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ACCESS TO JUSTICE IN THE DIGITAL AGE

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Abstract

The paper focuses on the right to access to justice in the context of ongoing digitalisation. Access to justice enables individuals to utilise existing legal mechanisms to protect their rights, adhering to substantial standards of justice. Access to justice is essential for the rule of law and human rights. In the paper's first section, we analyse access to justice from a human rights perspective. Access to justice encompasses several core human rights, such as the right to a fair trial, and the right to an effective remedy. We then discuss the role of Artificial Intelligence (AI) in court and how it influences access to justice. We aim to determine whether digitisation and AI tools enhance access to justice and lead to more efficient legal processes. Can the online landscape and the implementation of AI address the shortcomings associated with accessing justice in traditional offline settings? Our initial hypothesis is that modern AI-based tools can facilitate the exercise of the right to access to justice. However, we also recognise that these tools face numerous challenges not typically encountered in the offline environement, which must be addressed to ensure proper access to justice. The author defines the normative and comparative methods as the framework for analysis.

Key words: access to justice, e-justice, AI, Law-chatbot.

ПРАВО НА ПРИСТУП ПРАВОСУЂУ У ДИГИТАЛНОМ ДОБУ

Апстракт

У фокусу рада је право на приступ правосуђу у контексту текуће дигитализације. Право на приступ правосуђу омогућава појединцима да искорите постојеће правне механизме за заштиту права, придржавајући се суштинских стандарда правде. Приступ правди је од кључног значаја за владавину права и људска права. У првом делу рада, анализирамо приступ правосуђу из перспективе људских права. Право на приступ правосуђу обухвата неколико основних људских права, попут права на правично суђење и права на ефикасан правни лек. Затим ћемо говорити о улози вештачке интелигенције у судовима и о томе како она утиче на приступ правосуђу. Наш циљ је да утврдимо да ли дигитализација и алати вештачке интелигенције побољшавају при-

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ступ правди и да ли доводе до ефикасних правних поступака. Да ли онлајн окружење и примена вештачке интелигенције могу решити недостатке повезане са приступом правосуђу у традиционалном офлајн окружењу? Наша полазна хипотеза је да употреба савремених алата заснованих на вештачкој интелигенцији може олакшати остваривање права на приступ правди. Међутим, истовремено препознајемо да коришћење ових алата покреће бројне изазове који нису карактеристични за офлајн окружење, а који се морају решити како би се обезбедио одговарајући приступ правди. Методолошки аспект за који се ауторка определила је нормативни и упоредноправни.

Кључне речи: приступ правосуђу, е-правосуђе, вештачка интелигенција, правни чет-бот.

INTRODUCTION

Access to justice is an essential component of any democratic state. It is imperative for upholding the rule of law and enabling its citizens to effectively exercise their human rights. It allows individuals to defend themselves against rights violations, remedy civil wrongs, hold executive power accountable and protect themselves in criminal proceedings (European Union Agency for Fundamental Rights, 2016, p.16). Access to justice is not a just right *per se*; it also empowers individuals to uphold their other rights within a specified legal framework. Recognised as a 'cross-cutting right', it should be understood and interpreted according to other principles, "such as equal recognition before the law" (Gutterman, 2022, p. 2). Access to justice empowers individuals to demand the protection of their rights, regardless of their economic, social, political, migratory, racial, or ethnic status, religious affiliation, gender identity, or sexual orientation (Lima, Homez, 2020, p. 2). The concept encompasses all phases of the 'chain of justice,' starting with awareness and access to information regarding rights within civil society, extends through the actions of law enforcement authorities, and culminates in the application of appropriate legal remedies. To facilitate access to justice, it is crucial to identify appropriate institutions within the justice system that can focus on citizens and their legal and justice concerns. The ability of individuals to fully engage within existing legal mechanisms to protect their rights and adhere to substantive legal standards is conventionally referred to as access to justice. Access to justice is an essential fundamental human right that is guaranteed at both the international and national levels (Tasić, 2020, p. 621).

The UN Human Rights Committee pioneered the concept of access to justice (Lima, Gomez, 2020). This right is enshrined in various UN instruments as well as in Article 6 of the ECHR and Article 47 of the EU Charter of Fundamental Rights. It encompasses the right to access courts in civil matters and includes guarantees related to court organisation and proceedings. The European Court of Human Rights has gradually developed this right, emphasising that access to court includes the ability to initiate proceedings and resolve disputes effectively. Although the right to

access a court is not absolute and may have limitations, these should not undermine its essence. The right to access to court must be effective by providing the individual with a clear, practical opportunity to challenge acts that interfere with their right[1]. According to the Court of Justice case law, the core of the fundamental right to an effective remedy and a fair trial within the EU's judicial protection system serves as a development tool in the EU legal framework, encouraging the progressive realisation of Charter rights (Gutman, 2019, p. 903).

THE DIGITAL TRANSFORMATION AND THE JUSTICE SYSTEM

The rapid advancement of information and communication technology (ICT) since the 1960s has significantly impacted various aspects of society, including human rights and legal protections. In the context of pervasive digitisation, access to justice has gained importance, with technology serving as a facilitator. While the judiciary is traditionally seen as conservative, recent technological developments show promise in addressing these challenges. The incorporation of ICT in the justice system can be divided into three stages, each reflecting differing levels of technological advancements (Kramer, Van Gelder, Themeli, 2018, p. 211). The initial electronic stage began in the 1980s when courts and lawyers started using computers for information storage and document creation (Velicogna, 2007, p. 131). The first phase is marked by using basic technologies. Computers were used for drafting and printing basic documents, using e-mail for informal communication and browsing the internet. However, it was only in the 1990s that several European governments began supplying the courts with equipment and office applications in a more structured manner.

The second phase is marked by the advent of smart hardware and software that actively process and deliver information, resulting in significant enhancements to the justice system. The transition from paper-based to electronic documentation has enabled the adoption of web-based services, online access to legislation and case law, e-filling, and the electronic exchange of legal documents. This enables virtual interactions between parties, with court users often contracting courts remotely via email, websites, or mobile apps. Regarding court litigation, ICT devices and programs are utilised as tools for organising litigations, courtroom technologies, and decision-making (Kramer *et al*, 2018, p. 212). Litigation organisational tools, used outside the courtroom, help facilitate proceedings and include information technology systems, evidence documentation applications, and various communication devices. In the courtroom, advancements such as audio and video recording systems, as well as remote communication tools for testimony, have been essential during hearings. The development

[1] ECtHR, *De Geouffre de la Pradelle v. France*, no. 12964/87, 16. 12. 1992, para. 35.

of digital technologies has enabled the establishment of a more interactive procedural framework, thereby enhancing the virtual aspects of traditional processes. To fully capitalise on these advancements, legal regulations must evolve in alignment with technological developments. Certain courtroom technologies require prior legal approval and the establishment of specific regulations for their use. Delays in regulation can hinder the effective implementation of these innovations in the legal system. Electronic systems of case file management, electronic proceedings, electronic applications, and a system of random allocation of cases to judges are the main achievements in this period.

Artificial intelligence (AI)[2] represents the third stage of ICT development, referring to machine-based systems designed to operate autonomously and adapt after deployment. AI systems infer outputs like predictions and decisions from user input, impacting physical and virtual environments.[3] The integration of AI is significantly transforming the roles of judges and lawyers, potentially undermining traditional court procedures. Decision-making tools powered by AI can facilitate expedited dispute resolution, reduce costs, and enhance the efficiency of court proceedings. The emergence of robot judges and algorithms for rendering underscores the application of AI in this domain. There are examples of testing the adoption of automated judgments in first-instance proceedings in civil law disputes, especially in disputes of small values (such as the 'robot-judge' project in Estonia) (Nenadić, Miljuš, 2022, p. 301). Considering the information provided, the robotic judges could have many advantages (Nakad-Westrate et al 2015, p. 63). The benefits associated with digital judges include speed, objectivity, and accuracy, as these systems exhibit reduced susceptibility to human error. Nonetheless, concerns persist regarding potential misunderstandings in the decision-making process and non-transparent algorithms, which may jeopardise fundamental rights. While fully automated judgments presents certain challenges, AI can effectively support judges in drafting decisions and identifying analogous cases, laws, regulations and court interpretations.

AI technologies are poised to deliver more benefits than other digital technologies, owing to their capacity to extract information from extensive textual data at a speed significantly surpassing that of humans. These ben-

[2] The scientific community has not accepted a single definition of AI, and it is commonly used as a term to refer to different computer applications that use different techniques and exhibit capabilities commonly associated with human intelligence. The European Commission proposes to establish a legal definition of 'AI system' in EU law, which is primarily based on a definition already used by the OECD. Article 3(1) of the draft AI ACT stated that an 'artificial intelligence system' means software that is developed with (specific) techniques and approaches and can, for a given set of human-defined objectives, generate outputs such as content, predictions, recommendations, or decisions influencing the environments they interact with.

[3] Article 3, AI Act

efits stem from the ability of AI devices to extract information from a vast amount of text significantly faster than humans can. The capability to address legal questions based on this extracted information represents a significant advancement in aiding individuals with their tasks. Moreover, the potential for AI to retrieve arguments from documents positions these systems as viable alternatives for professionals in the justice sector. As legal text analytics and mining continue to develop, certain AI systems will not only be able to replicate arguments found in existing documents but also generate new arguments. This evolution will be advantageous for judges, lawyers, and government entities, as it can reduce the time spent constructing arguments, or save costs by using AI machines to replace humans (Kramer et al, 2018, p. 6).

One area where AI can be highly beneficial is in providing citizens with essential information on basic legal matters. The issue of legal literacy among citizens has been highlighted on various occasions. Many individuals lack awareness of fundamental rules and regulations; when they find themselves in situations requiring court intervention, they find the process overwhelming due to the associated costs and time commitments. Consequently, there is a pronounced need for accessible information that is presented in plain language, alongside clear answers to direct inquiries. These may include whether a specific law may apply to an individual's situation, what options are available to victims, or the likelihood of prevalling in a case under particular circumstances.

In recent years, numerous law tech companies have leveraged software and information technologies to enhance the productivity of judicial services. These companies focus on practical applications and more concrete practice than the 'robot judge' dream (Fernandes, Duvoisin, Horst, 2022, p. 213). Lawtech activities that utilise AI predominantly involve searching large volumes of documents, gathering procedural information, and reviewing decisions made by courts or judges. AI can also be employed to handle notary public routines that do not need judicial review. This eliminates delays in cases waiting for processing by a clerk.

Currently, attention is being drawn to the development and implementation of an innovative solution known as 'Law Chatbots,' which aims to revolutionise access to legal information and services. The Law Chatbot is an artificial intelligence-powered conversational agenda designed to address user queries across a wide spectrum of legal topics, including civil law, criminal law, contract law, and intellectual property rights (Misquita et al, 2024, p. 164). The assistance provided by such tools would be particularly valuable in areas such as the Right to Information and Consumer Rights Protection (Srivastava, 2023, p.33-34). The motivation behind the development of Law Chatbots stems from the urgent need to democratise access to legal expertise by addressing obstacles such as cost, complexity, and the restricted availability of legal professionals. Utilising AI and natu-

ral language processing, these chatbots provide instant and cost-effective legal advice, guidance, and resources to individuals and businesses, independent of time or geographic constraints. With a seamless inclusion into messaging platforms and web interfaces, the Law Chatbots offered 24/7 availability, enabling users to efficiently and confidently navigate complex legal issues. By enhancing legal literacy, promoting legal empowerment, and facilitating access to justice in the digital age, Law Chatbot represents "a transformative tool in bridging the gap between legal professionals and the general populace" (Misquita, Sawant, Shaikh, Patil, Narkar, 2024, p. 164). Rule-based chatbots utilise predefined sets of rules, logic, and patterns to interpret user queries and generate responses. They rely on structured knowledge bases that encompass legal rules, statutes, and frequently asked questions. Although these chatbots offer benefits like simplicity and transparency, they inevitably encounter significant limitations. These limitations include difficulties in managing complex queries, accommodating natural language variability, and facing persistent challenges in maintenance and adaptability. AI-based chatbots such as Amica, Adie, etc. have emerged as valuable tools in various legal fields across numerous countries (Srivastava, 2023, p. 33). Their widespread implementation is transforming the delivery of legal assistance, making it more accessible and efficient for everyone.

The development of ICT and AI has led to the development of predictive tools designed to forecast the likelihood of individuals becoming either perpetrators or victims of specific criminal acts, or behaviours associated with particular categories of crime. The concept of predictive justice first emerged in the United States in 2013, in the case of State v. Loomis (Spalević, Ilić, 2024, p. 2). Predictive justice tools have the potential to anticipate the outcomes of court proceedings or certain phases within those proceedings by utilising mathematical algorithms that analyse vast amounts of data, including previous judicial decisions. In this context, the application of AI requires the input of a substantial volume of data, including laws, regulations, judgments, and documentation from a wide array of court cases into a computer program. The program subsequently evaluates a particular court procedure by extracting essential elements (the verdict of the decision). Each specific case is interconnected with past decisions from cases with similar material and procedural characteristics. This methodology enables the program to predict the outcome of an entire dispute or a specific stage of the process, with the reliability of the model hiding on the quality of the input data and the selected machine learning technique (Toskić Cvetinović, Tošić, 2022, p. 319). On the other hand, AI has the capacity to make independent decisions, meaning its actions are not necessarily dependent on its creator or controllers. While it is not incorrect to say that AI exhibits elements of human-like thinking to some degree, its interference and decision-making processes often have a 'black box' effect.

This means that the stages of decision-making and the detection of biases within AI can be obscure, raising concerns about the procedural rights involved.

These issues motivated the adoption of the European Ethical Charter on the use of AI in judicial systems by the European Commission for the Efficiency of Justice (CEPEJ). This Charter, established in December 2018, was the first European framework outlining ethical principles regarding the use of AI in the judiciary. CEPEJ has identified the following core principles to be respected in the field of AI and justice: the principle of respect of fundamental rights[4], the principle of non-discrimination[5], the principle of quality and security[6], the principle of transparency, impartiality and fairness[7], and the principle 'under user control.'[8] Individuals should not be subject to decisions that are based entirely on automated processing, such as algorithms, particularly when these decisions have legally binding implications or significantly affect their circumstances. However, such decisions must safeguard the individual's rights, freedoms, and legitimate interests by incorporating suitable safeguards. In situations where decisions are not grounded in legal requirements, individuals must be informed of the following (i) the ratio behind the decision-making process, (ii) their entitlement to seek human intervention, (iii) the potential ramifications of the processing, and (iv) their right to challenge the decision.[9]

E-JUSTICE

Developing e-justice is essential for modernising the justice system and enhancing access to justice. New technologies offer solutions to improve this access, making it a central focus of cyber justice research. Technology reduces costs and delays and integrates electronically managed court proceedings, all of which support fair judicial processes. E-justice promotes the key components of a fair trial, including fairness of proceed-

[4] Ensuring that the design and implementation of Ai tools and services are compatible with fundamental rights;
[5] Specifically preventing the development or intensification of any discrimination between individuals or groups of individuals;
[6] About the processing of judicial decisions and data, using certified sources and intangible data with models conceived in a multi-disciplinary manner, in a secure technological environment;
[7] Making data processing methods accessible and understandable, authorising external audits;
[8] Precluding a prescriptive approach and ensuring judicial decisions and data by algorithms and in the use made of them;
[9] https://commission.europa.eu/law/law-topic/data-protection/reform/rules-business-and-organisations/dealing-citizens/are-there-restrictions-use-automated-decision-making_en#example;

ings, public hearings, and reasonable case durations. It significantly benefits individuals and businesses, particularly in remote areas, by providing online resources for filing documents and participating in legal processes. Tools like online dispute resolution (ODR) expedite disputes without costly legal representation and improve transparency by allowing easy access to court records. Furthermore, e-justice serves to harmonise legal systems across jurisdictions, which is vital for cross-border trade, while also offering efficient, low-cost solutions for small claims. The development of e-justice upholds core values such as judicial independence, equality of access, and procedural transparency, ultimately enhancing human rights and justice accessibility across civil and criminal matters using similar digital tools.

The digitisation of justice has far-reaching implications across social, governmental, and economic domains. While it provides considerable societal value, it is pivotal to provide that all individuals have access to these advancements, as gaps in managerial power and knowledge can affect social cohesion. Inclusivity is crucial, particularly for diverse cultures and marginalised groups (Kramer et al, 2018, p. 214).

In the context of e-justice, the rights to a fair trial and effective remedy must be maintained. Access to justice relies on these principles, and therefore, it is vital to examine the implications of modern IT on fair procedures and judicial governance. Ensuring fairness within digital processes is a key concern, which requires the constant alignment of IT and procedural laws to adapt to technological changes.

When evaluating e-justice systems, seven values must be considered: independence, accountability, impartiality, equal access, transparency, privacy, and legal validity. Judicial independence is essential, as it separates courts from the executive and legislative branches. Evaluations should focus on whether e-justice systems, particularly case management tools, negatively impact this independence. Additional challenges may arise from outsourcing functionalities to private companies, which could compromise the independent functioning of e-justice systems. The nature of contracts established between public institutions and private entities plays a significant role in maintaining this independence.

When evaluating the e-justice system regarding accountability, two key areas must be considered judicial accountability and the accountability of the e-justice system itself. E-justice platforms can provide insights into judicial activities, efficiency, and compliance with norms, which should be part of the evaluation framework. Periodic assessments by internal and external organisations, including the Ministry of Justice, serve to uphold accountability and ensure transparency.

Impartiality is another critical value. The e-justice system should ensure equitable access to justice for all, regardless of gender, location, socio-economic status, or technological literacy. Nevertheless, privacy concerns may pose challenges to transparency, as integration of data might

raise security issues. Finally, legal validity is essential. Courts, lawyers, and judges must follow established rules and procedures to maintain a stable democracy. Evaluating e-justice requires the consideration of how technological digitisation impacts compliance with norms and user operations. E-filling systems must prevent identity fraud, ensuring beneficiaries recognise the system as legally valid. Legal validity in e-justice pertains, in equal measure, to citizens', lawyers', and judges' adherence to norms.

THE EU AND E-JUSTICE

The development of e-justice is essential for the effective operation of the judicial system in the EU. Since 2008, the EU Commission and Council have collaborated on various e-justice initiatives to create a pan-European judicial area that enhances legal certainty and the effectiveness of rights. The European e-justice Strategy was first introduced in May 2008, focusing on improving judicial cooperation and the use of ICT in administrative procedures. This was followed by the e-justice Strategy for 2009-2013, which emphasised the importance of ICT in legal processes. The most recent e-Justice Strategy for 2019-2023, approved in March 2019, aims to enhance access to legal information and streamline judicial operations. Key objectives include introducing new functions for the e-justice portal and improving access to courts, particularly small claims. Overall, the EU continues to prioritise the advancement of e-justice initiatives, aiming to enhance access to justice while simultaneously minimising costs and delays.

The EU's e-justice initiatives are closely connected to national developments in information technology, particularly within public administration and justice sectors. Following the establishment of a European framework for e-commerce in 2000, the European e-justice program was launched to simplify access to information and standard forms, facilitating electronic submissions among parties and courts. To enhance cross-border debt collection, the European Order for Payment Procedure and the European Small Claim Procedure were introduced, with the former starting on 12 December 2008, and the latter on 1 January 2009. These procedures aim to streamline small claims handling for consumers and small businesses, recommending written submissions to reduce costs and time. An oral hearing may occur if necessary, with technology enabling remote participation where appropriate. E-justice is prioritised under the EU's Digital Single Market strategy, aiming to improve access to justice. The European e-Justice Portal, launched in 2010, consolidated resources for legal professionals, EU citizens, and businesses, providing a wealth of information on EU and national law in multiple languages, along with interactive tools and access to CJEU case law.

As the process of digital transformation accelerates, it is essential for the EU to articulate how its core values and fundamental rights, which are relevant offline, should be effectively applied in the digital environ-

ment. The European Union is 'a union of values,' as enshrined in Article 2 of the Treaty of EU and in the Charter of Fundamental Rights, founded on respect for human dignity, freedom, democracy, equality, rule of law and respect for human rights. The European Parliament has advocated for ethical principles in guiding the EU's digital transformation, particularly in AI. In December 2022, the European Commission, the European Parliament, and the Council of the EU signed the European Declaration on Digital Rights and Principles, which prioritises the protection of fundamental rights online and aligns with EU constitutional values. The Declaration serves as a reference for policymakers to promote rights and democratic values in the digital age, emphasising the importance of innovation alongside these principles. It raises questions about European integration and the significance of constitutional digital rights. Furthermore, the Declaration commits to a safe and sustainable digital transformation that places people at the centre, fostering connectivity, fair working conditions, and access to digital public services. It is an essential component of a broader constitutional framework and supports the Digital Decade Policy Programme 2030, which sets concrete digital goals for the forthcoming decade.

The regulation of AI is one approach that the EU is employing to guarantee the responsible development and use of this innovative technology within its digital strategy. The European Artificial Act (AI Act), the world's first comprehensive regulation on artificial intelligence, is set to take effect on August 1, 2024. The AI Act is designed to ensure that AI developed and utilised in the EU is reliable, incorporating safeguards to protect individuals' fundamental rights. Member States are required to designate a national competent authority by August 2 2025, tasked with overseeing the application of the AI regulations and conducting market surveillance activities. AI holds the potential to transform our work and daily lives, promising significant benefits for citizens, society, and the European economy. The European way of digital transformation puts people first, ensuring that everyone's rights are upheld. With the introduction of the AI Act, the EU has made a crucial advacement in ensuring that AI technology adheres to EU regulations.

The EU AI Act introduces a risk-based approach to the regulation of AI, imposing varying requirements and obligations based on the level of risk to health, safety, and fundamental rights. The Act categorises risks into four groups:

1. Unacceptable risks – these lead to prohibited practices;
2. High risk – these trigger stringent obligations that are detailed and complex;
3. Limited risk – these come with transparency obligations; and
4. Minimal risk – stakeholders are encouraged to voluntarily create codes of conduct, regardless of whether they are based in the EU or a third country.

The AI Act establishes the regulations of 'high-risk' AI systems that possess the potential to adversely affect the safety or fundamental rights. It delineates two primary categories: systems employed as safety components within products, and systems utilised in eight designated areas, which the Commission may amend as necessary through delegated acts. Among these, the administration of justice and democratic processes are explicitly recognised.

THE DIGITISATION OF JUSTICE IN SERBIA

In 2019, the Republic of Serbia has adopted the Strategy for the Development of Artificial Intelligence for the period 2020-2025, thereby positioning itself as the first country in Southeast Europe to adopt a National strategy of AI (Badža, 2024, p.12). One of the key measures outlined in this strategy is the improvement of public sector services through the application of AI. Given the judiciary's longstanding challenges with a high volume of cases and limited efficiency, the use of AI could serve as an additional mechanism to address these issues. Following this strategy, Ethical Guidelines for the development, implementation, and robust and accountable AI were adopted in February 2023. These guidelines recognise high-risk AI systems that may directly or indirectly violate fundamental principles and conditions, particularly within the judiciary and democratic processes. They specifically address systems designed to assist judicial authorities in analysing and interpreting circumstances, facts, and legal norms to appropriately apply relevant legal standards.

In June 2023, Serbia signed associate agreements related to the Digital Europe Programme. The country is expected to further align its electronic communication legislation with the updated EU regulatory framework. A primary focus of digitisation in Serbia is outlined in the Digital Skills Development Strategy, which spans from 2020 to 2024. The primary objective of this strategy is to enhance the digital knowledge and skills of all citizens, including those belonging to vulnerable social groups. It aims to monitor the advancement of ICT in all areas, across various sectors and to address the requirements of the economy and labour market effectively. Additionally, a specific AI law is currently being prepared in Serbia. A task group has been formed, and the law is expected to come into effect in 2025. The primary aim of this forthcoming legislation is to establish a regulatory framework governing the creation and use of AI in Serbia.

In terms of access to justice, it is important to highlight the Judicial Development Strategy for the period 2020-2025. One of the specific objectives of this strategy is the development of e-Justice, aimed at increasing the efficiency of the judicial system, strengthening the rule of law, and enhancing access to justice and legal certainty. The ultimate goal is to ensure the quality and effective realisation of the protection of citizens' rights and

freedoms while raising the level of trust in the judicial system. The Judicial Information System, a platform for electronic data exchange between state bodies, and for compiling statistical data on court proceedings was adopted in 2018. Additionally, there are several subsystems utilised across various justice institutions.

The need to improve the ICT system in court is one of the challenges identified in relation to Chapter 23. Judicial institutions in Serbia employ an electronic case management system. In misdemeanour cases, the SIPRES software facilitates the electronic submission of misdemenor charges. The SIPRIS software is specifically designed for commercial courts. For prosecutions, the implementation of the SAPO (Standard Application for Prosecution Offices) software, along with the SAPA (Standard Application for Prison Administration) system, is currently underway in all institutions responsible for the execution of criminal sanctions. The SAPS application aids in managing cases in courts of both general and special jurisdiction, covering the entire lifecycle of a case from the submission of the initial document to the final decision and archiving. Within the case management process, users can create cases, enter data, and record all actions throughout the life of the case. This includes entering information on participants, assigning judges, scheduling hearings, and documenting decisions and their dispatch. The SAPS application also includes case search features based on the data entered or through searches of the textual content of the case.

The electronic communication system utilised by the Administrative Court, known as 'e-Sud,' began operating in 2018. This system, accessible via the Internet, allows all parties, including lawyers and citizens, to conduct administrative disputes entirely electronically. On January 1 2020, the court's electronic bulletin board, eTabla, which was established by the Ministry of Justice, became operational. eTabla provides citizens and legal entities with access to all documents from enforcement procedures that were not successfully delivered to them personally by the court or public bailiff. This electronic bulletin board replaced the previous physical bulletin boards in courts, enhancing the responsibility, transparency, and efficiency of the judiciary. It enables citizens and businesses to quickly and easily view the contents of court bulletin boards in one centralised online location.

This development significantly advances the protection of human rights, as eTabla allows all parties involved in enforcement and security proceedings before the courts of the Republic of Serbia to access important written documents related to their rights and obligations that could not be personally delivered to them. In addition to displaying and removing documents from the court's notice board, the electronic bulletin board keeps a special record of when each document was displayed and when it was removed. Currently, courts lack the capability to maintain these comprehensive records; thus, this functionally represents a significant improvement in court operations. Having all data related to delivery via the bulletin board available

in one electronic format directly impacts the efficiency and cost-effectiveness of procedures, both within the courts and with the Public Prosecutor's office.

In Serbia, the implementation of AI in the judiciary has not yet been realised. The introduction of AI-based system must be founded upon a solid legal framework, primarily through legislation. Furthermore, the implementation of these systems should be accompanied by adequate training for judicial employees and efforts to inform citizens about their rights regarding access to the courts.

CONCLUSION

The integration of AI within the judiciary system is significantly transforming the right to access to justice. As technology advancements continue to progress rapidly, they present both new opportunities and potential risks for exercising this right. In recent years, efforts to enhance the efficiency and accessibility of the judicial system have led to a gradual expansion in the use of technology. Such modernisation efforts contribute to building public confidence in the enforcement of rights and the impartiality of court operations.

One of the most significant advantages of digitising the courts is the time-saving it offers. Citizens can more quickly and affordably exercise their rights through information systems and online services, gaining better access to necessary information. For the courts, this means a faster, more efficient resolution of case handling and greater transparency. The incorportation of AI into the judicial system may also foster public awareness of individual rights and court processes. By streamlining communication between the judiciary and the public, AI enhances access to the justice system and disseminates information about ongoing legal procedures. The development of electronic case law databases and AI-supported sentencing systems can contribute to fairer and more predictable outcomes. Nonetheless, several challenges must be addressed to fully realise the potential of AI in this domain. Resource limitations often hinder the integration of information systems within the judicial system in many countries. Implementing such technologies and training court personnel required significant investment. Additionally, there exists the concern of potential biases against individuals who are not technologically proficient, which poses another hurdle to the increased use of AI in court proceedings. Many people still lack access to the Internet; therefore, it may be necessary to maintain traditional communication methods alongside e-procedures for some time.

The digital transformation of the judiciary should be centred on human needs while adhering to its fundamental principles, including the independence and impartiality of the courts, effective legal protection, and the right to a fair trial within a reasonable timeframe. Enhancing access to courts and the progress of proceedings aims to improve the experience of

citizens. The focus on law and justice should remain on individuals, rather than technology. Technology should serve as as an instrument to relieve the effective exercise of rights, particularly the right to access the courts.

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ПРАВО НА ПРИСТУП ПРАВОСУЂУ У ДИГИТАЛНОМ ДОБУ

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Резиме

У раду се анализира право на приступ правосуђу у контексту текуће дигитализације. Право на приступ правосуђу обухвата неколико основних људских права, попут права на правично суђење и права на ефикасан правни лек. Како технологија брзо напредује, она уводи нове могућности, али и нове ризике за остваривање овог права. Употреба вештачке интелигенције има значајног утицаја на остваривање права на приступ правосуђу. Вештачка интелигенција може побољшати комуникацију између судова и јавности поједностављивање приступа правосудном систему и пружањем информација о текућим поступцима. Једна од најзначајнијих предности дигитализације судова је уштеда времена. Грађани могу брже и повољније да остваре своја права путем информационих система и онлајн сервиса, добијајући бољи приступ потребним информацијама. За судове то значи брже, ефикасније решавање предемета и већу транспрентност. Интегрисање вештачке интелигенције у правосудни систем може повећати свест јавности о правима појединаца и судским процесима. Међутим, постоје и изазови које треба савладати. Ограничења ресурса често ометају интеграцију информационог система у правосудни систем у многим земљама. Имплементација таквих технологија и обука судског особља захтева значајна улагања. Потенцијалне пристрасности према појединцима који нису упознати са технологијом представљају још један изазов коришћењу вештачке интелигенције у судским поступцима. Многи људи и даље немају приступ Интернету, стога, можда ће бити неопходно да се одржавају традиционалне методе комуникације уз е-поступке.

Дигитални развој правосуђа треба да буде усдредсређен на људске потребе уз поштовање основних принципа, попут независности и непристрасности судова, ефикасну правну заштиту и право на суђење у разумном року. Технологија треба да послужи као средство за олакшавање ефективног остварења права на приступ правосуђу.