


ACCESS TO JUSTICE: INNOVATIVE SOLUTIONS FOR PROMOTING PEACE, JUSTICE AND EFFECTIVE INSTITUTIONS <https://doi.org/10.56238/sevened2024.037-181>**Juliana Marangoni¹ and Adriano Donizeti Pila².****ABSTRACT**

This study aims to analyze how the adoption of Information and Communication Technology (ICT) can act as a mechanism to promote access to justice, transforming it into a more effective right. To this end, the research will show the relationship between the fundamental right to access justice and the technological and innovation tools made available by the National Council of Justice (CNJ). In addition, it seeks to relate these initiatives to public policies and the fulfillment of Sustainable Development Goal (SDG) 16 of the UN 2030 Agenda, to promote peace, justice, and effective institutions. The methodology adopted is a mixed one (qualitative and quantitative), based on a bibliographic review, documentary analysis, and statistical data. This article aims to contribute to the debate on the challenges and benefits associated with computerization in the legal field, highlighting its role in promoting democratization and guaranteeing citizens faster and simpler access to their rights before the Judiciary.

Keywords: Access to justice. Innovation. Technology. UN 2030 Agenda. Public policies.

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INTRODUCTION

Access to justice is a fundamental human right and an essential pillar of the Democratic State of Law, representing an indispensable condition for the consolidation of more just, inclusive, and peaceful societies. In Brazil, a country with a large territorial extension and profound social inequalities, ensuring full access to justice remains a significant challenge. Digital exclusion, aggravated by the lack of access to the internet and technological barriers, emerges as an obstacle, limiting the participation of vulnerable segments of the population in resolving disputes online and, consequently, in the full exercise of their rights. This study is justified by the relevance of the topic for guaranteeing fundamental rights and building a Democratic State of Law. The growing use of ICTs in the Judiciary requires an in-depth analysis of their impacts and challenges, aiming to optimize the use of these tools and ensure more efficient and equitable access to justice."

In this context, the adoption of digital technologies in the justice system emerges as a strategic alternative to democratize access and promote social inclusion. In addition to increasing the efficiency and transparency of processes, the computerization of the legal system has the potential to contribute to regional development by reducing geographic and economic barriers. However, this technological transition is not without its challenges. Issues such as digital exclusion, the need for inclusive public policies, and the training of legal professionals remain at the center of the debate, requiring innovative solutions that are sensitive to the structural inequalities that characterize the country.

This article examines how the implementation of digital technologies can function as a mechanism for expanding access to justice, with a focus on democratizing the legal system and aligning with the goals of Sustainable Development Goal (SDG) 16 of the 2030 Agenda, which advocates the promotion of peace, justice, and effective institutions. The research uses a mixed methodological approach, based on a bibliographic review, documentary analysis, and data reports from bodies such as the National Council of Justice (CNJ) and the United Nations, to identify and evaluate public policies related to access to justice and discuss the challenges and benefits associated with digitalization in the legal field. The article is structured in three main parts. The first section analyzes access to justice as a fundamental right of citizens, its historical evolution, contextualizing the advances and existing obstacles, discussing the prospects for effective accessibility to justice based on the implementation of new technological innovations in the Brazilian judicial system, with emphasis on the changes driven in the midst of and after the Covid-19 pandemic. The second section examines the alignment between the promotion of access to justice and the principles outlined in SDG 16 of the UN 2030 Agenda, addressing the

challenges of ensuring the maintenance of this right in the context of constant technological innovation and sustainable development. Finally, the third section presents statistical data on the structures of the country's courts, the people who work in the judiciary, and digital routines, contributing to transparency and democratic and participatory governance.

In summary, this study reinforces that the modernization of the judicial system, aligned with the goals of SDG 16, should not be seen only as an adaptation to technological changes, but as an ethical and social commitment to promote equity and strengthen democratic institutions. Thus, the construction of a more accessible and inclusive justice system requires coordinated efforts that articulate technology, public policies, and sensitivity to the needs of the population, contributing to the construction of a more just and sustainable society.

ACCESS TO JUSTICE: A FUNDAMENTAL RIGHT

Access to justice is a fundamental right, in this concept, it is up to the State to promote public policies of access and also ways to monitor it.

Access to justice refers to the guarantee that all people can claim and protect their rights through legal and institutional mechanisms, in an equal, effective manner and without discriminatory barriers. More than just the right to appeal to the Judiciary, the concept involves the possibility of understanding, participating, and obtaining fair and equitable results in the legal process. This principle is associated with the promotion of citizenship, human dignity, and social justice, and is recognized as a fundamental right in several national laws and international human rights instruments.

The concept of access to justice has changed over time, in line with changes and demands in society and the development of legal aid systems around the world. Several historical records demonstrate this. Am the existence of normative documents, originating from the Code of Hammurabi (21st to 17th centuries BC), which already provided for the “first guarantees that regulated and prevented the oppression of the weak by the strong, encouraging them to seek judicial authority when they felt oppressed” (CARNEIRO, 1999, p. 4), with the Universal Declaration of Human Rights (UN, 1948), the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950), the International Covenant on Civil and Political Rights (1966), the Pact of San José de Costa Rica (1969), among others. In the 1960s and 1970s, the assessment of the subject gained relevance, given the transformations that had occurred in social relations and the increase in their complexity, especially with the Florence Project on Access to Justice by Mauro Cappelletti

and Bryant Garth, which began in 1971 at an International Conference on the fundamental guarantees of the parties in civil proceedings (CAPPELLETTI; GARTH, 1988).

The Florence Project developed a multidisciplinary approach, from different global contexts and dynamic for a new theoretical perspective of study.

Then, the word “Access to Justice” emerged, which defined the concept of access to justice, the obstacles and practical solutions, the trends in use, the limitations and risks in the approach to access to justice, identifying and describing the problems and solutions of Western countries, which they called “waves of reform”. These are: free legal aid for the poor; representation of diffuse interests and access to representation in court, and a new approach to access to justice.

[...] We can state that the first access solution – the first “wave” of this new movement – was legal aid; the second concerned reforms aimed at providing legal representation for “diffuse” interests, especially in the areas of environmental and consumer protection; and the third – is what we propose to call simply the “access to justice approach” because it includes the previous positions, but goes far beyond them, thus representing an attempt to attack the barriers to access more articulately and comprehensively. (CAPPELLETTI; GARTH, 1988, p. 5)

In a brief report, to understand this evolution, we describe: the ‘fourth wave’, which refers to the focus on ethics in the legal professions and lawyers’ access to justice. The ‘fifth wave’ is related to the contemporary process of internationalization of the protection of human rights, promoted by International Organizations such as the United Nations (UN).

The process of generalization of international protection of Human Rights triggered the emergence of a new movement for access to justice, which conforms to the development of a new wave of renewal, dedicated to the effectiveness of the legal protection of the individual in the face of the very State that should protect him. With the internationalization of the protection of Human Rights, a new path opens up in access to justice, making possible the para-state defense of the individual, when the internal system proves incapable of ensuring the effective protection of his legitimate legal claims (ESTEVEZ; SILVA 2018, p. 109-110).

In turn, the ‘sixth wave’ portrays promising initiatives and new technologies to improve access to justice. And, finally, the ‘seventh wave’ portrays gender and racial inequality in the justice system.

As presented, the ‘sixth wave’ of access to justice, on which we base our study, comes, in the proposal of the Global Access to Justice Project, with timely relevance, providing the incentive of promising provisions, combined with technologies with the scope of improving access to justice, gaining prominence in contemporary society, the information society, in which relationships between individuals are permeated by the use of the internet, new communication and information technologies, implying their complexity in the scope of the resolution of disputes inserted in this context and, consequently, affecting the very right

of access to justice and everything it represents. (GLOBAL ACCESS TO JUSTICE PROJECT)

As described in the introduction of the study, the compulsory social isolation measures during the COVID-19 pandemic have driven judicial systems to invest in the use of technologies to avoid face-to-face contact. However, limited resources and the implementation of improvised solutions have, in many cases, compromised the ability to maintain normal levels of access to justice during the pandemic outbreak in 2019/2020.

In the search for continuous improvements in the specificities of justice and access to the judicial system, new concepts have emerged to be incorporated into the contemporary judicial system. These concepts, which involve innovation and technology, aim to improve the judicial system as a whole.

URQUIZA AND CORREA (2018), emphasize that in Brazil, such initiatives can be exemplified by the implementation of programs such as “itinerant justice, community justice, alternative means of dispute resolution such as mediation, judicial and extrajudicial conciliation, restorative justice and special courts” (2018, p. 312).

From this perspective, the democratization of access to justice is expressed in section XXXV of article 5 of the 1988 Brazilian Federal Constitution, which guarantees the inalienability of jurisdiction, and states:

Art. 5 All are equal before the law, without distinction of any nature, guaranteeing Brazilians and foreigners residing in the country the inviolability of the right to life, liberty, equality, security, and property, under the following terms:
XXXV - the law shall not exclude from the assessment of the Judiciary any injury or threat to rights; (...);

Our Magna Carta ensures that the law may not prevent the Judiciary from examining injuries or threats to rights. Therefore, all citizens have the right to seek judicial protection against any violation or threat to their rights without distinction: “The law shall not exclude from the consideration of the Judiciary any injury or threat to a right” (BRASIL, 1988), which, through dialectical construction, consecrates its provision.

It can be inferred that access to justice is considered fundamental for the exercise of citizenship, a pillar of the Democratic State of Law, and listed as the foundation of the Brazilian State. “It is considered the most essential fundamental guarantee of the citizen” (SCHIAVI, 2017, p. 92).

ACCESS TO JUSTICE: INNOVATION IN THE LEGAL SYSTEM

The concept of “access to justice” goes beyond a mere formal or external approach, involving an aspect of content deeply linked to the understanding of social problems. It is

about identifying the factors that lead to the denial of this fundamental right and understanding the reasons why it is not fully realized. To visualize the difficulties related to access to justice, it is necessary to transcend the perspective of those who provide legal services and adopt the point of view of those who need these services, that is, those who experience conflict and face obstacles in the search for a fair and effective solution.

The Brazilian Judiciary, a public sector, has a negative stigma, as it presents itself with a series of critical problems that affect its performance, such as a large and complex structure, slow and incapable of generating predictable solutions, within a reasonable time frame, and at an affordable cost for everyone.

These problems are caused, in part, by the growth in the number of new cases every year, the high number of appeals provided for by law, delaying formalities in hearings, and hierarchical bureaucracy. This structure induces other problems, such as lack of transparency in the public sector, difficulty in access, institutional disarticulation, slow processing of legal cases, administrative obsolescence, structural complexity, and concentration of litigation, due to the high number of cases that interest the government at both the federal and state levels and large private organizations.

To contribute to the improvement, supervise the administrative and financial activities of the Judiciary, and ensure compliance with constitutional principles, the National Council of Justice (CNJ) stands out as a body of the Brazilian Judiciary, created by Constitutional Amendment No. 45, of December 30, 2004, in the context of the Judiciary Reform. Its main function is to act as a planning and administrative control body of the Judiciary, to improve the efficiency, transparency, and accountability of this power before society.

According to SANTOS (2007), a series of instruments are advocated to promote universal access to justice, such as the creation and expansion of public defenders' offices, popular university legal advisory services, training of community leaders, and popular advocacy. For him, “this profusion of initiatives, alternatives or criticisms share a common denominator with great potential to transform traditional practices of access to justice: the legal empowerment of citizens” (SANTOS, 2007, p. 46). It also brings with it the “valuation of experiences and strategies that foster rapprochement between justice and citizenship” (p. 47).

Currently, new work practices and transformations in the forms of social organization have made society more demanding regarding the quality and efficiency of services provided by the Public Administration. As mentioned, these demands became even more intense during and after the COVID-19 pandemic, which exposed structural weaknesses in several areas and adaptation needs, including the judicial system. The global health crisis

has accelerated the need to adopt innovations and new technologies, forcing public organizations to adapt. Quickly maintain the provision of essential services, reducing costs, eliminating waste, and improving operational efficiency, while ensuring the continuity and accessibility of its services.

The implementation of technological and innovative solutions in the judicial system during and after the COVID-19 pandemic, such as electronic processes (PJe), virtual hearings, and digitization of processes, highlighted the potential of modernization to increase accessibility and promote greater efficiency. These changes, in addition to mitigating the impacts of the crisis, contribute to the construction of a more just, inclusive, and resilient society, aligned with the principles of good governance and the global objectives of sustainable development and implementation of public policies.

Information and communication technologies - ICTs, implemented in the judiciary have been playing a central role in contemporary society, as they connect people, organizations, and governments, transforming the way we communicate, work, and access services. They are widely used in various areas, such as education, health, commerce, public administration, and justice, contributing to efficiency, accessibility, and innovation. After many advances, in 2020, the National Council of Justice (CNJ) established DataJud - the National Database of the Judiciary, by Resolution CNJ No. 331 (BRAZIL, 2020a), which is the primary source of data for the Judiciary Statistics System (SIESPJ). DataJud is responsible for the centralized storage of procedural data and metadata related to all physical or electronic, public or confidential, processes of the courts indicated in items II to VII of art. 92 of the Federal Constitution (BRAZIL, 1988). The database presents several information panels, such as statistics, monitoring of urgent protective measures under the Maria da Penha Law, National Register of Collective Actions (CACOL), civil enforcement, tools to support the DataJud cleanup, monitoring panel and parameterization of panels (Brazil, 2020b). This transformation has resulted in more efficient service provision for society, promoting gains in productivity, transparency, access, savings, and sustainability. However, challenges remain related to integration and effective communication between the different systems used. In this sense, it is related to promising initiatives and new technologies to improve access to justice. Based on the reality experienced in Brazil and the serious social inequality, "it is also necessary to recognize the need to study ways to mitigate the obstacles of the digitally excluded, to avoid an elitism in the issue of access" (MOREIRA, 2022, p. 65).

INFORMATION TECHNOLOGY IN THE JUDICIARY AS A TOOL FOR ACCESS TO JUSTICE

The transition to a digital Judiciary has brought innovations such as the Electronic Judicial Process (PJe), virtual hearings, transparency portals, and procedural consultation systems. However, for these advances to be fully utilized, both legal practitioners (judges, lawyers, and civil servants) and citizens must have adequate digital skills. Without this, judicial inclusion may be compromised, creating new inequalities.

Information Technology (IT) plays an essential role in improving access to justice by modernizing and optimizing judicial processes. In the Judiciary, the adoption of new technologies has been used to reduce barriers, promote transparency and efficiency, and ensure that citizens have faster and more simplified access to their rights.

Some Benefits of IT for Access to Justice:

- **Digitization of Processes:** The transition from paper to digital media, such as through the Electronic Judicial Process (PJE), has made judicial procedures more agile and accessible. This has eliminated problems related to the logistics of transporting physical documents and reduced delays, allowing parties, lawyers, and judges to monitor proceedings in real-time, facilitating access for people in vulnerable conditions, such as low-income citizens, by offering free or low-cost digital services, such as online legal consultations and alternative dispute resolution platforms (mediation and conciliation), promoting inclusion and proximity to the jurisdiction.

We can exemplify some of the tools currently used by the judiciary:

- **Online Platforms:** Tools such as transparency portals and online procedural consultation systems allow citizens to monitor the progress of their cases in a practical way, promoting greater inclusion, especially for those living in remote areas.
- **Automation and Artificial Intelligence (AI):** The use of AI-based systems, such as tools for analyzing case law or screening cases, has accelerated decision-making and facilitated the work of judges. And servers, optimizing resources and reducing procedural delays.
- **Virtual Hearings:** Virtual hearings via videoconferences have proven to be effective, ensuring the functioning of the justice system even in critical moments, such as during the COVID-19 pandemic and today. These technologies also allow parties and witnesses to participate in judicial proceedings in real-time, without having to travel, promoting savings, efficiency, and speed in the processing of proceedings.

Although innovation and technology have brought significant advances, there are still challenges to be faced, such as:

- Digital inclusion: Ensuring that all citizens have access to the internet and appropriate devices.
- System integration: Standardizing the different systems used in courts to improve communication between them.
- Data security: Protecting sensitive information and ensuring the privacy of the parties involved.

However, in general, the use of Information Technology in the Judiciary not only increases the efficiency of the system but also contributes to making access to justice more democratic, transparent, and aligned with the needs of contemporary society. It is an essential tool to ensure that justice is effective and reaches all people, regardless of their location or social status.

Other initiatives focused on innovation, such as the use of digital technologies, the development of plain language projects, and the implementation of alternative forms of conflict resolution (such as mediation and arbitration), have proven essential to promoting more inclusive and efficient access to justice. These measures not only seek to make the legal system more accessible, especially for those who face economic, social, or cultural barriers but also contribute to the modernization of public policies in the sector.

The use of digital technologies, for example, allows for greater speed and transparency in processes, while plain language projects make it easier for the population to understand rights and duties, reducing the complexity of judicial acts. Alternative forms of conflict resolution, on the other hand, promote a less litigious and more collaborative approach, favoring social pacification and relieving pressure on the judicial system.

These initiatives are in direct dialogue with the sustainable development goals, especially about reducing inequalities (SDG 10) and promoting effective, accountable, and inclusive institutions (SDG 16). For such advances to be effective, the public policies associated with these innovations must be broad, inclusive, and aimed at overcoming the social inequalities that have historically limited access to justice in Brazil.

A genuine democracy is firmly based on the rule of law, but it loses its essence if access to justice is not guaranteed to all. The mere formal recognition of rights by the legal system does not, in itself, ensure their effective application. Thus, people who face barriers to accessing the justice system are vulnerable to negligence or violation of their rights.

The Brazilian Judiciary has made progress in legal data management initiatives, continuously keeping up with technological developments. A notable example is the adoption of digital processes, which has brought greater speed to the activities of institutions operating in the field of justice. This progress has resulted in a more efficient provision of services to society, characterized by significant gains in productivity, access, transparency, economy, and sustainability. However, challenges persist, such as the lack of integration and efficient communication between the different systems used, which still compromises the full use of technological potential.

In addition to assistive technologies, digital inclusion in the legal system requires specific policies and programs aimed at the digital training of people with disabilities. Digital education is a crucial factor for true inclusion, allowing these people not only to access the systems but also to fully understand and use the available tools. (AMARAL, 2024. p.16)

ACCESS TO JUSTICE: ABILITY TO UNDERSTAND

It is essential to emphasize that technology cannot be an instrument that benefits only some individuals, leaving others on the margins of the digital justice system, especially about certain access points. It is essential to carry out in-depth studies on the efficient functioning of new technologies applied to law, as well as on the possibilities of using them inclusively. The objective should be to promote the overcoming of existing barriers, without creating exclusions, considering that Brazilian society is deeply marked by social inequalities.

Understanding Cybervulnerability is defined as that which, involuntarily or due to instrumental impossibility – does not have access to the computer network – or, due to lack of mastery of the means of use, is left out of the judicial process, being harmed in their constitutional right to access the means capable of resolving disputes.

Digital inclusion is essential to make the right to access justice effective in the scenario of new technologies, especially considering that the system of understanding new technologies and the role they can play in assisting access to justice is extremely relevant.

Digital Literacy and Intelligibility

Digital literacy and intelligibility play central roles in promoting access to justice in the context of technological transformation. Digital literacy refers to the ability of individuals to understand, use, and interact with digital technologies effectively. In the legal sphere, this means enabling citizens to access digital systems, interpret procedural information, and use technological tools autonomously and efficiently.

In turn, intelligibility is related to the clarity and accessibility of the information provided. In law, this involves writing documents, decisions, and guidelines in simple and understandable language, breaking with the excessive technicality that often excludes citizens who are less familiar with legal vocabulary.

Together, these initiatives not only strengthen access to justice but also promote social inclusion and reduce inequalities. Investing in public policies that encourage digital literacy and intelligibility, such as technological training programs and clear language projects, is essential for building a more equitable justice system aligned with the principles of sustainable development. By promoting digital training, it is possible to democratize the use of technological tools, ensure inclusion and strengthen the exercise of citizenship, and promote access to justice, especially given the increasing digitalization of judicial processes and the use of electronic platforms for the provision of judicial services in the form of emails, websites, videoconferences, but also, more recently, in the form of electronic systems for processing and procedural communications via email and WhatsApp.

According to GOMES (2011), to be democratically relevant, “digital initiatives must increase or strengthen the power of citizens about other bodies, encourage transparency in their actions and promote civil participation; consolidate and guarantee political rights for minorities; and promote the diversity of agents, agendas, and agencies in the public sphere”.

ACCESS TO JUSTICE: INCLUSIVE SOCIETIES – PEACE, JUSTICE AND EFFECTIVE INSTITUTIONS

Access to justice is an essential component for building fair, peaceful, and inclusive societies, in line with the central objectives of Sustainable Development Goal (SDG) 16 of the 2030 Agenda, established by the United Nations (UN). This goal aims to promote the rule of law and ensure that all people, especially the most vulnerable, have access to effective mechanisms for resolving conflicts and protecting their rights. Through an accessible and efficient justice system, the aim is to reduce inequalities, strengthen institutions, and ensure that no one is excluded from legal protection, thus contributing to more equitable and sustainable development.

In New York City, during a historic meeting in 2015, which brought together the 193 member states of the United Nations (UN), the document entitled “Transforming Our World: The 2030 Agenda for Sustainable Development” was prepared, which established objectives to be achieved worldwide over the next 15 years.

This manifesto reaffirmed the importance of the three interdependent dimensions of sustainable development: economic, social, and environmental. Furthermore, it represented a continuation and evolution of the legacy of the Millennium Development Goals (MDGs), consolidating a set of 17 Sustainable Development Goals (SDGs), with 169 targets to be achieved and 231 indicators. The goals and targets are integrated and indivisible, and Brazil is one of the signatories of the Agenda. The 2030 Agenda and its 17 Goals have become a priority milestone, guiding collective efforts to face global challenges in an integrated manner and promote more inclusive, fair, and sustainable societies.

As an object of study, we will highlight Sustainable Development Goal (SDG) 16 of the 2030 Agenda, in its central form. This goal seeks to promote the rule of law and ensure that all people, especially the most vulnerable, have access to effective mechanisms for resolving conflicts and protecting their rights, contributing to the strengthening of sustainable development.

Therefore, SDG 16 emphasizes the importance of strengthening public institutions, such as the justice system, by making them transparent, accountable, and inclusive. In the context of sustainable development, access to justice goes beyond the mere existence of courts or legal mechanisms. It requires that these services be accessible, impartial, and understandable to the entire population. To achieve this goal, it is essential to implement comprehensive public policies that eliminate financial, geographical, and cultural barriers, promote the simplification of legal language, invest in the expansion of free legal aid services, and encourage the use of inclusive technologies. These efforts not only make justice more efficient and agile but also help to foster public trust in institutions.

In addition, these measures not only guarantee fundamental rights but also contribute to ensuring access to justice directly contributes to the achievement of other SDGs, such as the eradication of poverty (SDG 1), gender equality (SDG 5), and the reduction of inequalities (SDG 10). This is because accessible and equitable justice protects fundamental rights, ensures equality before the law, and promotes opportunities for all people.

For the Judiciary, it is essential to monitor social mobility, with an ethical perspective endowed with empathy and sensitivity, to adapt to the continued evolution and consequences of this transformation.

Thus, as a way of seeking social adaptation, the Judiciary created, through Resolution No. 70 of 2009 (National Council of Justice, 2009), national leveling goals, among which Goal 2 stands out, which determined that the courts should identify and judge the oldest legal cases. The main objective of these leveling goals would be to provide

greater procedural agility and efficiency, improve the quality of services, and expand citizens' access to justice, in compliance with the constitutional principles of access to justice and reasonable duration of the process. To this end, several actions were taken to internalize and institutionalize the Sustainable Development Goals (SDGs) established in the 2030 Agenda (LAMPERT, 2021, p. 467/484):

The challenge of contributing to development, after the adoption of the 2030 Agenda by the United Nations General Assembly in 2015, has been the subject of discussion and breakdown into indicators, especially by the Executive Branch (through the IBGE and Ipea, by adapting global goals to national goals). As the Brazilian State is one, however, such goals certainly constitute a transversal responsibility about the institutions of the signatory countries, especially affecting the Judiciary, especially not taking into account SDG number 16. As the promotion of Justice, peace and effective institutions becomes one of the SDGs, the need for access and measurement of what is produced by the Judiciary becomes an essential element in verifying Brazil's compliance with the Global Agenda (National Council of Justice, 2019).

In this path, by investing in public policies that expand access to justice, aligned with the principles of SDG 16, an essential step towards building a more just and sustainable society is being taken, where everyone can fully exercise their rights and contribute to global development.

The Brazilian Judiciary is adopting new practices and breaking with paradigms, thus enabling it to promote its activity, an objective that is constitutionally considered essential. In this way, it can serve the interests of those under its jurisdiction as well as preserve the Democratic Rule of Law itself, by guaranteeing effective access to justice to all those seeking legal protection. (LIMA; SILVA. 2022; p.10862)

The Brazilian Judiciary is evolving by investing in programs and projects that aim at technological and innovation reforms, as they are essential for sustainable development, contributing to the strengthening of peace, justice, and effective institutions: "The Judiciary in Brazil is seeking measures to guarantee effective access to justice, despite the growing demand for lawsuits verified each year, and thus also comply with UN SDG 16." (LIMA; SILVA, 2022)

The dissemination of information through Information and Communication Technologies (ICTs), public access to data, and the availability of open, reliable, updated, and high-quality information are essential elements to assess public progress and verify, statistically, whether the country is aligned with the objectives of the 2030 Agenda.

The CNJ, concerned with the integration of the Judiciary with the sustainability goals set out in the 2030 Agenda, registered Ordinance no. 133, of 09/28/2018, which established the Interinstitutional Committee to conduct studies and present a proposal for integrating the demands of the Judiciary with the goals and indicators of the Sustainable Development

Goals (SDGs), Agenda 2030, initiating this challenge, and being improved by Ordinances 72/2019 and 55/2020, with the function of preparing biannual data reports.

STATISTICAL DATA

STRUCTURE OF THE COURTS

Corroborating the study, the Justice in Numbers 2024 Report, in its 21st Edition of the CNJ, gathers information from the 91 bodies of the Judiciary. Since 2004, the publication has been an important source of data on judicial activities, covering crucial information such as expenses, revenue collections, data on personnel, as well as a detailed overview of the cases underway in the justice system.

THE PEOPLE WHO DELIVER JUSTICE

Statistics on the staff and infrastructure of the Justice system are based on the MPM System, which collects data on people and structures in the Justice system every month. Based on this system, a “Judiciary Personnel Data” Panel was developed, which allows for continuous and permanent monitoring of the evolution of results in the courts.

- Brazilian courts have 446,534 professionals³, including judges, civil servants, outsourced workers, and interns. This contingent is larger than the population of the capitals of five Brazilian states: Amapá (Macapá), Roraima (Boa Vista), Acre (Rio Branco), Espírito Santo (Vitória), and Tocantins (Palmas).
- In total, there are 15,646 judicial units, of which 12,735 are specialized or have exclusive jurisdiction and 2,098 are single courts. The single courts are located in Brazilian districts with only one court and encompass different jurisdictions.
- Judiciary expenses in 2023 were R\$ 132.8 billion, which represents 1.2% of GDP or 2.38% of total expenditure by the Union, states, the Federal District, and municipalities. Public revenue collection through the Judiciary totaled R\$ 68.74 billion, an amount corresponding to 52% of the expenses of the entire Judiciary.

DIGITAL ROUTINES FOR THE OPERATION OF THE JUSTICE

By the end of 2023, 90.6% of the cases in progress in the Justice system were electronic. In the year, 99.6% of new cases were filed electronically. In 15 years, 253.3 million new cases were filed in electronic format.

- 79.3% of first-degree judicial units have a 100% Digital Court. There are 49 courts with 100% adherence to this service model created by the CNJ, in which all procedural acts are performed remotely.

- There are 21,751 virtual counterpoints in operation, allowing users of Justice services to access the court secretariats throughout the country remotely.
- 418 points Digital inclusion centers (PID) offer a space equipped with computers and cameras for the practice of procedural acts, such as depositions via videoconferencing. Source: Justice in Numbers 2024, p. 28

As stated in the Statistical Data of the Justice in Numbers Report for 2024, which compared the last fifteen years (covering the period from 2009 to 2023), it was found that up to the year 2023:

Indicator	Value
Electronic cases in 15 years	253.3 million
Percentage of cases in electronic processing (2023)	90.6%
The average duration of electronic cases	3 years and 5 months
The average duration of physical cases	12 years and 4 months
Source	Relatório Justiça em Números 2024, p. 28

In 2023, 35.3 million cases were filed and 35 million were dismissed across the Judiciary. There was a 9.4% increase in new cases, with a 6.9% increase in resolved cases. Both the demand for Brazilian justice services and the volume of dismissed cases decreased in 2020 but began to rise again in 2021. This significant volume of cases illustrates the high demand for the Brazilian judicial system and the need for adequate resources to ensure the efficiency of the service provided to society.

The total number of cases filed reached the highest value in the historical series last year. The number of cases closed in 2023 was the second highest in the historical series, with the number of cases resolved slightly lower than that seen in 2019. Source: CNJ - Justice in Numbers, 2024

According to the report, the “Access to Justice” section (p. 144) deals with the population's demand for justice services and the granting of free legal aid by the country's judiciary.

“On average, for every group of a thousand inhabitants, 143 filed a lawsuit in 2023. There was an 8.4% increase in the number of new cases per thousand inhabitants in 2023 when compared to 2022. This indicator only includes the processes of knowledge and execution of extrajudicial executive titles; judicial executions initiated are excluded from the calculation basis.

Using the same data from the court, it was found that the state of Minas Gerais, despite having large courts (TJMG, TRT3, and TRE-MG), is, among those of the same size,

the one with the lowest demand per one hundred thousand inhabitants, except for TRE-MG, which occupies the third position.

In the State Courts, the TJRO is the most sought-after court (15,510) and the TJPA is the least sought-after (5,040). In the Labor Courts, the rates vary from 466 (TRT16 – Maranhão) to 2,510 (TRT2 – São Paulo). In the Federal Courts, the only Court with demand above three thousand cases per one hundred thousand inhabitants is the TRF of the 4th Region, which covers the states of the Southern Region of the country.

The cases filed were granted free legal aid with the number of inhabitants. There was a decrease in the historical series in 2020, with fluctuations until 2023, reaching 2,487 cases filed with free legal aid per one hundred thousand inhabitants”.

FINAL CONSIDERATIONS

Given the above, it was found that the concern with guaranteeing effective access to justice is not new. It is a fundamental human right and a central element for the full exercise of citizenship, consolidating itself as one of the pillars of the Democratic State of Law. This desire for access to justice has been neglected for years. However, in the 1960s and 1970s, this issue gained international prominence, especially with the Florence Project, led by Mauro Cappelletti and Bryant Garth.

These authors contributed significantly to the discussion by introducing the waves of renewal of access to justice, which sought to expand and modernize the means of ensuring this fundamental right. Among the proposals presented, is the need to strengthen the link with the legal mechanisms that protect their rights, an essential measure to make the law more accessible to ordinary citizens – the main recipients of the process.

Access to justice, as a fundamental human right, is essential for building fair, peaceful, and inclusive societies, and is one of the pillars of the Democratic Rule of Law and a central objective of SDG 16 of the 2030 Agenda. In Brazil, the quest to expand this access faces significant challenges, especially due to social inequalities and digital exclusion, which hinder the full participation of all citizens in the justice system.

The implementation of digital technologies in the legal field presents an opportunity to democratize access to justice, promoting greater efficiency, transparency, and inclusion. However, the transition to a digitalized system must be accompanied by comprehensive and inclusive public policies that consider the country's structural inequalities. Training legal professionals, digital literacy among the population, and simplifying legal language are essential measures to make judicial services more accessible and understandable.

On the other hand, it is of fundamental importance to recognize that computerization alone is not enough to overcome all barriers. Digital exclusion, aggravated by inequality in access to the internet and technology, requires solutions that combine technological innovation with social sensitivity. Only by eliminating financial, geographic, cultural, and technological barriers will it be possible to ensure that the justice system is truly inclusive, meeting both the demands of the population and the requirements of sustainable development.

The CNJ has been monitoring the rate of access to justice, describing in the year Gary Justice in Numbers, the ability of courts to resolve conflicts within a reasonable time and efficiently.

Statistical data contribute to active transparency and democratic governance, allowing society to participate and monitor the performance of the bodies responsible for justice. By providing these indicators, the Report reinforces the CNJ's commitment to the democratization of information, ensuring that society has access to the knowledge necessary to demand improvements and promote reforms in the judicial system.

It was also found that there is no longer room for the use of paper and rudimentary procedures; the digital age needs to be used.

To this end, there must be empathy on the part of legal professionals. There needs to be a change in the vision of all those involved. Digital tools should be used in the procedural environment as another instrument for access to justice and not an obstacle.

Based on this, it was found through statistics provided by the Justice in Numbers Report in its 21st Edition that there are several movements in favor of technology:

“From a retrospective point of view, the year 2023 is proving to be a year of high productivity and high jurisdictional demand, with indicators higher than the levels seen before the pandemic caused by COVID-19, which began in 2020. Thus, the years 2020 and 2021 were atypical periods, with the Brazilian and global populations affected by high death rates and restrictions on social interaction imposed. Even with such an adverse situation, the programs established by the CNJ within the scope of the Justice 4.0 Program and the modernization of the judiciary made it possible to continue the provision of jurisdiction and access to justice, including during that period. The “Justice 4.0 Program – Innovation and effectiveness in delivering justice for all” is a milestone in innovation and digital transformation in the Judiciary, which created institutions such as the electronic domicile, the 100% Digital Court, the Virtual Counter, the Judiciary Digital Platform (PDPJ), and allowed the consolidation and qualification of DataJud. These innovations contributed to improving the provision of jurisdiction and increasing productivity. In 49 courts, 100% adherence to the 100% digital court was identified, which already covers 79.3% of all judicial offices. In these jurisdictional units, procedural acts can be performed electronically and remotely, including hearings and trial sessions. There are 314 Justice 4.0 Centers in operation. This is an institution that enables the structuring of justice more efficiently, as specialization in relevant legal matters is now carried out entirely virtually and without new physical structures, generating savings for the public coffers and a more qualified treatment of cases in certain matters covered by these centers. (Source: Justiça em Números, 2024)

Given the innovations adopted by the Judiciary, with a focus on the citizen and on reducing procedural congestion, the right to justice is consolidated as a fundamental right and a duty of the State.

It is essential to highlight the relationship between access to justice and Sustainable Development Goal 16 (SDG 16) of the 2030 Agenda, which aims to promote fair, peaceful, and inclusive societies. Ensuring access to justice contributes to reducing inequalities, strengthening institutions, and promoting the rule of law.

It is suggested that research on the topic continue, focusing on the evolution and real impact of public policies that encourage consensus and conflict resolution. Comparative studies between the country's Courts of Justice are also relevant to identify best practices and challenges. The implementation of effective public policies for access to justice requires a multidisciplinary approach, such as investment in technology, training of civil servants, simplification of procedures, and the promotion of a culture of peace, to build a more just and peaceful society.

The studies and perspectives demonstrate that the use of innovative techniques for access to justice such as the 100% Digital Court and Justice 4.0, which will be the subject of future studies, integrates with existing technological innovations to consolidate the Democratic Rule of Law and improve the user experience. The computerization of the Judiciary in Brazil reveals its transformative potential, not only as a procedural tool but as a catalyst for cultural and institutional changes in Public Administration.

Access to justice is a fundamental right that requires constant action by the State to ensure its effectiveness. Technological innovations and public policies aimed at conflict resolution represent a promising path toward building a more efficient, fair, and accessible justice system for all at all levels.

REFERENCES

1. Alto Comissariado das Nações Unidas para os Direitos Humanos. (2024). UN Free & Equal: Global campaign to promote equal rights for LGBTI people. Available at: <https://www.ohchr.org/en/sexual-orientation-and-genderidentity/un-free-equal-global-campaign-promote-equal-rights-lgbti-people>. Retrieved on December 10, 2024.
2. Amaral, F. F. do. (2024). Digital justice: The role of technology in the modern legal system. *Revista Ilustração*, 5(6), 3–25.
3. Brasil. (1988). Constitution of the Federative Republic of Brazil. Brasília, DF: Senado Federal. Available at: http://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm. Retrieved on May 21, 2023.
4. Brasil. (2004). Constitutional Amendment No. 45, of December 30, 2004. Amends provisions of Articles 5, 36, 52, 92, 93, 95, 98, 99, 102, 103, 104, 105, 107, 109, 111, 112, 114, 115, 125, 126, 127, 128, 129, 134, and 168 of the Federal Constitution, and adds Articles 103-A, 103-B, 111-A, and 130-A, and provides other measures. *Diário Oficial da União*, December 31, 2004. Available at: http://www.planalto.gov.br/ccivil_03/constituicao/emendas/emc/emc45.htm. Retrieved on July 10, 2024.
5. Brasil, Conselho Nacional de Justiça. (2018). Portaria nº 133, de 28 de setembro de 2018. Establishes an Interinstitutional Committee to conduct studies and propose the integration of Judiciary goals with the goals and indicators of the Sustainable Development Goals (SDGs), Agenda 2030. Brasília, DF: CNJ. Available at: <https://atos.cnj.jus.br/files/compilado140253202012105fd22a8dcabdd.pdf>. Retrieved on December 12, 2024.
6. Brasil, Conselho Nacional de Justiça. (2020a). Resolução nº 331, de 20 de agosto de 2020. Establishes the National Judiciary Data Base - DataJud as the primary data source for the Judiciary Statistics System - SIESPJ for the courts listed in items II to VII of Article 92 of the Federal Constitution. Brasília, DF: CNJ. Available at: <https://atos.cnj.jus.br/atos/detalhar/3428>. Retrieved on December 12, 2024.
7. Brasil, Conselho Nacional de Justiça. (2020b). DataJud: National Judiciary Data Base. Available at: <https://www.cnj.jus.br/sistemas/datajud/>. Retrieved on May 21, 2024.
8. Cappelletti, M., & Garth, B. (1988). *Acesso à justiça* (E. G. Northfleet, Trans.). Porto Alegre: Sérgio Antônio Fabris.
9. Carneiro, P. C. P. (1999). *Acesso à justiça: Juizados especiais e ação civil pública*. Rio de Janeiro: Forense.
10. Conselho Nacional de Justiça. (2009). Resolução 70. Available at: <https://atos.cnj.jus.br/atos/detalhar/atos-normativos?documento=118>. Retrieved on December 18, 2024.
11. Conselho Nacional de Justiça. (2020). *Caderno de orientações para formulação das metas nacionais do Poder Judiciário – 2020*. Available at: <https://www.cnj.jus.br/wpcontent/uploads/2019/05/2916e18870b20eb3b3c1efd220619b75.pdf>. Retrieved on December 9, 2024.

12. Conselho Nacional de Justiça. (2024). *Justiça em números 2024*. Brasília: CNJ.
13. Esteves, D., & Silva, F. R. A. (2018). *Princípios institucionais da Defensoria Pública* (3rd ed.). Rio de Janeiro: Forense.
14. Global Access to Justice Project. (2020). *Impacts of COVID-19 on justice systems*. Available at: <https://globalaccesstojustice.com/impacts-of-covid-19/>. Retrieved on December 14, 2024.
15. Global Access to Justice Project. (2021). *Panorama estrutural do livro: Vol. I (uma nova pesquisa global)*. Available at: <https://globalaccesstojustice.com/book-outline/?lang=pt-br>. Retrieved on November 10, 2024.
16. Gomes, W. (2011). Online political participation: Issues and working hypotheses. In R. C. M. Maia, W. Gomes, & F. P. J. A. Marques (Eds.), *Internet e participação política no Brasil* (pp. 19–46). Porto Alegre: Sulina.
17. Lampert, A., & Silveira, V. O. da. (2021). Universidade Federal da Mato Grosso do Sul – UFMS: *Revista de Estudos Constitucionais, Hermenêutica e Teoria do Direito (RECHTD)*. *Revista de Estudos Constitucionais, Hermenêutica e Teoria do Direito*, 13(3), 467–484.
18. Lima, T. T., & Silva, M. P. da. (2022). Effective access to justice: Judiciary and UN SDG 16. *Brazilian Journal of Development*, 8(2), 10850–10865.
19. Moreira, T. R. (2022). *The use of technology to enhance access to justice for SAJ/UFPEL beneficiaries: Between vulnerability and effectiveness* [Master's thesis, Universidade Federal de Pelotas]. Available at: <https://guaiaca.ufpel.edu.br/handle/prefix/9884>. Retrieved on December 12, 2024.
20. Santos, B. de S. (2007). *Para uma revolução democrática da justiça* (3rd rev. and exp. ed.). São Paulo: Cortez.
21. Schiavi, M. (2017). *Direito processual do trabalho* (12th ed.). São Paulo: LTr.
22. Urquiza, A. H. A., & Correia, A. L. (2018). Access to justice in Cappelletti/Garth and Boaventura de Sousa Santos. *Revista de Direito Brasileira*, 20(8), 305–319. Available at: <https://www.indexlaw.org/index.php/rdb/article/view/3844>. Retrieved on December 13, 2024.