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## **LEGAL ANALYSIS OF THE PROJECT**

### **Hyper-automation of Order for Payment Procedures in Justice**

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In recent years, justice systems across Europe have undergone significant transformation due to digitalisation and the increasing use of emerging technologies. Courts and public administrations are progressively integrating tools such as Artificial Intelligence and Robotic Process Automation in order to improve efficiency and better respond to the growing volume of cases. This shift reflects a broader trend towards what is often described as “digital justice”, where technology plays a central role in the management and processing of legal procedures.

Within this context, the initiative on the hyper-automation of order for payment procedures introduced by the Spanish Ministry of Justice represents a notable example of the application of advanced technologies in civil justice. The project combines AI and RPA to automate key procedural stages, including the classification of documents, extraction of relevant data and automatic registration and distribution of cases through digital platforms such as LexNET and the Minerva case management system.

From a legal perspective, this development raises important questions regarding the compatibility of such technologies with fundamental procedural guarantees. While automation promises increased efficiency, it also introduces potential risks. These include concerns related to due process, transparency, accountability and the preservation of judicial discretion. The integration of automated systems into judicial workflows challenges traditional understandings of how justice is administered and requires careful assessment to ensure that efficiency gains do not come at the expense of fundamental rights.

Accordingly, the central research question guiding this analysis is the following: *Is the use of hyper-automation in order for payment procedures compatible with fundamental procedural rights and principles of justice?*

### ***I. Legal Nature of the Order for Payment Procedure***

The order for payment procedure constitutes a simplified judicial mechanism designed to facilitate the recovery of uncontested monetary claims in a swift manner. It exists in various forms across European legal systems and is particularly significant due to its function in handling a high volume of low-complexity disputes. At the European Union level, it is harmonised through Regulation (EC) No 1896/2006, which establishes a uniform procedure aimed at simplifying, speeding up, and reducing the costs of cross-border litigation concerning pecuniary claims. From a legal standpoint, the order for payment procedure is characterised by its largely formal nature.

Unlike typical civil proceedings, it does not initially require a substantive examination of the merits of the claim. In this case, the court (or the competent authority) primarily verifies whether the application meets formal requirements, such as the existence of a monetary claim and the submission of sufficient documentation. It reflects the assumption that the claim is either uncontested or unlikely to be disputed by the debtor. As a result, the procedure significantly reduces the burden on courts while ensuring access to justice for creditors.



Key elements of the procedure are that it is a one-sided procedure of a primarily administrative nature. It is not required to be represented by a lawyer or other legal professional. This lowers the threshold for access to justice, allowing individuals and businesses to pursue claims without incurring significant legal costs. From a legal perspective, the nature of this procedure places it at the between two fundamental objectives: efficiency and procedural safeguards. On the one hand, its simplified and expedited character justifies the use of streamlined mechanisms, including digitalisation and automation. On the other hand, it must remain compliant with fundamental rights, particularly the right to a fair trial as enshrined in Article 6 of the European Convention on Human Rights and Article 47 of the Charter of Fundamental Rights of the European Union.

The *ex parte* nature of the initial stage and the reliance on formal verification raise important legal questions regarding the adequacy of safeguards, especially when further combined with automated processing.

In this context, the order for payment procedure can be understood as a procedural model particularly important to technological integration, precisely because of its standardisation, high volume and limited complexity. However, these same characteristics also make it a sensitive area for legal analysis, as the introduction of automation must be carefully balanced against the need to preserve procedural fairness, transparency and accountability.

## *II. Description of the Automation System*

The initiative on the hyper-automation of order for payment procedures introduced by the Spanish Ministry of Justice represents an advanced integration of digital technologies into judicial sector. The system combines AI and RPA to streamline and optimise the handling of high-volume, low-complexity civil cases, particularly those related to debt recovery. At its core, the system operates through the interaction of two main technological components. First, AI-based tools are used to process incoming applications submitted via LexNET, the official digital platform for communication between judicial bodies and legal professionals. These tools are capable of automatically classifying documents, extracting relevant legal and factual information and structuring data from standardised forms. This stage is essential in transforming unstructured legal submissions into machine-readable inputs that can be further processed within the system.

Second, RPA is employed to execute rule-based administrative tasks. Once the relevant data has been extracted, software “robots” automatically input the information into the Minerva case management system, which is used by judicial authorities to manage proceedings. These automated processes include the registration of cases, their distribution to competent judicial bodies and the initiation of procedural steps. In this context, by replicating repetitive human actions within a digital environment, RPA significantly reduces the need for manual intervention in routine procedural operations. Meanwhile, a key feature of this system is its reliance on standardisation and structured data entry. To facilitate automation, specific digital forms have been introduced within LexNET, which are now mandatory for the submission of order for payment claims by legal professionals. These forms ensure that the information provided is complete, consistent and compatible with automated processing. As a result, the system shifts the procedural logic from document-based handling to a more data-oriented approach, enabling faster and more efficient case management



Nevertheless, it is particularly important to emphasise the limited scope of automation within the system. The technologies implemented are designed to assist in administrative and procedural tasks, rather than to replace judicial decision-making. According to the project's framework, automated processes do not take decisions that affect the rights and obligations of the parties, nor do they exercise judicial discretion. Instead, they operate within predefined rules and parameters, handling tasks that are repetitive, low-risk and based on formal criteria.

In addition, the system incorporates elements of transparency and accountability, notably through the publication of registers relating to equity, accuracy and transparency (FAT). These mechanisms aim to provide oversight over the functioning of AI tools and to ensure that their deployment aligns with broader legal and ethical standards applicable to public administration. Such safeguards are consistent with emerging European approaches to trustworthy AI and accountability in automated systems.

### III. Applicable Legal Framework

The implementation of hyper-automation in order for payment procedures operates within a multi-layered legal framework, which goes beyond national legislation, European human rights standards, and emerging rules on data protection and artificial intelligence. Assessing the legality of such systems requires an understanding of how these different sources interact.

#### *National Legal Framework*

At the national level, the digitalisation of justice in Spain is primarily supported by recent legislative reforms aimed at improving procedural efficiency and modernising judicial administration. In particular, Royal Decree Law 6/2023 introduced measures to promote the use of digital technologies in judicial proceedings, including the possibility of automated, assisted and proactive procedural actions. This legal instrument provides the formal basis for integrating tools such as AI and RPA into the functioning of courts.

In addition, Organic Law 1/2025 on measures for the efficiency of the Public Justice Service further strengthens this framework by promoting structural and technological reforms within the judiciary. The law emphasises the importance of digital transformation, standardisation of procedures and improved operational efficiency. Importantly, these reforms also aim to enhance legal certainty and uniformity in judicial practice, which are key objectives in the context of high-volume procedures such as order for payment cases.

Together, these legislative developments establish that the use of automation in judicial administration is legally permissible, provided that it operates within defined limits and respects fundamental rights.



### ***European Human Rights and Procedural Standards***

Beyond national law, the use of automation in judicial processes must comply with fundamental rights protected under European legal instruments. Central in this regard is Article 6 of the European Convention on Human Rights, which guarantees the right to a fair and public hearing by an independent and impartial tribunal. This provision encompasses key procedural safeguards, including the right to be heard, equality of arms and the requirement that judicial decisions are taken by a competent human authority. Similarly, Article 47 of the Charter of Fundamental Rights of the European Union ensures the right to an effective remedy and access to justice within the EU legal order. It reinforces the necessity of fair procedures and judicial protection, particularly in cases involving the determination of civil rights and obligations.

In the context of automation, these provisions raise important legal questions. While the use of technology may enhance efficiency, it must not undermine human oversight, transparency or the ability of individuals to effectively challenge decisions affecting their rights. Any system that risks replacing or limiting judicial discretion could potentially conflict with these fundamental guarantees.

### ***Data Protection and AI Regulation***

The deployment of hyper-automation also involves the large-scale processing of personal and legal data, bringing it within the scope of European data protection law. Under the GDPR, automated processing must comply with principles such as lawfulness, transparency, purpose limitation, and data minimisation. In particular, Article 22 GDPR imposes restrictions on decisions based solely on automated processing that produce legal effects on individuals, reinforcing the importance of maintaining human involvement in judicial contexts.

Furthermore, the AI Act of the European Union classifies AI systems used in the administration of justice as high-risk systems. As such, they are subject to strict requirements, including risk management, transparency, human oversight and accountability. Although still evolving, this regulatory framework reflects a broader European approach that seeks to balance innovation with the protection of fundamental rights.

### ***Interim Assessment***

The applicable legal framework does not prohibit the use of automation in judicial procedures but conditions its legitimacy on strict compliance with procedural guarantees and fundamental rights. National legislation enables digital transformation, while European legal standards impose substantive limits designed to preserve fairness, accountability and human control. The interaction between these norms creates a legal environment in which hyper-automation can operate, but only within carefully defined boundaries, an issue that will be further explored in the legal analysis.



#### IV. Core Legal Analysis

The introduction of hyper-automation in order for payment procedures raises fundamental legal questions regarding its compatibility with core principles of justice. While the system is designed to improve efficiency by automating repetitive and low-risk procedural tasks, its integration into judicial workflows must be assessed against key guarantees such as the right to a fair trial, due process, legality, accountability and data protection. This section critically evaluates these aspects.

##### **Compatibility with the Right to a Fair Trial**

The right to a fair trial, stated in Article 6 of the European Convention on Human Rights and Article 47 of the Charter of Fundamental Rights of the European Union, requires that disputes concerning civil rights and obligations be decided by an independent and impartial tribunal, following a fair and transparent procedure.

At first glance, the use of hyper-automation in order for payment procedures appears compatible with these requirements. The system is expressly designed to exclude automated decision-making in matters affecting the rights of the parties, limiting its operation to administrative and preparatory tasks such as data extraction, case registration and file distribution. As such, the ultimate authority to make legally binding decisions remains with human judicial actors. However, a more critical perspective reveals potential risks. Even when automation is confined to “technical” stages, it may indirectly influence judicial outcomes. For instance, errors in data extraction or classification could affect how a case is presented to a judge, thereby shaping the decision-making process. Moreover, excessive reliance on automated systems may lead to a gradual de facto delegation of judicial functions, particularly in high-volume procedures where human oversight may become more formal than substantive.

Therefore, while the current design of the system appears formally compliant with fair trial guarantees, its long-term compatibility depends on maintaining meaningful human control, rather than merely symbolic supervision.

##### **Due Process Guarantees**

Closely linked to the right to a fair trial are the principles of due process, including the right to be heard, the right to defence and proper notification of proceedings. The order for payment procedure already operates under a simplified model, often characterised by an initial ex parte phase, where the debtor is not heard before the issuance of the payment order. In this context, the introduction of automation does not fundamentally alter the structure of the procedure but may affect its practical functioning. On the one hand, automation can enhance due process by improving the accuracy and speed of notifications, reducing delays and ensuring that procedural steps are consistently followed. On the other hand, it may create new risks, particularly if individuals are not adequately informed about the role of automated systems in handling their case.

A key concern is whether parties are able to understand and effectively challenge procedural actions carried out by automated systems. If the functioning of these systems is opaque or insufficiently explained, this could undermine the right to defence. Therefore, compliance with due process requires not only formal safeguards but also procedural transparency and accessibility.





### **Principle of Legality and Limits of Automation**

The principle of legality requires that any exercise of public authority, including judicial functions, be grounded in law and subject to defined limits. In the context of automation, this raises the question of whether certain tasks can be legitimately delegated to technological systems.

A crucial distinction must be drawn between:

- Mechanical, rule-based tasks (e.g., data entry, case allocation), which can be automated; and
- Discretionary or interpretative tasks, which require human judgment and cannot be delegated.

The Spanish system appears to respect this distinction by limiting automation to procedural and administrative activities. However, the boundary between these categories is not always clear. For example, the classification of legal documents or the identification of relevant data may involve interpretative elements, especially in complex or atypical cases.

This creates a risk of “functional expansion”, whereby systems initially designed for simple tasks gradually assume more complex roles. From a legal perspective, it is essential that clear limits are maintained and that automation does not encroach upon areas requiring judicial discretion.

### **Legal Certainty and Predictability**

One of the main advantages of automation lies in its potential to enhance legal certainty. By standardising procedural steps and reducing human error, automated systems can contribute to more consistent and predictable outcomes. This is particularly relevant in order for payment procedures, which are characterised by high volume and low complexity. However, increased standardisation may also lead to rigidity. Legal systems must retain the ability to accommodate exceptional cases and adapt to specific circumstances. Over-reliance on predefined rules and structured data may limit this flexibility, potentially resulting in unjust outcomes in cases that deviate from standard patterns. Thus, while automation can strengthen legal certainty, it must be balanced with the need for context-sensitive decision-making, which remains inherently human.

### **Accountability and Liability**

The introduction of automated systems into judicial processes raises complex questions regarding accountability. In traditional settings, responsibility for procedural actions is clearly attributed to judges or court officials. In an automated environment, however, multiple actors may be involved, including public authorities, software developers and system operators.

If an error occurs, for example, incorrect data processing or misallocation of a case, it may be difficult to determine who is legally responsible. This creates a potential accountability gap, which could undermine trust in the justice system.

From a legal perspective, it is essential to ensure that:

- Responsibility remains clearly attributable to public authorities;
- Automated tools are subject to oversight and audit mechanisms;
- Individuals have access to effective remedies in case of errors.



Without clear rules on liability, the use of automation risks weakening fundamental principles of legal responsibility.

### **Data Protection and Transparency**

The functioning of hyper-automation systems relies on the processing of large volumes of personal and legal data. This brings the system within the scope of the GDPR, which establishes strict requirements for lawful and transparent data processing. In particular, Article 22 GDPR limits decisions based solely on automated processing that produce legal effects. While the Spanish system formally avoids such decisions, the extensive use of automated tools still raises concerns regarding data accuracy, security and transparency.

The introduction of mechanisms such as FAT registers represents a positive step towards accountability. However, it remains essential that individuals are adequately informed about how their data is processed and that they retain the ability to contest automated actions affecting their case.

### **Efficiency vs Fundamental Rights**

At the heart of this analysis lies a fundamental tension between efficiency and the protection of rights. The primary objective of hyper-automation is to accelerate procedures, reduce workload and improve the overall performance of the justice system. In the context of order for payment procedures, these benefits are particularly significant given the high volume of cases. However, efficiency cannot be pursued at the expense of fundamental rights. The European legal framework makes clear that procedural guarantees are not optional but constitute essential elements of the rule of law. Therefore, any technological innovation must be carefully assessed to ensure that it does not compromise fairness, transparency, or access to justice. In this respect, hyper-automation can be considered legally acceptable only insofar as it remains a supportive tool, operating under strict human supervision and within clearly defined limits. Any expansion beyond this role would require a reassessment of its compatibility with fundamental legal principles.

### **I.Risks, Challenges and Conclusions**

Despite its clear benefits in terms of efficiency, the use of hyper-automation in judicial procedures presents several legal and practical risks that must be carefully addressed. One of the primary concerns is algorithmic bias. Even when systems are designed to process seemingly neutral data, biases may arise from the datasets used or from the way information is structured and interpreted. In the context of order for payment procedures, this could lead to unequal treatment of cases or systematic disadvantages for certain categories of users, thereby undermining the principle of equality before the law.

A second risk relates to the over-reliance on automation. As judicial staff increasingly depend on automated systems for processing cases, there is a danger that human oversight becomes merely formal rather than





substantive. This could result in a gradual erosion of critical assessment and judicial responsibility, especially in high-volume environments where efficiency pressures are significant. Closely linked to this is the issue of transparency, often referred to as the “black box” problem. If the functioning of AI systems is not sufficiently transparent or understandable, parties may be unable to effectively challenge procedural actions or identify errors. This raises concerns in relation to the right to defence and the broader requirement of procedural fairness.

Finally, the digital divide represents a structural challenge. The increasing reliance on digital platforms and standardised electronic forms may disadvantage individuals who lack access to technology or the necessary digital skills. This could create barriers to access to justice, particularly for vulnerable groups, and potentially conflict with the principle of effective judicial protection.

The analysis of the hyper-automation of order for payment procedures demonstrates that the integration of advanced technologies into judicial administration is both inevitable and, to a certain extent, desirable. By streamlining repetitive tasks and improving procedural efficiency, such systems contribute to reducing delays and enhancing the overall functioning of the justice system.

From a legal perspective, the use of hyper-automation appears to be compatible with fundamental procedural rights, provided that it remains strictly limited to supportive and administrative functions. The current model, which excludes automated decision-making in matters affecting the rights and obligations of the parties, aligns with the requirements of Article 6 of the European Convention on Human Rights and Article 47 of the Charter of Fundamental Rights of the European Union. However, this compatibility is conditional rather than absolute. The risks identified, particularly those related to bias, transparency, accountability and access to justice, highlight the need for continuous oversight and clear legal safeguards. Without such safeguards, there is a real possibility that efficiency gains could come at the expense of fundamental rights.

Hyper-automation can be considered a legitimate tool within modern justice systems, but only insofar as it remains human-centred, transparent, and accountable. Its future development will depend on the ability of legal frameworks to adapt and ensure that technological innovation strengthens, rather than undermines, the core principles of justice.