is the automobile emergency call system, which provides for a system or device to be installed on a wheeled vehicle. The statutory requirements set forth in the Rules for the provision of information about a road traffic accident to the insurer, ensuring that the insurer receives uncorrected

information about a road traffic accident, which is an appendix to the Decree of the Government of the Russian Federation dated August 28, 2019 No. 1108 [8], are as follows. The set of initial information transmitted in an uncorrected form, recorded using the car emergency call system, includes data on the coordinates of the vehicle's location at the time of the road accident, its direction of movement and speed; data on the date and time of the traffic accident; data on the parameters of deceleration (acceleration) of the car in case of a road accident.

Thus, the practical result of the operation of this automobile system (device) is to determine the coordinates, the speed of the wheeled vehicle and the direction of its movement, recorded using signals from the global navigation satellite system GLONASS, separately or in conjunction with other operating similar systems; as well as the transmission of information about a road traffic accident in automatic or manual mode while providing two-way voice communication with emergency operational services, installed over mobile radiotelephone networks.

The timeliness and "speed" of information transmission received when using the specified automobile system (device), implemented by pressing the corresponding button on it by the driver no later than 10 minutes after the road traffic accident, is carried out by its immediate transmission to the ERA-GLONASS state automated system. In turn, information about the circumstances of damage to a vehicle as a result of a road traffic accident when using the technology of the GLONASS system separately or together with other similar operating systems is automatically transferred from the ERA-GLONASS state automated system to the automated information system of compulsory insurance no later than in 60 minutes.

Thus, the ERA-GLONASS emergency response system for road accidents, functioning through several interdependent technical structural elements, makes it possible to form and ensure the transmission of the minimum required set of data about a vehicle in a road traffic accident and the circumstances of causing property damage to it. At the same time, the fixation of such data is carried out by their uncorrected registration, which allows it to be transferred also in an uncorrected format, ensuring the guarantee, safety, accuracy and correctness of the initial information and data.

Compliance with the specified criteria for digital recording of the circumstances of a road traffic accident actually contributes to the reliability of their registration, excluding the possibility of subsequent reporting by the vehicle driver of inaccurate information to the insurance organization about the circumstances of the incident, which needs to be authenticated to establish the right of the insured to claim damages.

### ***2.3. The procedural "evidentiary" value of the use of the state automated information system ERA-GLONASS in the judicial review of an auto insurance conflict***

The normatively regulated possibility of using the state automated system ERA-GLONASS, enshrined in Article 11.1 of the Federal Law of April 25, 2002 No. 40-FZ "On Compulsory Motor Third Party Liability Insurance of Vehicle Owners" (hereinafter referred to as the Law on CMTPL) [9], is established at the use of a non-alternative (simplified) procedure for registering a road traffic accident, involving the fixation of its circumstances by the participants themselves in the absence of authorized police officers.

The specified legal definition, which provides for a "general rule" on the maximum possible amount of insurance payment due to the victim in compensation for property damage to the vehicle, the amount of which is 100 thousand rubles (cl. 4), at the same time, allows for the possibility of its increase.

The increase in the maximum permissible volume of the liability limit of the insurance company is due to the need to establish in court the fact that the victim, a participant in a road traffic accident, during the initial appeal to the insurance company, data on the circumstances of causing damage to a vehicle as a result of a road accident, recorded with the help of technical means control, providing uncorrected registration of information and information. The data recorded and installed with the use of navigation aids operating using GLONASS or GLONASS technology in conjunction with other global satellite navigation systems are referred to the data of such technical means of control.

The establishment of the fact that the victim has submitted these "required" documents to the insurance organization that insured his civil liability, causes a change in the direction of increasing the maximum amount of civil liability of the latter to a sum of 400 thousand rubles. Failure to submit the specified required documents actually "deprives" the insured of the right to claim insurance compensation in an amount greater than the legally established "general" rule on the insurer's liability limit in a simplified procedure for registering a traffic accident.

Thus, the evidentiary activity of the insured wishing to receive insurance indemnity in court in the amount determined "outside" the generally established limit of liability of the insurance company with this method of fixing a road traffic accident, among other things, involves the activity of proving the fact of compliance with the statutory requirements concerning the necessity, obligation and timeliness of submission to the insurance organization of data on the circumstances of causing property damage to the vehicle, using the means of technical control of the state automated information system ERA-GLONASS.

The judicial establishment of this fact will make it possible not only to come to the conclusion about the legality (illegality) of the decision of the insurance organization to

pay the insured insurance compensation in an amount not exceeding 100 rubles, but also to determine the applicable rule of law. Thus, the legal regulation of the "general" limit of liability of an insurance company, established in cl. 4 of Article 11.1 of the Law on Compulsory CMTPL, is not identical to the legal regulation of the issue of the possibility of collecting the maximum possible amount of insurance compensation in the amount of 400 thousand rubles, enshrined in cl. 6 of Article 11.1 of the Law on CMTPL.

From the practical use of the data of the state automated information system ERA-GLONASS recorded in the uncorrected format of the data of the state automated information system ERA-GLONASS in judicial consideration and resolution of an auto insurance conflict, the amount of substantive legal claims of the insured to pay insurance compensation addressed to the insurance company depends. Without a doubt, legality and fairness are ensured by the observance of the law [10]. Optimal justice is achieved, inter alia, at an appropriate stage by adapting the judicial mechanism to the needs of those seeking legal protection [11].

The practical value of the application of the investigated digital technology for recording the circumstances of a road traffic accident from the "evidentiary" point of view lies in the fact that the obtained uncorrected information, drawn up in documentary form, during judicial resolution of an auto insurance conflict can be used in the production of an autotechnical forensic examination assigned for resolution the question of establishing the correspondence of the mechanism of occurrence of individual damage to the car to the circumstances of a particular road traffic accident. The doctrine expresses the position that in many respects the expert's conclusions are determined by the initial data [12], while obtaining such data in the light of developed technologies can be carried out taking into account more "advanced" technologies than the production of conventional photography [13]. The competence of an expert-auto technician includes assessing the technical condition of a technical device that participated in a road traffic accident, analyzing the behavior of participants in a road traffic accident and the environment at the scene of the accident; carrying out an examination of the road traffic accident itself or its individual stages, as well as the actual possibility of preventing the accident, analyzing and solving the issues of the safety of vehicle operation [14].

The total amount of insurance indemnity payable, in turn, determined on the basis of the total cost of refurbishment of all damaged parts (assemblies, assemblies) of the car, actually depends on the correctness of establishing the entire list of damages sustained by a vehicle as a result of a particular road traffic accident.

Recorded with the use of navigation aids operating with the use of GLONASS technology, data on the circumstances of a road traffic accident have evidentiary "value", seen in a more informative and reliable content of information about the incident, actually acting as a "tool" to minimize the arbitrariness of actions of participants in the insurance legal relationship. It was reasonably noted that there is no doubt that the Russian legal system is

objectively "saturated" with digitalization processes, the support of which significantly increases the country's competitiveness and investment attractiveness [15].

### 3. RESEARCH RESULT

The undoubted practical value of the digital procedure for recording the circumstances of a road traffic accident is provided due to the cumulative effect of its results to be assessed. The cumulation of the impact from the "technical" point of view makes it possible to ensure the safety and reliability of the initial data on the circumstances of the road accident that occurred, the presence of which in the judicial stage of considering an auto insurance conflict, in turn, can be used to verify the arguments of the insurance company about the inconsistency of the mechanism of occurrence of individual damages by car to the circumstances of the claimed case (traffic accident). On the other hand, the positive dynamics of the "procedural" impact is not excluded, affecting in court consideration and resolution of an auto insurance dispute, which implies the possibility of formulating a conclusion about the volume of claims to be satisfied for the recovery of insurance compensation, declared by the insured, a participant in a traffic accident, from the point of establishing the fact presentation of the last data of the ERA-GLONASS emergency response system in case of road accidents.

Informational results obtained using the digital technology of the ERA-GLONASS emergency response system are inherent not only in the criteria of safety, objectivity, reliability, but also in the criteria of sufficient information content and meaningfulness.

Of course, the digital paradigm of regulation does not negate the need to comply with the established regulatory models with international human rights standards [16].

### 4. DISCUSSION OF THE RESULTS

The ERA-GLONASS emergency response system for road traffic accidents, functioning when several interconnected technical elements are implemented, is a highly informative procedure for digital recording of the circumstances of causing property damage to a vehicle as a result of a road accident. Its use makes it possible to quickly and in an uncorrected form record such data that can be used in court to prove the position of the disputing parties who are participants in the insurance legal relationship while reducing the response time of emergency operational services to reduce the severity of the consequences of a traffic accident for its participants.

### 5. CONCLUSION

The study confirms the spreading popularization of the use of various digital technologies in fixing the circumstances

of a road traffic accident that affect the subsequent insurance relationships that are often characterized by the variability of the actions of their participants. The significance of the practical application of the digital models introduced by the Russian legislator of the procedure for fixing and registering a road traffic accident is not questioned due to the "informativeness" of the data and information obtained with their help, the guarantee of the reliability, objectivity, and safety of which is established by the normative.

### REFERENCES

- [1] E. Gromova, T. Ivanc, Regulatory sandboxes (Experimental legal regimes) for digital innovations in BRICS, *BRICS Law Journal*, 7(2) (2020) 10-36.
- [2] R.B. Golovkin, O.S. Amosova, "Digital rights" and "digital law" in the mechanisms of digitalization of the economy and public administration, *Bulletin of the Vladimir Law Institute*, 2 (51) (2019) 163-166.
- [3] N.A. Taraban, Constitutional foundations of ideological pluralism in the Russian Federation and foreign countries: comparative legal aspect, *Comparative politics*, 10(3) (2020) 15-21.
- [4] E.O. Yakovleva, Trends in the development of criminal policy in the era of mass robotization of vehicles, *Bulletin of the Tomsk State University, Right*, 36 (2020) 136-144.
- [5] O.A. Stepanov, On the problem of concretizing law in the context of digitalization of public practice, *Law. Journal of the Higher School of Economics*, 3 (2018) 4-23.
- [6] E.V. Gritsenko, P.A. Kuryndin, Digitalization of control and supervisory activities: the experience of Russia and France, *Law enforcement*, 4(3) (2020) 25-45.
- [7] Yu.A. Chernysheva, Human rights in the context of digitalization of society, *Psychology and law*, 2019 (9), No. 4, pp. 90-102. DOI: 10.17759/psylaw.2019090407.
- [8] Collected Legislation of the Russian Federation dated September 9, 2019, No. 36, Art. 5023.
- [9] Collected Legislation of the Russian Federation dated May 6, 2002, No. 18, Art. 1720.
- [10] L.A. Terekhova, Consolidation of the principles of legal proceedings in the Code of Administrative Procedure and in the Civil Procedure Code, *Law enforcement*, 4(3) (2020) 139-147.

- [11] S. Nikitin, M. Patsatsiya, Summary procedures and optimization of commercial court proceedings in Russia, *BRICS Law Journal*, 6(2) (2019) 108-131.
- [12] O.D. Yaroshik, Issues of legal (legal) assessment of the causes and circumstances of an accident and the problems of protecting its participants, *Eurasian Advocacy*, 1 (44) (2020) 65-74.
- [13] S.N. Dumnov, On the issue of using the method of laser 3D scanning in the production of forensic autotechnical examination, *Bulletin of the East Siberian Institute of the Ministry of Internal Affairs of Russia*, 3 (90) (2019) 133-145.
- [14] M.A. Tarasova, S.A. Rassokhin, Some problems of appointing a forensic autotechnical examination in courts of general jurisdiction, *Bulletin of Udmurt University. Series Economics and Law*, 28(6) (2018) 845-848.
- [15] A.V. Zakharkina, Positiveness of the institution of conditional fulfillment of obligations as a necessary condition for increasing the investment attractiveness of the Russian legal system, *Bulletin of Perm University. Legal sciences*, 2018, Issue. 40, pp. 240–263. DOI: 10.17072/1995-4190-2018-40-240-263.
- [16] A. Lushnikov, M. Lushnikova, The Eurasian model of international labour legislation in the context of globalization, *Russian Law Journal*, 4(4) (2016) 95-111.