

# Access to justice as a pillar of sustainable development: Digitalization of administrative case management in Ukraine under martial law

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## ABSTRACT

This article provides a comprehensive examination of the operational dynamics of Ukraine's administrative justice system under martial law, identifying critical law enforcement challenges and outlining prospective research trajectories. The methodological framework integrates general scientific, formal-logical, and specialized legal methods to analyze the judiciary as a socio-technological entity at the nexus of legal doctrine, digital innovation, and national security imperatives. An attempt is made to consider the judicial system as a socio-technological structure that functions at the intersection of law, digital technologies and the security needs of the state. The work presents the authors' vision of the introduction of algorithms into the administrative process, which aims not to replace the human factor, but to optimize judicial activity. The work also substantiates the need to develop criteria for modeling the future development of administrative justice, taking into account the peculiarities of martial law. The practical utility of these findings lies in their potential to refine the Code of Administrative Proceedings of Ukraine, align crisis-management procedures with European benchmarks, and bolster the long-term sustainable development of the state.

**Keywords:** discretion, procedural judgment, judicial activism, artificial intelligence, digitalization of justice, algorithmization of processes, sustainable development

## INTRODUCTION

Ensuring access to justice remains a key global challenge in the 21<sup>st</sup> century. There is growing awareness that the "access to justice gap" is a serious obstacle to sustainable economic and social development. The importance of this issue is underlined by the inclusion of "ensuring access to justice for all" in the Sustainable Development Goals (UNDP, 2015). This requires new approaches to understanding the problem: instead of purely theoretical discussions, modern research must be based on empirical and multifaceted analysis.

The relevance of the topic under research is due to the fact that under martial law, the issue of ensuring the effectiveness of administrative justice acquires particular importance, since it is the judiciary that acts as a key mechanism for protecting human rights and freedoms in the national and international dimensions the State's sustainable development. The conditions of martial law form a new legal reality in which administrative courts are forced to function under restrictions,

risks, and constant transformations of legislation. Ensuring the rule of law and the stability of the judicial system in such conditions is not only a legal, but also a socio-political challenge. At the same time, there is a trend towards the digitalization of judicial processes, the optimization of procedural aspects, and the introduction of remote formats of justice. The COVID-19 pandemic initiated these changes, but it was martial law that made them irreversible, proving the need for technological modernization of justice. Such processes occur in the context of Ukraine's European integration aspirations, which necessitates the need to harmonize national administrative law with international standards for the protection of human rights.

The issues of studying administrative justice during martial law cover both normative and procedural aspects. It is related to finding a balance between the security interests of the state and the need to ensure procedural guarantees for the parties in the judicial process. In this context, the issue of algorithmization and digital transformation of justice is relevant, which opens up new opportunities for increasing the

efficiency of judicial activity, but at the same time requires proper legal regulation. Administrative justice in Ukraine demonstrates tendencies towards a gradual renewal of legal mechanisms, which is reflected in attempts to combine classical principles of justice with innovative tools of the digital era. Foreign doctrine emphasizes that in times of crisis, judicial systems should not only maintain functionality, as well as adapt to rapid technological changes, using algorithmization as a tool to ensure transparency, predictability and efficiency of judicial proceedings. In this sense, administrative justice is viewed not only as a legal, but also as a socio-technological system, where information technologies could enhance guarantees of access to justice, rather than replace judicial discretion.

Contemporary research sources on administrative justice are focused on highlighting the directions of its modernization, which should be based on the integration of legislative amendments, technological solutions and international standards for the protection of human rights, which creates conditions for effective and flexible justice in conditions of martial law. In particular, the criteria for determining jurisdiction in cases of cross-border violation of rights have been singled out, which ensures legal security and predictability for the parties (Gonçalves, 2022). It has been clarified that the interaction of law and technology contributes to good governance and the development of critical thinking regarding the adequacy of legal decisions (Brownsword, 2025), when cybersecurity should take into account the impact of uncertainty on the achievement of law enforcement goals (Kolouch et al., 2023). The advantages of algorithmization of law, which allows conducting practical experiments and simulating legal scenarios to increase the effectiveness of court decisions, have also been identified (Pečarič, 2021). However, scholars warn that enthusiasm for artificial intelligence should not turn the law into a system of purely analytical procedures without taking into account practical experience (Tritto & Torres, 2025). At the same time, the use of big data contributes to the creation of new products and increases public welfare (Dacar, 2024). Ukrainian research publications highlight the transformation of administrative justice under the influence of martial law and digitalization through the introduction of remote justice formats (Mishchuk & Kyrychuk, 2023). The issue of ensuring full and timely consideration of public-law disputes during martial law have also been analyzed (Ilkov, 2023) emphasizing the importance of developing clarifications regarding the peculiarities of consideration of social, pension, and labor disputes in wartime conditions (Solomakha, 2023).

The purpose of the article is to comprehensively disclose the features of the functioning of administrative justice in Ukraine under martial law, identify key problems of law enforcement and determine the directions of further research. An important task is the formation of methodological principles for the research of administrative justice in martial law, which concerns the combination of legal, institutional and technological approaches. In particular, this concerns the analysis of gaps in the Code of Administrative Justice of Ukraine, the problem of remote participation of the parties, electronic identification of participants in the process and the

regulation of the suspension of proceedings in connection with the circumstances of martial law.

The research novelty lies in the systematic combination of legal, institutional and technological approaches to the analysis of administrative justice under martial law. An attempt was made to consider the judicial system as a socio-technological structure that functions at the intersection of law, digital technologies and the security needs of the state. Special attention is paid to the analysis of legislative gaps related to the procedure for suspending proceedings in a case, remote participation of the parties and the use of the latest information technologies in the judicial process. The work also substantiates the need to develop criteria for modeling the future development of administrative justice, taking into account the peculiarities of martial law.

The results of the research have practical significance for improving the regulatory and organizational support of administrative justice in martial law. The proposed conclusions could be used in the process of preparing draft laws on amendments to the Code of Administrative Justice of Ukraine, in the activities of the Plenum of the Supreme Court to develop clarifications on certain categories of cases, as well as in the process of improving the skills of judges and court staff.

## LITERATURE REVIEW

Doctrinal developments on the resolution of administrative cases under martial law are thorough and cover the cross-border component of the relevant issues. In particular, it is emphasized that contemporary legislative initiatives demonstrate a tendency to optimize the procedural aspects of the administration of justice, in particular by introducing remote formats for judges. The coronavirus disease (COVID-19) pandemic became the first key incentive for the search for new, alternative mechanisms for the functioning of the judicial system. Therefore, states are currently adopting such decisions that would minimally restrict human rights, and the introduction of remote justice is a global challenge for a democratic society (Mishchuk & Kyrychuk, 2023). It is detailed that after the introduction of martial law, the issue of ensuring proper protection of the rights and legitimate interests of both individuals and legal entities becomes particularly relevant. At the same time, the state is obliged to guarantee a full, comprehensive, impartial and timely consideration of public law disputes within the established procedural deadlines (Ilkov, 2023). It is also indicated that the administrative justice of Ukraine under martial law has a number of specific features, the formation of which is due to the combined influence of both external and internal factors. A significant part of these features has already received appropriate regulatory support. At the same time, there is a need for further improvement of legal regulation in this area, since a number of aspects have not been regulated. Firstly, there is still a legislative gap regarding the possibility of suspending the proceedings in a case on the initiative of the court in the presence of justified grounds and relevant evidence, which indicates the need to amend the Code of Administrative Justice of Ukraine. Secondly, due to the wartime legislative novelties, there is a

significant shortage of explanations from the Plenum of the Supreme Court regarding the procedure for considering certain categories of cases, which requires additional regulatory elaboration (Solomakha, 2023).

Foreign doctrine is focused on highlighting the cross-border nature of dispute resolution, the peculiarities of the interaction of law and technology, the algorithmization of regulation and law enforcement, the use of big language models and big data. For example, it concerns the criteria for determining jurisdiction in cases of cross-border violation of personal rights: A close connection between the dispute and the court; legal certainty; predictability of the defendant regarding jurisdiction; effective conduct and organization of the trial; proper administration of justice and provision of evidence; with positive consequences in the rapid resolution of the dispute (Gonçalves, 2022). It is specified that the main issue of the interaction of law and technology is related to the implementation of the desire for good governance, which simultaneously challenges and allows for the development of thinking about the critical position from which adequacy should be assessed (Brownsword, 2025). In particular, in the context of cybersecurity, risk should be understood as the impact of uncertainty arising from a lack of information about the probability and consequences of an event on objectives (Kolouch et al., 2023). Regarding the concept of sovereignty in cyberspace, a three-step approach has been proposed:

- a) Clarifying domestic views;
- b) Identifying a common denominator;
- c) Engaging EU Member States in broader political discussions aimed at reaching decisions on a common position (Osula et al., 2022).

Instead, the algorithmization of law is related to the adaptability of legal norms to elements of the future, and not only to classical binary legislation. This could be done through expiration provisions and legal experiments (built into legal rules), adaptive legal norms (different possibilities of action/scenarios), new strategies, negative scenarios, decision-making algorithms and simulations that could be input without legal force for later general legal rules. The latter could improve the results through computing power, guaranteeing practical experiments with less cost, time and negative consequences (Pečarič, 2021). At the same time, enthusiasm for artificial intelligence should not turn law into a system of purely analytical procedures devoid of practical knowledge (Tritto & Torres, 2025). In this context, it is important to consider the characteristics of big data-driven markets, as well as the fact that access to competitively significant big data sets is in the interests of society as a whole, as it allows the development of new products or entirely new markets, which increases overall welfare (Dacar, 2024).

Summarizing the aforementioned, we could conclude that the procedure for considering administrative disputes under martial law requires systematic improvement by harmonizing with the latest technological realities. The combination of national and international approaches to the digitalization of justice creates the basis for the formation of a model of algorithmization of judicial discretion, with a balance between innovation and respect for fundamental human rights.

## METHODOLOGY

The methodological framework of this study is anchored in a systemic approach, which conceptualizes administrative justice under martial law as an integrated legal system operating within a volatile socio-political and security landscape. This perspective allowed for an examination of how emergency regimes reshape procedural dynamics and the fundamental principles of justice.

A formal-legal method was employed to scrutinize current regulatory acts, facilitating the identification of legislative gaps – particularly regarding the suspension of proceedings, remote adjudication, and the exercise of judicial discretion. Furthermore, the comparative and legal method was utilized to evaluate international paradigms, specifically the European Union's approach to digitalization and human rights protections during crises, providing scalable models for the Ukrainian context.

The logical-analytical method enabled a critical synthesis of legal provisions and their real-world application, with a particular focus on the integration of artificial intelligence. A significant innovation in this research is the use of algorithmization for legal analysis, which structures the logical connections between norms and judicial outcomes to enhance objectivity and predictive accuracy. Additionally, legal modeling was used to project future scenarios for digital transformation and the balance between security imperatives and procedural fairness. Finally, the study is supported by empirical methods, including a rigorous analysis of Supreme Court case law from 2023–2025 and an extensive review of domestic and international legal doctrine.

The empirical basis of the study is constituted by regulatory acts; case law of the Cassation Administrative Court within the Supreme Court in the 2023–2025 period; doctrinal works of Ukrainian and foreign scholars, in particular the results of previous comparative studies in the area of administrative process.

Thus, the methodology used ensured the comprehensiveness and research validity of the results obtained. The combination of normative, doctrinal and empirical analysis has made it possible to formulate a holistic view of the trends in the development of administrative justice in Ukraine under martial law and to identify areas for its further improvement.

## RESULTS AND DISCUSSION

The resolution of administrative cases under martial law is inextricably linked to both the constant renewal of the role of the judge in the law enforcement process and the use of the latest technologies. This is an integrative legal and technological legal order that ensures the adoption of motivated and effective decisions by judges as law enforcement subjects endowed with discretionary powers.

### Current Categories of Litigation

The peculiarities of considering legal disputes under martial law are related to the statute of limitations for filing a lawsuit,

calculating and extending the time limits; suspending proceedings in connection with martial law; resolving complex public-law disputes in simplified proceedings, especially with the participation of military personnel and law enforcement officers; determining the proper defendant during the consideration of social disputes; summons, notifications, and delivery of decisions to the parties to the case; requesting evidence and questioning witnesses during martial law (Ilkov, 2023). Among such disputes are the issues related to the staying foreigners and stateless persons on the territory of Ukraine; citizens' appeals; social insurance; social protection of families with children; reimbursement of housing and communal services; protection of the right to use subsoil; urban planning and architectural activities; taxation; financial responsibility, etc.

For example, one could single out disputes regarding the determination of the specifics of the legal status of individuals under martial law. Thus, the Supreme Court formulated a legal position according to which the status of a person who takes a direct part in hostilities (combatant) deprives him of the opportunity to claim international protection of a civil or humanitarian nature. Such an individual already enjoys the legal guarantees provided by the State of Ukraine for foreign citizens and stateless persons involved in the defense of the sovereignty, territorial integrity and inviolability of the country. At the same time, such person is not deprived of the right to apply for international protection and his/her application must be considered in substance, taking into account the risks involved as specified in the 1951 Convention and 1967 Protocol thereto, the Ukrainian Law «On refugees and persons in need of additional or temporary protection» regarding treatment or punishment. This is guaranteed under Art. 3 of the Convention, which states that no one shall be subjected to torture or to inhuman or degrading treatment or punishment (case No. 420/21366/23) (Supreme Court of Ukraine, 2025).

Another conclusion of the Supreme Court, which requires special attention, concerns the recognition of the fact of classifying a settlement as a territory in which an anti-terrorist operation was carried out (without conducting hostilities or armed conflicts) as an insufficient legal basis or condition for granting the child the status of the child affected by hostilities and armed conflicts. Thus, persons who are minors and victims of, inter alia, psychological violence at the time of an armed conflict are entitled to such status. The key condition for granting status is the establishment of a direct causal link between military action in a particular locality and harm to a child's health or development.

The status of an IDP or the inclusion of a city on the official list of territories in armed conflict does not automatically constitute grounds for recognizing a child as an injured person. For status to be granted, it is not enough to formally assign a territory to a conflict zone; it must be confirmed that the area in question has actually been subject to hostilities, armed clashes or occupation which have directly resulted in an adverse effect on the child (case No. 360/3668/18) (Supreme Court of Ukraine, 2023a).

Another group of disputes is the institutional, functional and procedural standards of behavior in martial law. In particular, the Supreme Court noted that the norms regulating

the procedure for individuals (with the exception of special provisions established for certain categories, in particular participants in a military operation), determine an exhaustive list of types of income that are not taken into account when calculating the amount of the subsidy in the event of its assignment. These include targeted payments for orphans and foster children, one-time public benefits (including birth grants) and targeted assistance for internally displaced persons. In addition to social transfers, income from bank deposits, funds for election commissions, charitable assistance and alimony are not included. Also ignored are the amounts allocated for rehabilitation (vouchers, technical funds) and compensation for damage to health at work. An important benefit for farmers is the failure to account for livestock subsidies (case No. 140/73/19) (Supreme Court of Ukraine, 2023b).

Another position is related to the fact that the introduction of martial law in Ukraine cannot be regarded as a force majeure circumstance for the non-transfer by a non-resident counterparty to the payer's accounts of funds for the delivered goods within the framework of foreign economic contracts. The appropriate confirmation of force majeure in external economic relations is a certificate issued by the competent authority of the country of registration of the party to the contract or a third country, as provided for in the terms of the contract. As the responsible company did not provide appropriate documentary evidence from the authorized organization of its jurisdiction, the occurrence of circumstances of irresistible force is considered unproven. Consequently, the introduction of martial law in Ukraine does not release a non-resident from the obligation to make payments for products supplied (case No. 240/25642/22) (Supreme Court of Ukraine, 2024).

Even in the languages of emergency legal regimes, the judicial system is to continue considering and resolving administrative cases. The functioning of justice cannot be restricted, except in situations where the exercise of powers is actually impossible (Mishchuk & Kyrychuk, 2023). Hence, one could agree with the proposal formulated in the doctrine of administrative process to make amendments to the Code of Administrative Justice of Ukraine aimed at granting the courts the right, if there are justified grounds and evidence to confirm them, to suspend the proceedings in the case, as well as to develop a number of explanations regarding the consideration of administrative cases in courts during martial law, relating to the peculiarities of taxation during such a period; consideration of pension and other social disputes of certain categories of citizens, defined by the Law of Ukraine "On Pension Provision for Persons Discharged from Military Service and Certain Other Persons"; amendments to labor legislation and legislation on public service in wartime (Solomakha, 2023). To relieve the burden on the judiciary, it is also important to provide alternative methods of resolving disputes, in particular by expanding the competence of the subjects of power (Raven, 2024). The development of alternative dispute resolution (ADR) in Ukraine reveals new opportunities for extra-judicial protection of citizens' rights, integrating European standards of justice. The key criterion for distinguishing ADR species is the extent to which a third party has influenced the outcome of the dispute.

In some cases, the conciliator acts as a “private judge” whose decision is final and based on law. In others, - as an “architect of communication,” whose task is not to resolve a dispute, but to support the parties on their way to mutual understanding. There is a niche for advisory services to help parties assess their chances of entering large-scale litigation. The most flexible are blended forms, allowing for a start with reconciliation and, in case of failure, an immediate transition to arbitration, saving participants’ time and resources significantly.

In this way, conditions will be created for the proper implementation of the rule of law principle in the administrative process, which will contribute to the achievement of the objectives of administrative justice.

### Features of Judicial Activism

Judicial activity in the consideration of administrative cases under martial law is primarily associated with judicial lawmaking, since the judiciary should not be a passive observer of the activities of the legislative or executive branches, especially when the actions or inaction of the latter may violate human rights and interests (Koldashov & Hroza, 2024). In legal doctrine, this legal category is interpreted as judicial lawmaking, which includes the creation of completely new legal norms, the application of various methods of interpreting the norm, negative lawmaking; the application of means of overcoming the shortcomings of the legislation, that is, the activities of judges aimed at creating new legal norms by applying various methods of interpreting the law, legal doctrines, analogy of law, law, as well as the powers of judicial control to cancel regulatory legal acts of other branches of government (Goncharov, 2022). In the process of administering justice, the court involves comparative analysis, selecting on its own initiative similar cases from previous practice in order to correlate them with the current proceedings. This approach is used not only when formulating the motivational part of the court decision, but also at the final stage when resolving the case on the merits. Previously formed judicial conclusions serve as a legal guideline, but are applied taking into account the specific factual situation.

It is about the tense and productive coexistence of parallel and commensurate orders that conduct a dialogue around the expansive power of human dignity (Vatamaniuk, 2023). To do this, the court operates on the analogy of law, uses a comparison of circumstances and logical analysis when collecting evidence and giving it legal meaning. When a legal norm contains a legal gap, allows for a double interpretation, or conflicts with other provisions of the law, the court is forced not to limit itself to the literal meaning of the normative act. In such cases, the court takes into account the general principles of law, which serve as the methodological basis for interpretation. Through interpretation, it clarifies the content of the legal norm, adapts it to the established facts, and forms a rule suitable for application in a specific situation. In this way, a new understanding of law is developed, formalized in the legal position of the court, recorded in the motivational part of the court decision. Such a process is consistent, rational and at the same time adaptable, since it takes into account not only the details of the case, as well as the socio-economic state of society and the historical conditions in which the legal

system exists. However, excessive freedom of the judge in interpreting the law could lead to the risk of subjectivity and distortion of the content of legal norms. Therefore, the court should consider the ethical standards of society, the proportionality of the interests of the state and the individual, the principles of logical reasoning, relevant evidence and legal sources that have withstood practical testing.

Accordingly, judicial activity in the consideration of administrative cases under martial law refers to the active interpretative activity of the court with a conceptual basis based on a combination of legal analysis and its practical application. When exercising discretionary powers, the judge as the subject of law enforcement not only takes into account the content of regulatory acts, but also has to transform their provisions into rules of real behavior of the parties. Contemporary justice is productive in nature and oriented towards finding a fair solution to a legal conflict, which leads to the formation of a new legal position, which is a manifestation of judicial lawmaking.

Based on the above, the following features of judicial activism can be allocated:

- 1) Transformation of the court into a law-making entity – judges go beyond the mechanical application of norms, effectively forming new rules of conduct to overcome legislative gaps;
- 2) Dynamic (evolutionary) interpretation – using a broad interpretation of constitutional and legislative provisions to adapt them to current social challenges;
- 3) Judicial control over public policy – active intervention in the spheres of competence of the legislative and executive branches of government in order to adjust their activities (in particular, through judicial control institutions);
- 4) Anthropocentric approach – providing unconditional priority to the protection of fundamental human rights, even if it requires a review of established legal precedents or formal norms;
- 5) Ensuring the flexibility of the legal system – desire to eliminate legal conflicts, which, at the same time, can create risks for legal certainty due to the lower predictability of court decisions.

### Use of Artificial Intelligence

As it now seems likely that the regulation of artificial intelligence in the European Union will have at its core the objective of satisfying economic interests in the internal market, it is important to seek guarantees of the protection of individuals’ rights and their security that go beyond the letter of the law (Milaj & Mifsud Bonnici, 2025). Ultimately, the legitimacy of the use of standards to regulate artificial intelligence in the European Union will be assessed first of all by the trust of stakeholders in the process and outcomes, and then by the general public. Legitimacy will be assessed in practice, once the artificial intelligence legislation is fully implemented and in force. The question is whether all relevant standards will actually be adopted, whether they really provide any protection for the fundamental rights of users, or at least whether any crises or apparent failures will be avoided (Leyden, 2025).

A fundamental step towards integrating artificial intelligence (AI) into European justice was taken in 2018 when the European Commission for the Efficiency of Justice (CEPEJ) adopted the Ethical Charter on the Use of AI in Justice Systems. This document laid the regulatory foundation for innovation in the field of law by defining five fundamental principles:

- Respect for fundamental rights, guaranteeing the rule of law;
- Prohibition of discrimination, excluding algorithmic bias;
- Quality and safety, requiring proper training and stable operation of systems.
- Transparency and fairness, ensuring the impartiality of processes.
- User control, which enshrines the autonomy of the subject of justice and their right to deviate from AI proposals (European Commission for the Efficiency of Justice, 2018).

These principles are aimed at regulating the functional capabilities of “predictive justice”, which is based on algorithmic prediction of court proceedings outcomes.

The current stage of development of administrative justice in Ukraine is also characterized by the active implementation of digital technologies, namely electronic justice tools. The current legislation grants participants the right to present evidence and procedural documents in digital format through specialized information systems. The use of an electronic signature is a prerequisite for the legal significance of such documents, allowing full remote execution of procedural actions.

When considering administrative cases under martial law, the contemporary development of information technologies has led to a gradual transformation of the concept of organization and use of knowledge resources in both the private and public sectors. The indicated technological systems have gone through several stages of development, which reflects the complication of their functional structure and the expansion of their communicative potential. In particular, at the initial pre-war stage in Ukraine, such systems were static in nature and were formed manually on the basis of limited information arrays, providing the user with answers by searching for keywords. The second stage of development is characterized by the emergence of partially automated knowledge bases focused on individual subject areas, which provide processing of single-aspect information requests. Further evolution led to the formation of more complex systems with a wider coverage of subject areas, capable of processing multi-level requests and providing multi-dimensional analysis. The current stage of development is associated with the use of machine learning methods, which allows knowledge systems to self-expand information bases and support interactive interaction with users, including adaptation to context and empathetic reactions.

The AI application in judicial proceedings has the potential to improve the efficiency, accessibility and objectivity of judicial decisions (Belov & Belova, 2023). The National Digitalization Strategy, enshrined in the Cabinet of Ministers of Ukraine (2020), identifies justice as one of the promising

areas for innovation. In particular, the possibility of resolving minor administrative cases (as understood by Article 4 and Article 263 of the Code of Administrative Justice: An administrative case is considered to be of minor importance, the circumstances of which can be fully and comprehensively clarified without the use of standard preparatory stages or summonses. Such a simplified format is predetermined by the specifics of the subject of evidence and the composition of the participants in the process, and an exhaustive list of relevant categories of cases is enshrined in the provisions of the CAP of Ukraine (Constitution of Ukraine, 2005) with the help of AI is provided for, subject to the consent of the parties. However, the central scientific dilemma remains the subjectivity of such a decision: Whether AI will be an autonomous “virtual judge” or only an analytical assistant. Although Article 6 of the ECHR guarantees the right to an independent tribunal, it does not explicitly prohibit the automation of proceedings. Lack of relevant ECHR practice on this issue leaves a legal vacuum regarding the permissible limits of judicial delegation to algorithms (Prokhazka & Melnyk, 2023, p. 71).

When justifying the need to implement norms regarding the use of artificial intelligence into national legislation, one should take into account the constitutional limits of the administration of justice. According to Art. 127 of the Constitution of Ukraine, the exclusive right to administer justice belongs to judges and, in certain cases, jurors (Constitution of Ukraine, 1996). Therefore, the involvement of AI is possible not as an independent subject, but as an instrumental assistant to optimize judicial activity. It is about technological support aimed at increasing the efficiency of case processing, ensuring the accuracy of processing large data sets and minimizing judicial errors. In particular, the Concept of AI Development in Ukraine considers the possibility of automating the analysis of legislation and judicial practice in minor cases, which allows AI to become a functional component of the administrative process. At the same time, the key risks remain algorithmic errors that can lead to violation of the right to a fair trial and deformation of the procedural guarantees of the participants.

Therefore, with regard to determining the limits of discretionary powers in the judicial process of resolving administrative cases, it should be noted that artificial intelligence technologies play a significant role in ensuring operational access to information resources, rather than for resolving disputes. Hence, algorithmic tools capable of automatically anonymizing and pseudonymizing open data sets, in particular legal information, should be implemented in order to systematize and generalize them for further safe use in analytical software products adapted to specific law enforcement tasks related to case consideration. The use of AI should be based on a number of fundamental principles, including: guaranteeing privacy protection, sovereignty of state data and services (platformization), ensuring equality and non-discrimination of algorithms, transparency of operation, professional and ethical responsibility, compliance with human rights, as well as the self-learning ability of systems.

Artificial intelligence could become an important tool to support judges and lawyers, but its application should be strictly regulated, controlled by a person and subordinated to

the fundamental principles of justice, legality and equality before the law (Derkach et al., 2025). Despite the lack of a unified approach to the implementation and use of AI in justice, the digitalization of the judicial system stimulates the search for effective and ethically sound solutions adapted to the needs of each specific state (Bessonov, 2025). The use of artificial intelligence significantly increases the speed of information processing and intellectual analysis, which contributes to the adoption of optimal decisions. This is especially important in integrated legal systems, where the exercise of discretionary powers is to be based on algorithms compatible with the principle of the rule of law and the criteria of the “three-part test” (legality – legitimate aim – proportionality of the intervention). At the same time, an innovative approach to solving non-standard legal situations should necessarily remain a human prerogative. The goal of artificial intelligence is not to replace the judge, but to improve the quality of professional activity by automating technical and repetitive processes.

Thus, the integration of intellectual knowledge bases into the electronic justice system for the consideration of administrative cases under martial law through the use of artificial intelligence forms the grounds for increasing the efficiency of dispute resolution, minimizing the emergence of different judicial practices, increasing transparency and providing a new level of digital interaction between the state and society. This combination of technological and legal mechanisms determines the strategic vector of further modernization of justice in the context of digital transformation. In this regard, the integration of algorithmic technologies of artificial intelligence concerns the formation of effective interaction between humans and digital systems. The functions of artificial intelligence should mainly cover standard and routine tasks, while key analytical, legal and managerial decisions should remain with humans as participants in law enforcement activities, that is, with judges who resolve administrative disputes. While the current domestic legal framework precludes the substitution of human adjudicators with automated algorithms, there is significant scope for exploring the integration of AI as an auxiliary tool within the judiciary.

Drawing upon the precedents set by international organizations, it is also advisable to establish national recommendations and regulatory standards for the deployment of AI in general and in justice in particular. Furthermore, there is a pressing need to expedite the drafting and ratification of a Code of Ethics for Artificial Intelligence in Ukraine, alongside a comprehensive strategic framework designed to maximize the transformative potential of this technology.

## CONCLUSIONS

The analysis permits to formulate a conclusion regarding the leading role of judicial doctrine in determining the limits of discretionary powers during the consideration of administrative cases under martial law. Judicial doctrine appears not only as a tool for interpreting law, but also as a mechanism of law-making influence, which ensures the

stability of law enforcement, unification of judicial practice and increases the level of legal certainty.

It can be argued that the adjudication of administrative disputes under martial law is characterized by significant procedural adjustments. These include the tolling and extension of statutes of limitations, the strategic suspension of proceedings, and the increased use of simplified procedures, particularly in cases involving military and law enforcement personnel. Furthermore, wartime conditions complicate fundamental judicial tasks such as identifying proper defendants in social disputes, ensuring the valid service of process, and managing the collection of evidence or witness testimony. The substantive scope of such litigation is expansive, ranging from the legal status of non-citizens and taxation to social welfare for families, utility reimbursements, and urban planning regulations.

Administrative adjudication under martial law is fundamentally characterized by judicial lawmaking, as the bench must transcend its role as a passive observer of legislative or executive conduct. When state actions or omissions threaten to infringe upon human rights, the judiciary must engage in proactive interpretative activity, synthesizing rigorous legal analysis with practical exigencies. In exercising discretionary authority, judges do not merely apply statutory content; they operationalize regulatory provisions into concrete rules of conduct for the parties involved. Ultimately, contemporary justice is inherently constructive, prioritizing equitable conflict resolution and the formulation of novel legal positions – clear manifestations of judicial creativity.

The role of AI in administrative justice is increasingly relevant to the efficiency of information access, yet it remains distinct from the exercise of judicial discretion. To optimize this supportive function, legal systems should implement algorithmic tools capable of processing open data through anonymization, thereby creating a secure foundation for analytical software. This technological transition requires a robust ethical framework based on platformization (state data sovereignty), privacy guarantees, and algorithmic transparency. By upholding human rights and ensuring professional accountability, these self-learning systems can enhance the judicial process without compromising the integrity of legal outcomes.

This study emphasizes that in order for Ukraine to comply with European standards, it is not enough to simply integrate new technologies; it is also necessary to proactively develop judicial doctrine and ethical principles that would regulate their application, especially during crises, ensuring the protection of fundamental rights.

The prospects for further research are linked to an in-depth analysis of the interaction between judicial doctrine and digital technologies, in particular artificial intelligence, in the field of justice. Particular attention should be paid to developing criteria for the permissible algorithmization of judicial discretion that would not reduce the quality of legal argumentation and would comply with human rights standards. It is also relevant to study the impact of digital transformation on ensuring the unity of judicial practice.

Contemporary legal research points to the growing prospect of integrating mathematical and algorithmic models for assessing legal situations when making judicial decisions. Although these approaches can significantly increase the objectivity, structure, and predictability of law enforcement, they do not replace the critical role of the judge as the bearer of legal consciousness and the fundamental guarantor of justice. Thus, judicial doctrine, combining theoretical depth and practical expediency, acts as a determining factor in regulating judicial discretion and improving the efficiency of administrative proceedings, especially in conditions of martial law.

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