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ARTÍCULO DE INVESTIGACIÓN

## El concepto de justicia digital en la resolución de litigios familiares

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### Resumen

El artículo examina el concepto de justicia digital en la resolución de conflictos familiares. El uso de las nuevas tecnologías en las actividades judiciales plantea retos a los investigadores a la hora de definir las principales características y componentes de la justicia digital. El objetivo de la investigación es considerar la aplicación de las tecnologías digitales en las actividades judiciales relacionadas con los litigios familiares, identificar los principales componentes y características de la justicia digital y proponer un concepto de justicia digital basado en las características reunidas. Los métodos de investigación se basan en el análisis de una serie limitada de estudios, que se seleccionaron según parámetros específicos y se examinaron exhaustivamente; también se aplicaron el método de analogía y el análisis comparativo. Como resultado de la investigación realizada, se ha formado un concepto de justicia digital en los litigios familiares, en el que se definen los principales componentes de la justicia digital: desmaterialización del proceso judicial, acceso en línea a los materiales judiciales, uso de la comunicación por vídeo durante los procedimientos judiciales y aplicación de la inteligencia artificial en las actividades judiciales. Se han identificado las características de la justicia digital: tecnológica, electrónica, a distancia, organizativa, orientada a objetivos y característica del flujo de documentos digitales. Se han desarrollado los principios de la justicia digital, que sirven como ideas básicas y garantizan la resolución eficaz de litigios en el ámbito de las relaciones familiares.

**Palabras clave:** justicia digital, resolución de conflictos familiares, tecnologías digitales, inteligencia artificial, interacción electrónica.

### Abstract

#### The concept of digital justice in the resolution of family disputes

The article examines the concept of digital justice in resolving family disputes. The use of new technologies in judicial activities poses challenges for researchers in defining the main features and components of digital justice. The aim of the research is to consider the implementation of digital technologies in judicial activities related to family disputes,

identify the main components and features of digital justice, and propose a concept of digital justice based on gathered characteristics. Research methods are based on the analysis of a limited range of studies, which were selected according to specific parameters and comprehensively examined; analogy method and comparative analysis were also applied. As a result of the conducted research, a concept of digital justice in family disputes has been formed, in which the main components of digital justice are defined: dematerialization of the judicial process, online access to court materials, use of video communication during court proceedings, and application of artificial intelligence in court activities. Features of digital justice have been identified: technological, electronic, remote, organizational, target-oriented, and feature of digital document flow. Principles of digital justice have been developed, which serve as basic ideas and guarantee the effective resolution of disputes in the field of family relations.

**Keywords:** Digital Justice, Family Conflict Resolution, Digital Technologies, Artificial Intelligence, Electronic Interaction.

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## 1. Introduction

At the present stage, there is a rapid implementation of digital technologies in judicial activities, with interest in digitizing justice for family disputes, as civil litigation is the most demanded form of justice (Linant de Bellefonds, 1994). Digital justice becomes a useful tool for resolving family disputes as it allows for simplification and acceleration of the process. Many countries offer the possibility of filing divorce or other family-related documents online, significantly saving time and effort, especially if both parties agree to the divorce (Velicogna, 2014, 2018). Hearings on family matters are conducted via video conferencing, eliminating the need for physical presence, which is particularly useful if the parties live in different cities or countries. Some countries utilize algorithms to automate judicial decisions, such as property division or child custody determination, helping to avoid human errors and expedite decision-making processes (Bilousov et al., 2020). Digital technologies allow for easy storage and exchange of documents, such as photos, medical records, and financial reports, which can be useful in resolving family disputes (Benyekhleif et al., 2016).

The topic of digitizing judicial activities is of scientific interest, and researchers examine various aspects of integrating modern technologies into justice; however, there is insufficient research dedicated to a comprehensive analysis of the concept of digital justice.

The aim of this study is to explore the implementation of digital technologies in judicial activities related to family disputes, identify the main components and features of digital justice, and propose a concept of digital justice based on gathered characteristics.

## 2. Literature review

Analyzing digital justice for family disputes, experts note the benefits of online hearings and digital tools, providing remote access to services, a clear way to interact with the court, and the ability to receive information about case progress remotely (Alarie et al., 2018). Describing the activities of digital justice, researchers paid special attention to its main features, which allow not only to highlight the advantages of a digital judicial system but also to provide a complete picture of the new legal proceedings. These features include:

- *Technological feature*: the use of digital technologies and their integration into unified justice systems, creating digital databases for interaction between judicial bodies (Yildiz, 2007; Walker et al., 2019; Papavasiliou, 2020; Raso, 2021; Evans & Ndegwa, 2022; Voert et al., 2022; Creutzfeldt et al., 2024).

- *Electronic feature*: digital form of judicial proceedings (Schelenz & Schopp, 2018; Hodson, 2019; Gertner, 2020; Singh et al., 2021; Razveykina et al., 2022).

- *Remote feature*: interaction is carried out in a remote format between interested parties and judicial authorities (Schopp et al., 2019; Bănică, 2020; Gogić, 2022; Zeman, 2022).

- *Organizational feature*: the use of new organizational forms of court functioning related to the implementation of technologies in court infrastructure, procedural, and enforcement processes (Reiling, 2017; Adler, 2020; Zheng, 2020; Janssen, 2022; Tolou-Shams et al., 2022).

- *Target feature*: transparency of judicial protection, increasing the efficiency of court activities through technology implementation, increasing trust in judicial authorities (Eubanks, 2012; Bruquetas Callejo et al., 2022; Rusakova & Frolova, 2022; Foussard et al., 2023).

The analysis of selected studies on the topic of digital justice in family matters allowed us to identify three main components of digital justice. Different experts in their research consistently mention one or several components, emphasizing the importance of these elements in digital justice for family disputes.

*The first component* is the dematerialization of the judicial process, which involves fully electronic court proceedings in family dispute cases (Maslennikova & Vilkova, 2020; Susanto et al., 2022).

*The second component* is online access to court information (Martin, 2014; Zeleznikow, 2017; Buocz, 2018; Lupo & Velicogna, 2018; Velicogna, 2018; Re & Solow-Niederman, 2019; Velicogna, 2019).

*The third component* is the ability to use video communication for interactions with the court in resolving family disputes (Huq, 2015; Courts, 2018; Nikunen, 2018).

Digital access to the court is the opportunity for individuals and organizations to use the internet and other digital technologies to interact with judicial authorities, file documents, and participate in legal proceedings remotely (Viktora & Špaček, 2019). This includes online registration of legal entities, filing lawsuits, participating in hearings via webcams and video conferences, as well as receiving court decisions and rulings electronically.

Experts have sufficiently detailed the advantages of digitizing justice for family disputes in their works. Based on the main conclusions of researchers, we will thoroughly analyze and supplement the main theses presented in scientific papers, as well as formulate the concept of digital justice for family disputes based on components, features, and principles as basic ideas necessary for the implementation of the concept.

### **3. Methods**

To create the concept of digital justice for family disputes, we selected works of researchers from different countries whose research, in our opinion, has a long-term impact on research trends in this area. In this study, a desk review of works and comparative analysis of studies were applied. For comprehensive analysis, studies containing definitions of "digital justice," "digitization of family justice," "features of digital justice," and "advantages of digital justice" were selected.

In searching for documents, we adhered to the standards of "Preferred Reporting Items for Systematic Reviews and Meta-Analyses" (PRISMA). PRISMA requires all stages of searching and verification to be thoroughly described and documented by the researchers. The PRISMA flowchart consists of four stages: identification of articles, screening of articles, decision-making on the eligibility of studies, and final compilation of the list of studies for inclusion in the systematic review.

#### **Step 1: Data Collection**

We selected works written by scholars on the following topics: "digital justice," "digitization of family justice," "features of digital justice," and "advantages of digital justice." A bibliographic search was conducted in the Scopus database, Web of Science, on the resource <https://scholar.google.com/sv/scholar>, on official websites where major international legal acts are posted. We collected 151 publications across multiple categories.

#### **Step 2: Data Filtering Using Selection Criteria**

Studies were selected based on the following criteria:

1. Authors must have at least three publications on the topics of "digital justice," "digitization of family justice," "features of digital justice," and "advantages of digital justice" in the last 10 years.

2. More than 50% of the author's research should pertain to legal topics out of the total number of publications.

3. The author's profile must indicate that their publications are thematically related to legal sciences.

4. The work must have been written between 2010 and 2024.

With this approach, initially, over 151 publications were selected.

Step 3: Data Filtering by Reading the Full Text

We read the full text of articles for which it was difficult to determine the relevance of the topic based on the title and abstract. After careful selection, 51 works were chosen.

Using this methodology allowed us to identify the main components and features of judicial activities related to family disputes, associated with the implementation of modern digital technologies, and propose a concept of digital justice for family disputes.

#### **4. Results**

Digital justice in family disputes represents a new modern type of court organization and operation, which is based on the application of information and communication systems and network interaction through the exchange of digital data between judicial bodies and parties involved in the case.

As demonstrated by the conducted analysis, researchers have identified the main components of digital justice in family disputes. These include *the dematerialization of the judicial process* (Maslennikova & Vilkova, 2020; Susanto et al., 2022), *online access to court materials* (Martin, 2014; Zeleznikow, 2017; Lupo & Velicogna, 2018; Velicogna, 2018; Re & Solow-Niederman, 2019; Velicogna, 2019), and *the use of video communication during court proceedings* (Huq, 2015; Courts, 2018; Nikunen, 2018).

Agreeing with the three-component approach in characterizing digital justice in family matters, we will complement this approach with a fourth component, which involves the application of artificial intelligence in court activities when resolving family disputes. The use of artificial intelligence can solve many tasks:

- Analysis of judicial statistics using a search system.

- Drafting submissions to the court, lawsuits for the division of jointly acquired property, allocation of parental responsibilities after divorce, arrangements for child support, etc.

- Predictive justice, which allows determining the success of a case through statistical modeling based on previously made decisions.

- Providing information on the progress of resolving family disputes through chatbots.

The use of artificial intelligence in judicial processes, including the resolution of family disputes, can take various forms. Here are several examples:

- Automatic extraction and analysis of data: Artificial intelligence can be used to automatically extract and analyze data from various sources, such as court decisions, legal documents, etc. This can help judges make decisions quickly and efficiently.

- Creating decision-making algorithms: Artificial intelligence can also be used to create algorithms that can help judges make more informed decisions regarding family disputes. For example, algorithms can take into account factors such as age, income, education, and experience of spouses when determining the amount of alimony or the visitation schedule for children (Bedford-Strohm, 2022).

- Support in preparing legal documents: Artificial intelligence can offer assistance in the process of preparing legal documents, for example, by using AI-based text generation for quick and efficient drafting of statements, motions, or agreements.

- Speech and language recognition: Artificial intelligence can also be used for speech and language recognition to speed up the court proceedings. For example, judges can use voice commands or text messages to request information or make decisions during hearings.

- Risk assessment and prediction: Artificial intelligence is also used for risk assessment and predicting the outcomes of legal cases.

The application of artificial intelligence in the judicial process for family disputes is possible both at the pre-trial stage and during the court process, as well as for creating statistical reports and electronic archives (Boto, 2023). In the future, artificial intelligence will allow the creation of service-oriented courts, enabling effective interaction with plaintiffs and defendants and optimizing all stages of the legal process.

## 5. Discussion

Experts have dedicated their works to the use of digital tools in the field of family justice, with much attention given to topics such as conducting digital court proceedings in family disputes, electronic document exchange between parties, and electronic communication between courts in resolving family disputes in transboundary cases. In analyzing the works, the features of digital justice were identified: *technological* (Walker et al., 2019; Papavasiliou, 2020; Raso, 2021; Evans & Ndegwa, 2022; Voert et al., 2022; Creutzfeldt et al., 2024), *electronic* (Schelenz & Schopp, 2018; Hodson, 2019; Singh et al., 2021; Razveykina et al., 2022), *remote* (Schopp et al., 2019; Adler, 2020; Bănică, 2020; Gogić, 2022; Zeman, 2022), *organizational* (Janssen, 2022; Tolou-Shams et al.,

2022), and *target-oriented* (Eubanks, 2012; Bruquetas Callejo et al., 2022; Rusakova & Frolova, 2022; Foussard et al., 2023).

Overall, supporting the features characterizing the activities of digital justice in family matters, we will highlight another important feature related to document management. The transition in judicial activities from paper document flow to electronic has occurred gradually. At the initial stage, judicial bodies began using electronic spreadsheets and text editors for document creation and editing (Alarie et al., 2018). Then, electronic document management systems appeared, allowing for document management, storage in electronic form, and ensuring security (Buocz, 2018). Currently, most courts use fully electronic document management systems, which have certain advantages:

- Time and resource savings: Electronic document flow reduces the time for processing, sending, and receiving documents, as well as reduces costs for printing, storage, and transportation;
- Simplification of control and management: In electronic document management, it is easier to track all changes and versions of documents, simplifying the process of coordination and approval;
- Improved security: Digital documents are more difficult to lose or counterfeit as they are stored in secure databases;
- Convenience of access: Electronic documents can be quickly and easily accessed from any device with internet access;
- Flexibility and scalability: Electronic document management can be easily adapted to the needs of the organization and can be expanded as it grows.

Thus, when transitioning to electronic document management in legal proceedings, there is a change in interdepartmental methods of documentation, which is based on the exchange of digital data, digital databases, electronic networks, allowing for the conclusion of another characteristic of digital justice related to a new form of document management.

The use of electronic document flow, new digital technologies, and the application of online formats fundamentally change judicial activities. To vividly demonstrate the possibilities of digitizing family justice, we present a table showing the stages of judicial proceedings and the application of digital technologies at each stage of legal proceedings (Table 1):



**Table 1**  
**Digital technologies in judicial proceedings for family disputes**

<b>Pre-trial stage:</b>	Creation of an electronic case for family disputes, application of online mediation, remote submission of statements using statement constructors.
<b>Preparatory stage for case consideration</b>	Digital document format, electronic identification of individuals, remote notification of process participants about case preparation. Building a case consideration model using artificial intelligence
<b>Case consideration</b>	Use of electronic case files. Modeling of the judicial process and development of decision-making algorithms based on similar cases, using artificial intelligence
<b>Monitoring the execution of judicial decisions in family disputes</b>	Digital recordkeeping of judicial decision execution, electronic distribution of enforcement orders
<b>Final stage</b>	Creation of an electronic archive

**Source:** Authors development

However, it is important to remember that the introduction of new technologies into the judicial system may face a number of problems, such as data security, ethical issues, and the need to train judges and other process participants to work with new technologies. Therefore, it is important to conduct thorough research and testing of new technologies before their implementation in judicial practice. In addition, resolving family disputes requires the involvement of social workers, especially when the case concerns children's rights. Social workers in such cases interact personally with all parties involved, as personal contacts with social workers and other professionals play a significant role in resolving family disputes. Therefore, difficulties may arise in the digitalization of justice when replacing face-to-face contacts with virtual interactions. However, this fact by no means diminishes the importance of introducing digital technologies into the judicial process and cannot serve as an obstacle to further digitizing family justice.

Identifying the main components and features of digital justice allows us to formulate basic principles for conducting judicial proceedings in family disputes with the integration of digital technologies. The identified principles are oriented towards family disputes, where personal contacts play a significant role, which are difficult to replace with virtual interactions. However, in general, these principles can serve as basic ideas for digital justice in other cases as well. *The first principle* defines access to justice, which should be digital by default. The advantages of digital access to courts include reducing costs of legal procedures, shortening document processing times, and more efficient use of court resources. Additionally, digital access makes judicial processes more accessible to

people who may not have the opportunity to physically attend hearings. However, for full-fledged use of digital access to courts, reliable and secure identification and authentication systems are necessary, as well as modern technologies ensuring confidentiality and protection of personal data. Overall, the development and implementation of digital technologies in the judicial system can contribute to increasing the openness and transparency of justice, as well as improving the quality of legal services provided.

*The second principle* is the unity of the judicial technological platform, which implies the use of modern technologies and innovations in the judicial system. This may include the use of artificial intelligence, big data, blockchain technologies, the Internet of Things, and other innovative solutions. The goal of such a platform is to simplify and expedite judicial processes, making them more transparent and accessible to all participants. The platform can be integrated with other government and non-government services, allowing for the optimization of judicial decisions and enhancing their quality.

*The third principle* is the electronic format of case management, whereby the digitization of family justice prioritizes electronic documents over paper documentation. This is because electronic document formats speed up case consideration, eliminate document loss, and facilitate efficient document exchange in an online format.

*The fourth principle of proactivity* considers changes in the statuses of process participants. In the event of a change in status, judicial bodies must seek solutions to address the life situation. This is particularly important in resolving family disputes, as the status of participants in such legal relationships may change significantly. For example, in a divorce, one of the spouses may become bankrupt, or a situation may arise where one of the spouses decides to divide the joint business and change their status as an entrepreneur.

*The fifth principle* is omnichannel interaction with plaintiffs, defendants, and other parties involved in the judicial process. This principle allows for the use of any digital tools for accessing services, including mobile devices, social networks, banking applications, and email. All channels are interconnected, but for the convenience of users, it is necessary to use an interface that is comfortable for them.

The highlighted principles will allow for the effective implementation of digitalization in family dispute resolution, taking into account the nature of interactions between parties in legal proceedings and ensuring a quality transition from offline justice to online justice.

## **6. Conclusion**

Based on the research, the following components of digital justice have been identified: dematerialization of the judicial process, online access to court materials, use of video communication during legal proceedings, and application of artificial intelligence

in judicial activities. Characteristics of digital justice in family disputes include technological, electronic, remote, organizational, and targeted aspects, as well as digital document management.

Principles of digital justice:

- Default digital access principle;
- Unified judicial technological platform principle;
- Electronic document management format principle;
- Proactivity principle;
- Omnicannel interaction principle;

Thus, a concept of digital justice in family disputes has been formulated, outlining its main components, characteristics, and basic principles. This concept is original and may be further developed and expanded. At this stage, it is important to practically apply the developed ideas and document the positive aspects of their implementation to refine the concept of digital justice in family disputes based on the results obtained.

The scope of the study is limited by the size of the source sample, as previously mentioned. In total, 152 scientific studies were initially used in the research, including monographs, reports, and statistical data. After careful selection, 46 works were chosen that specifically described the main components, characteristics, and advantages of digital justice in family disputes.

In further research on digital justice issues, it is necessary to consider the use of artificial intelligence in optimizing the judicial process in the field of family dispute resolution.

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