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ARTIFICIAL INTELLIGENCE AS A MECHANISM FOR SPEED AND JUSTICE IN COLLECTIVE ACTIONS IN BRAZIL: A NEW LEGAL-TECHNOLOGICAL PERSPECTIVE

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ABSTRACT

Artificial intelligence in Brazil has been a growing field in recent years, with significant advances in several areas. The technology is being applied in sectors such as health, education, finance, transportation, among others, seeking to improve the efficiency and quality of life of the population. In the legal context, artificial intelligence has also been explored, especially in the field of Collective Proceedings. Class action refers to lawsuits that aim to resolve conflicts that affect a group of people, rather than an isolated individual. Thus, this work has as its main objective to analyze the application of Artificial Intelligence in the sphere of Collective Actions in Brazil from the perspective of the structural process. As an accessory, the current panorama of collective actions in Brazil will be exposed. The fundamental concepts of Collective Actions will be investigated. The concept of Artificial Intelligence and its basic principles will be highlighted. The benefits and challenges of the implementation of Artificial Intelligence in the national legal system will be presented. It was concluded that the use of Artificial Intelligence from the perspective of the structural process in Collective Actions is a skillful tool in the achievement and promotion of the fundamental rights and guarantees provided for in the Federal Constitution of 1988. The work is justified by the relevance it assumes in the social, political, academic and economic context. The research methodology was deductive, data collection was qualitative-quantitative and the theoretical framework was bibliographic.

Keywords: Artificial Intelligence. Civil law. Collective Actions in Brazil.

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INTRODUCTION

The Brazilian legal-normative system has undergone significant changes in recent decades, seeking to become faster and more efficient in resolving conflicts and promoting guarantees and fundamental constitutional rights for all citizens. In this context, Artificial Intelligence (AI) emerges as a powerful tool capable of boosting speed and equity in collective actions in Brazil.

Collective actions, in Brazil, aim to solve issues that affect a specific group of individuals instead of dealing only with individual interests. These actions have been increasingly used to address social challenges and protect the rights of consumers, the environment, human rights, among others. However, its effectiveness can be compromised by lengthy and bureaucratic processes, which leads to the need to seek ways to improve its effectiveness.

It is in this context that artificial intelligence emerges as a new paradigm of transformation for the Brazilian legal field. The advancement of technologies through AI offers unprecedented opportunities to optimize and accelerate the collective process, reducing deadlines, costs, and ensuring access to justice more comprehensively.

Thus, this work has as its main objective to analyze the application of AI in the sphere of Collective Actions in Brazil. As an accessory, the current panorama of collective actions in Brazil will be exposed. The fundamental concepts of artificial intelligence will be investigated. The basic principles of artificial intelligence will be highlighted. The benefits and challenges of implementing AI in the national legal system will be presented. The ethical, privacy and data security challenges associated with the use of this technology will be addressed, especially in collective lawsuits in Brazil.

The work is justified by the relevance it assumes in the social, political, academic and economic context. The research methodology was deductive, data collection was qualitative-quantitative and the theoretical framework was bibliographic.

COLLECTIVE ACTIONS AND RIGHTS IN BRAZIL

The historicity of collective rights in the Brazilian normative-legal scenario dates back to a gradual evolution over time, with important milestones that consolidated the protection of the collective and diffuse interests of society.

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These rights refer to the protection of interests that go beyond the individual sphere, seeking to safeguard collective values, such as the environment, cultural heritage, consumer protection, human rights, among others (VITORELLI, 2022).

It should be noted that the idea of collectivity adduces that more than one individual will be present at any of the poles of the process, whether active or passive. In this regard, it is undoubtedly necessary to carry out an investigation of the core of these socio-structural interactions in the scenario of fundamental rights and guarantees, as well as to outline the correct (and applicable) deterministic concept of litigation, since collective actions are litigations that flow under the normative-legal perception of the collectivity, even though not everyone affected by the alleged litigation is aware of this meta-individuality.

In Vitorelli's lessons, (2022, p. 30):

> The first concept that requires clarification is that of collective litigation. Disputes are conflicts of interest that are legally relevant. In English, they are referred to as *disputes* [...] litigation and litigation are synonymous words and correspond to an event prior to the process. Collective litigation is the conflict of interest that arises involving a group of people, more or less broad, and these people are treated by the opposing party as a group, without significant relevance to any of their strictly personal characteristics. This is what distinguishes collective litigation from individual disputes

The fundamental premise of this assertion above is to understand in an irreproachable way what collective rights would be and their applicability today in Brazil. In this vein, it is understood that collective rights refer to rights that are not individual, that is, they are those that encompass a group of people instead of being limited to the particular interests of a single individual.

These rights aim to protect the interests, values, and needs of a collectivity, whether it is formed by a group of people with common characteristics or society as a whole. "They are also known as transindividual rights, as they go beyond the individual sphere and have an impact on multiple subjects" (VITORELLI, 2022, p. 34).

Thus, in Brazil, specifically, there are three main categories of collective rights, these being diffuse rights, collective rights in *strictu sensu* and homogeneous individual rights. Regarding their classifications and categorizations in the national normative-legal and doctrinal plane, Vitorelli, (2018, p. 42), identify them as follows, see;

> Diffuse Rights: These are those that cover an indeterminate and indeterminable group of people, linked by factual circumstances. Examples of diffuse rights are the right to an ecologically balanced environment, the right to public health, and the right

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> to public safety. Decisions in lawsuits that deal with diffuse rights have *an erga omnes* effect, that is, they benefit everyone who falls into the same situation, without the need for individual adherence. Collective Rights in the Strict Sense: These refer to the rights of determined and identifiable groups, such as the rights of consumers, workers of a certain category, or residents of a neighborhood or condominium. Decisions that deal with collective rights in the strict sense benefit only the specific group involved in the action, although they may have reflex effects in other similar cases. Homogeneous Individual Rights: These are individual rights of a group of people who face a common situation, which arises from a common origin, as victims of the same damage or injury. For example, a group of investors who suffered losses in the same financial scam. In this case, each individual maintains his or her individuality, but the circumstances of the damage are homogeneous, which justifies a collective action to seek reparation.

When looking at the history of collective rights in the Brazilian scenario, it is clear that the Federal Constitution of 1988 was a watershed for the protection of collective rights in Brazil. For the first time, the Magna Carta expressly brought provisions intended to protect diffuse, collective and homogeneous individual interests (art. 129, III). In addition, several other articles of the Constitution deal with collective issues, such as the environment (art. 225), consumer protection (art. 170, V; art. 48 of the Transitional Provisions) and workers' rights (art. 7) (VITORELLI, 2022).

Likewise, it is noted that Law No. 8,078/1990, which instituted the Consumer Protection Code, established consumer protection and defense rules at the national level. In this sense, the Consumer Protection Code recognizes the homogeneous collective and individual rights of consumers, allowing collective actions for the protection of these interests, contributing to the consolidation of collective rights in the Brazilian legal system.

In relation to the Consumer Protection Code and its avant-garde legislative performance in relation to supra-individual rights, it is noted that it not only recognized them as subject to collective protection (procedurally and materially), but also, in a pragmatic and direct way, noted the concept of diffuse, collective and homogeneous individual rights (interests). In this perspective, Mendes, (2014, p. 15), teaches, *in verbis*:

> The Consumer Protection Code, whose draft was prepared by the same group of authors who were the protagonists of the discussions of the collective lawsuit until then. Contrary to what is usually considered a good legislative technique, it was decided to conceptualize diffuse, collective and homogeneous individual rights "or interests" and, also, to establish concepts comprehensive enough to eliminate any interpretations that would support the impossibility of their protection. In other words, the concern of the provision was to prevent these rights, especially the diffuse ones, from being seen by judges as mere interests and, for this reason, not subject to judicial protection

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Another major milestone in the structuring of collective proceedings in Brazil is Law No. 7,347/1985 - Public Civil Action Law - which regulated the performance of the Public Prosecutor's Office and other legitimate entities in the defense of collective interests. This legislation brought an important instrument for the protection of collective rights, allowing actions to be filed for the reparation of damages caused to the environment, historical heritage, consumers, among others (DIDIER JR; ZANETI JR, 2017).

Similarly, Law No. 8,069/1990 – Statute of the Child and Adolescent – is a legislation that establishes the rights of children and adolescents, seeking to protect their interests and ensure their full development, thus covering the most vulnerable segments of society.

And finally, there is Law No. 4,717/1965 – the Popular Action Law – which is an instrument that allows any citizen to act in defense of public and social property, the environment and other collective interests that are eminently in danger. This law represents a means of popular participation in the protection of the interests of the community (DIDIER JR; ZANETI JR, 2017).

It cannot be forgotten that collective rights are guaranteed in the national legal system and that, in the same way, they are able instruments in the pursuit and achievement of these rights and guarantees, however, these are deliberated in favor of a collectivity, a group of people gathered on the occasion of daily (survival) and development. Here lies a key point for the hermeneutic, normative and doctrinal understanding of such rights and guarantees, that is; the concept of collectivity (society).

SOCIETY

In this way, it is inevitable that collective disputes emanate from conflicts of the same kind, not including systematic individuality, even if this can be measured in the context of the configuration of the litigation. Thus, deductively, collective conflict arises in the midst of a social or collective litigation and involves any collectivity or group of people gathered under a common point (legal, factual or legal).

It is not an easy task to try to conceptualize precisely what society would be, especially nowadays, given the liquides of social relations that are woven daily, and which, with the same speed as they are interconnected, are also detached. Relationships have become increasingly liquid and fickle, simplistic from a material point of view, and superfluous, socially speaking, and in this immaterial paradox that presents itself (sensitive

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and ethical liquidity), one must be careful to seek a single definition that sticks to the concept of society in contemporary times (BAUMAN, 2021).

In this sense, it is certain that numerous sociologists have already focused on a univocal definition that would sustain the ontological load to represent the common grouping, however, each one deliberated on its *temporal modus operandi*, applicable to the context at the time. There is no way to say that the same characteristics of an ancient society had the same traits as today's society, however, in all the concepts formulated so far, starting from a founding premise, that is, interest, three points are common to all, that is, construction (creation), development (structure) and necessity (solidarity).

Prima facie, society as a structure is the set of conceptions that see society as a discourse of social order, norms and structure, with priority for the whole to the detriment of the individual. In this vein, the importance of shared norms and values in social cohesion, combined with collective consciousness, is the mechanism that shapes the behavior of individuals and helps maintain social stability. In addition, it is defined that social facts should be treated as things, that is, as objects of study that exist independently of individuals (DURKHEIM, 1999).

A second characteristic feature of the coming together of people on a common and peaceful basis is that of solidarity or necessity. Here the concern is based on the imbricated and indistinct relationship between community and social solidarity, united by a discourse that seeks the realization of an ideal of care, feeling, affection and sympathy, capable of creating a community of feeling.

In this regard, *Elliott and Turner* (2012, p. 27) teach, see:

> Society as solidarity is a *sticky society*, a society in which the member's loyalty to the group is valued, which is difficult to enter – which implies restrictions on migration – and from which it is difficult to leave – abandonment is often characterized as disloyalty or even betrayal.15 Theories of society as solidarity assume that natural affection and dialogue, existing in communities, are the basis for democracy. Moral codes are spontaneously shared among the various groups of individuals.

Finally, when analyzed from the perspective of the conceptualization of society from its creation or construction. Analyzing it on this basis, we find the premise of society as a singular formulator of new structural paradigms, solidary and necessary, and indispensable to *inter vivos relations*. Thus, "the attempt here is to go beyond the abstraction of society as a structure, which ignores the uniqueness of the individual," but also "the nostalgia and

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sentimentality of society as solidarity. The central point, for these theories, is social creativity, openness to innovation." There is, in this way, "an imaginative substrate at the heart of social relations. Society, as seen in these conceptions, is an 'elastic' society" (VITORELLI, 2022, p. 58-59).

The fundamental characteristic of this concept is formed in the dynamism of the relations and that, being the meeting of all the other characteristics (although not indispensable), it is formed under the premise of the various relations that are grouped within the same relationship.

For this concept of society, it is not something static, or univocal in its structural composition, on the contrary, the meeting of the other characteristics, *per se*, already denotes the dynamism of this concept, combined with the fact that, in order to know for sure what a society is, one must analyze its relations, and not just its composition. This is the central point on which the entire premise of this vision is based, and especially in the twenty-first century, such a statement is imperative and categorical.

THE IMPLEMENTATION OF EXTRAJUDICIAL STRUCTURAL ACTIONS IN COLLECTIVE LITIGATION IN BRAZIL – AN OLD NORMATIVE-INSTRUMENTAL CONCEPT FROM A NEW PERSPECTIVE

When talking about the concept of extrajudicial structural measures, it is seen that these are classified as changes or reforms that can be implemented in certain situations without the need to resort to the formal judicial system. These measures aim to promote changes or adjustments in organizations, institutions, or processes, seeking to reach solutions and agreements through consensus among the parties involved.

What is certain is that, in Brazil, after the enactment of Law 7.347/85[3] (Civil Action), a legal-administrative mechanism was made available to the Public Prosecutor's Office so that it could act even in the extra-procedural phase of any collective litigation – Civil Inquiry. In this way, with this possibility of acting by proposing possible measures that may prevent any litigation from happening, or even collecting material evidence of unlawful acts that have occurred, there is the possibility of resolving the potential litigation that will arise,

[3]The Brazilian collective process has a characteristic that significantly differentiates it from both the North American and European models: the existence of the civil inquiry. This instrument, made available to the Public Prosecutor's Office by Law 7,347 of 1985, combined with the constitutional profile of the Public Prosecutor's Office, allowed the institution to develop a series of important structural change works, without the need for judicial intervention (VITORELLI, 2020, p. 42).

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adjusting between the parties (in this case, specifically, the Public Prosecutor's Office and any defendant) any existing irregularities, thus assuming a kind of pre-formulated and pre-procedural self-settlement, being recognized as structural measures for the resolution of collective conflicts

On this premise, Vitorelli (2020, p. 45) deliberates when he shows that:

> Of course, these changes are only possible through consensus. The civil inquiry is originally a tool for procedural instruction and obtaining information for the filing of future lawsuits. It so happens that, in the context of obtaining this information, it is common to present managers, people responsible for the defendant institutions, with a real interest in producing changes that, although necessary, were not possible until that moment. The Public Prosecutor's Office ends up functioning, in this context, as the agent of breaking inertia, to allow changes to be made.

With this legal premise and reformulated by the 1988 Constitution in its normative under the public function of law enforcement, the Public Prosecutor's Office acts as a propeller of a promising mechanism for resolving disputes in the collective sphere, despite being a premise stamped on legislation from the 80s, its applicability in the molds formulated contemporaneously under the extrajudicial structure of functionability, both of the ministerial prerogatives as well as of the rights (litigation) that it proposes to protect, comes from a recent functional and structural change, which highlights the organizational structure of the material and formal requirements for the eventual defense of collective rights, providing a substantial adequacy in the behavior of the parties involved, which is not limited only to the procedural and dual formalism of Plaintiff/Defendant, counting, in the same way, on all the antecedent, contemporaneous and future social organization of the fact in which it is discussed.

In the words of Vitorelli, (2020, p. 64):

> Thus, structural civil inquiries emerge, something unprecedented in any other legal system. In them, a topic can be debated fluidly between the different poles of interested subgroups, generating a comprehensive and consensual transformation plan, to be implemented by the responsible authorities themselves. This allows the minimization of intervention techniques, with the maximization of their results.

In this motto, the extrajudicial action of the Public Prosecutor's Office is regulated in arts. 8, 9 and 10 of the Public Civil Action Law and in Complementary Law 75/93, together with Law 8.625/93, which regulate the Public Prosecutor's Office of the Union and the states, their functionality and primary performance in fundamental rights and guarantees.

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The structuring of this action through the Civil Inquiry, as a mechanism for prior investigation in the practical (and anticipated) resolution of possible conflicts that would flow into the judicial path, or even, if they arise, their resolution can be given in a more simple way, through procedural conventions, with the spontaneity and participation of all the socio-legal actors present in the litigation.

In the words of Vitorelli, (2020, p. 69):

> Thus, the civil inquiry ended up being truly regulated by Resolution 23/2007, of the National Council of the Public Prosecutor's Office (CNMP). She detailed the issues related to the establishment, publicity, progress and control of the investigation. In its article 1, the Resolution informs that the objective of the civil inquiry is to "ascertain facts". If the fact is unlawful, it will generate the filing of a lawsuit. At the same time, if the information indicates that there is no unlawful act committed, the investigation is archived and submitted to internal control, within the scope of the Public Prosecutor's Office itself.

What is sought with this tool is precisely to anticipate possible litigation about fundamental rights that are not being complied with or that have been violated to some extent. It is clear that this mechanism is able to formulate efficient assertions to be applied to the concrete case, however, it should be understood that, despite being a tool used in the extrajudicial phase and with a conventional character, its principle of material evidence is not forgotten, and this is for two purposes, both to serve as a basis for eventual self-composition (outlining the goals to be achieved), as well as, likewise, it acts as a procedural evidentiary instrument in case any litigation inevitably has to be proposed.

Another instrument of such relevance when it comes to extrajudicial resolutions of conflicts based on the structural process, it should be noted that the Administrative Procedure (PA), listed by Resolution 174/2017, of the National Council of the Public Prosecutor's Office, is presented as a mechanism for conflict resolution, especially in the administrative path, and the main function of this mechanism is to harvest.

The administrative procedure, therefore, refers to the activities that the Public Prosecutor's Office carries out for the exercise of its institutional functions, which generally include the defense of the legal order, social interests (collective litigation *latu sensu*) and individual interests that are unavailable, as well as the external control of police activity and the supervision of criminal execution.

From this normative-instrumental perspective that assumes the administrative procedure as an imperative means of the structural process, Vitorelli (2020, p.72) teaches:

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> The PA can be used, among other purposes, to monitor and inspect, on an ongoing basis, public policies or institutions, as well as to support other activities, not subject to civil inquiry. As can be seen, it is an instrument of a very broad nature, whose purpose is not to investigate a defined fact, but to make a continuous monitoring of an institution or a policy in relation to which the Public Prosecutor's Office intends to act. As stated in article 8, sole paragraph, of the Resolution, "the administrative proceeding does not have the character of a civil or criminal investigation of a certain person, due to a specific unlawful act". Nothing prevents that, if specific facts arise, which require the action of the MP, a civil inquiry is opened, in parallel with the PA.

It is not a matter of collecting any evidence to support timely litigation, this instrument is made possible by the dialogue prior to any unlawful act, or even by acting in its prevention. There is no normative rule being violated or imminent, what we have is probabilities that something illegal will happen if such measures are not taken - in this sense, what it effectively seeks is to safeguard a right since most of the time it is being fulfilled, not in its totality or integrity, and the function of the Administrative Procedure is precisely this, to locate where the achievement of fundamental rights and guarantees can be improved in their best portion.

For Vitorelli, (2018, p. 58):

> Thus, the structural PA is predominantly developed through meetings, involving the institution's managers, representatives of the impacted society and, if applicable, people specialized in the technical subject object of the controversy. These events allow us to perceive to what extent the performance of the Public Prosecutor's Office can contribute to removing burdens of bureaucratic inertia or political inertia, opening spaces for transformations and improvement of the monitored institution to occur.

When talking about the (structural) Recommendation as a mechanism for promoting extrajudicial solutions from the perspective of the structural process, it is certain that these recommendations issued by the Public Prosecutor's Office aim to guide public agencies, institutions, companies or citizens on certain conducts or actions that must be adopted to ensure compliance with the law or to solve identified problems.

In Vitorelli's assertions, (2020, p. 156):

> The recommendations, however, can well fulfill the role of removing obstacles to the development of structural improvement. In the context of a civil inquiry or an administrative procedure on a structural problem, it is common to perceive embarrassments that, if resolved, may help to direct the situation for the better. It is also common for managers, who deal directly with the problem, to have good will, plans, and an interest in producing a solution, but to be unable to promote it, because the bureaucratic structures are too tied up, or because there are political objections to the implementation of that measure

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The recommendations of the Public Prosecutor's Office are not binding, that is, they do not oblige the parties to comply with them compulsorily, but they have an important moral and technical weight. If a recommendation is not accepted, the Public Prosecutor's Office may, in some cases, take legal action, such as filing lawsuits or administrative procedures to ensure compliance with rights and the law.

Some characteristics inherent to this instrument are noted, such as guidance, which are intended to guide and clarify the conducts that must be adopted to ensure legality, justice and the protection of rights.

Another peculiar feature of the Recommendation is the dialogue with society, which enables the Public Prosecutor's Office to establish a closer dialogue with public agencies, institutions and society in general, seeking the extrajudicial resolution of conflicts and the realization of rights.

Likewise, it is noted that the prevention and solution of problems are carried out more quickly and effectively, as they have a preventive nature, and can avoid the occurrence of irregularities or violations of rights. In addition, they can help solve problems in a more agile and less bureaucratic way.

In relation to action in several areas, it allows the Public Prosecutor's Office to issue recommendations in several areas, such as the environment, health, education, human rights, public property, among others.

Vitorelli, (2020, p. 157), describes it as follows:

> As can be seen, the recommendation is an eminently promotional instrument. It intends to change a behavior for the future, improving the existing public activity. It is not necessarily based on the premise of an unlawful act, but on the need for improvement. Due to this profile, the recommendation can also be used to promote the implementation of structural measures. The CNMP regulated the recommendation through Resolution 164/2017, emphasizing its persuasive, non-coercive nature. It is a symbolic and solemn declaration that the Public Prosecutor's Office considers that a certain reality should be changed.

In this way, the Recommendation acts in the pre-procedural phase, that is, even before there is any possible violation of any meta-individual rights, the Public Prosecutor's Office makes a recommendation to the entity to provide some type of improvement regarding the promotion and achievement of the rights placed under its tutelage, thus showing itself to be a participating instrument in the structural process applied in the extrajudicial phase of conflict resolution.

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ARTIFICIAL INTELLIGENCE IN APPLIED AS A MECHANISM FOR PROCEDURAL FACILITATION AND SPEED FROM THE PERSPECTIVE OF THE STRUCTURAL PROCESS

Contemporaneously, the use of some type of technology has been an almost indispensable part of social relationships and their interaction with the environment in which they are inserted.

In this motto, the technological advancement in spite of the so-called Artificial Intelligence (AI) is undeniable. Thus, when conceptualizing Artificial Intelligence, it is a specific field of computer science that seeks to develop systems capable of performing tasks that normally require human intelligence.

Artificial Intelligence is present in various technologies in our daily lives, such as virtual assistants, product recommendations on online shopping platforms, self-driving cars, medical diagnostic systems, and others.

The idea is to create machines that can learn, reason, solve problems and make decisions autonomously, simulating some characteristics of human thinking.

Thus, there are some types of Artificial Intelligence that are being used on a daily basis, and which are classified according to their functional applicability and development and purpose criteria.

In Bragança et.al., (2019, p. 68), this classification is noted, see:

> Artificial Intelligence can be classified as: a) weak (or narrow): these are systems developed to perform specific and well-defined tasks, such as voice recognition, playing chess, medical diagnosis, among others. These systems are highly specialized and lack general learning abilities; b) - Strong (or general) AI: represents the idea of building machines with intelligence comparable to or even superior to human, capable of performing diverse and generalized tasks, such as learning multiple skills and understanding different domains of knowledge; c) Machine learning: is a subfield of Artificial Intelligence that focuses on the development of algorithms that allow machines to learn from data, without being explicitly programmed for specific tasks. Machine learning is widely used in many AI applications; d)- artificial neural networks: inspired by the functioning of the human brain, neural networks are mathematical models that allow machines to recognize complex patterns and perform learning tasks, e)- natural language processing: an area of Artificial Intelligence that focuses on the development of algorithms to allow machines to understand and interact with human language.

Thus, in relation to the Judiciary it would be no different, which has made use of this technology in the most varied stages and procedures, thus becoming a reason for investigation so that there is identification of the positive points and eventual adaptation and improvement to what has already been posed.

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APPLICATION OF ARTIFICIAL INTELLIGENCE IN THE CONTEXT OF THE JUDICIARY

When brought to the path of applicability in the Judiciary, it is clear that Artificial Intelligence is present in the most diverse forms of action, from simple virtual service through *chatbots*[4], to procedural management, that is, taking care of the bureaucratic part of the process.

Similarly, Artificial Intelligence can be used to analyze large volumes of legal data, such as previous cases and case law, in order to predict possible court decisions in similar cases. This can assist lawyers in formulating their strategies and offer a more informed perspective on the likely outcomes.

Regarding the applicability of Artificial Intelligence in the context of procedural management, it is noted that it can be used to automate routine and repetitive tasks, such as the drafting of standard documents, the drafting of contracts, the filling out of forms and the management of procedural deadlines. With this, legal professionals can focus on more complex and strategic issues.

In this hermeneutic line, Salomão and Braga, (2022, p. 189), assert that:

> With the proper application of Artificial Intelligence as a self-management mechanism, it is expected that the Judiciary will be able to improve its productivity, reduce operating costs, streamline the procedural process and, consequently, offer better service provision to society. However, it is important that the development and implementation of Artificial Intelligence in the Judiciary are done with care and responsibility, protection of privacy, and the preservation of the ethical and legal principles that govern the justice system.

Another important measure of application of Artificial Intelligence to the legal level is with regard to mediation and alternative dispute resolution, as it can be used to facilitate mediation and negotiation between parties in conflict, offering more efficient and less costly solutions than traditional judicial litigation, which, of course, it would enforce the fulfillment of fundamental rights and guarantees, in the case of collective litigation and, on a horizontal level, increases legal certainty, as it offers individuals more viable alternatives to the cases under dispute.

In relation to the possibility of monitoring judicial decisions, it is used to analyze and monitor judicial decisions, identifying trends and patterns, which can be useful for courts in

[4]Chatbots are software that communicate and interact with human users through automated messages. They serve for companies to be able to respond to their consumers at any time, without the need for the presence of a team of attendants. In the legal context, it effectively provides basic information and guidance to citizens on legal issues, allowing for faster and more accessible service (CABRAL AND SANTIAGO, 2022, p. 318).

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improving their practices and future decision-making, practices that are already being adopted in several courts of Justice in the country, including the Superior Court of Justice and the Federal Supreme Court.

Corroborating the above assertions, we have the lessons of Pessoa and Guimarães, (2022, p. 133), see:

> The use of artificial intelligence in the judicial system represents a paradigm shift in the way we deal with justice. With the ability to analyze and process large volumes of legal information, AI can significantly improve the efficiency and accuracy of judicial decisions, providing greater agility in the procedural process and a better understanding of legal behavior patterns.

However, it is important to highlight that the implementation of Artificial Intelligence in the Judiciary requires ethical considerations, such as the transparency of algorithms, the protection of privacy and the guarantee that technology does not replace human decision-making when complex issues or issues of great social relevance are involved, in this way, Artificial Intelligence in the Judiciary should be seen as a complementary tool, assisting legal professionals, but always with the supervision and responsibility of human beings.

For this reason, in Brazil, several Brazilian courts also already use Artificial Intelligence systems, namely: TRF3 – SINARA, TRF5 – JULIA, TJ/AC – LEIA, TJ/AL-HÉRCULES, TJ/DFT – HORUS, TJ/GO – IA332, TJ/PE – ELIS, TJ/RN – POTI, TJ/RR – MANDAMUS and TJ/SP – JUDI (PESSOA AND GUIMARÃES, 2022, p. 137).

Likewise, there are currently thirteen disruptive technologies available for the application of the law. They are: "document automation, constant connection via the Internet, electronic legal markets, online teaching, online legal consulting" (PESSOA AND GUIMARÃES, 2022, p. 139).

There are also "open legal platforms, closed collaborative online communities, automation of repetitive work and projects, *embedded* legal *knowledge"*; it also has "online conflict resolution, automated document analysis, prediction of process results, and automatic responses to legal questions in natural language" (SALOMÃO AND BRAGA, 2022, p. 195).

In this same perspective, the Federal Supreme Court created the "Victor[5]", which was implemented in 2019 and is capable of identifying the appeals that fall into one of the

[5]In Brazil, the Judiciary has made significant investments in programs that employ AI as a tool that somehow helps in procedural management and increases the efficiency of jurisdictional provision. One can mention, as an example, the Victor Project, developed at the Federal Supreme Court (STF); the Socrates Project of the

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27 (twenty-seven) most recurrent themes of general repercussion and returning them to the courts of origin. Thus, "it is empowered to identify and separate the five main parts of the case: the judgment under appeal, the judgment of admissibility of the extraordinary appeal, the petition for the extraordinary appeal, the sentence and the interlocutory appeal in the appeal" (SALOMÂO E BRAGA, 2022, p. 198).

In turn, the Superior Court of Justice already has several Artificial Intelligence systems, such as *Athos*, Socrates and *E-Juris*. "Both deployed since 2019, the Athos AI platform was trained by reading approximately 329 thousand summaries of STJ rulings between 2015 and 2017 and indexed more than 2 million cases with 8 million pieces". This enabled *Athos* to "automatically group by similar, identify cases that have the same legal controversy, and identify matters of notorious relevance" (PESSOA AND GUIMARÃES, 2022, p. 144).

It is assimilated that Artificial Intelligence applied to the judicial field offers positive points in its achievement, such as, in the same way, it has its points that require attention, improvement and deliberation about its imperfections in the legal field, however, there is no way to forget that, contemporaneously, what we (already) have, for now, manages to give more speed, effectiveness and structuring to the disputes formed under the cloak of due process.

COLLECTIVE RIGHTS, STRUCTURAL PROCESS AND ARTIFICIAL INTELLIGENCE – BRIEF NOTES

Artificial intelligence has great potential to help with collective rights in Brazil. Technology must be structured from the perspective of a systemic structural process, that is, its use must be focused mainly on the issue of identification and resolution of conflicts, however, not only as part of particular demands, but (and in a normative-legal dimension) much broader and with well-defined contours, because as we have seen, When talking about the structural process, one is not, in short, seeking the unequivocal assumption of an eventual obligation, one is adapting practical solutions, subject to effective compliance and applied in their best content and intensity.

Superior Court of Justice (STJ); the RADAR tool developed at the Court of Justice of Minas Gerais (TJMG); the articulation of the Court of Justice of São Paulo (TJSP) to launch a project in IA5 (JUNQUILO AND ROESLER, 2020, p. 30).

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In this regard, when analyzed as an instrument capable of managing the litigation placed under its appreciation, Artificial Intelligence proves to be of great value to carry out various types of services, which, when applied in the political-normative structuring model of the dispute to be formed, inserts the best perspective regarding the possibilities available for the case in question.

Practical examples can be measured from the perspective of data analysis, prevention and detection of violations of collective rights, efficiency of the legal system and data-based decision-making.

Thus, data analysis can be an essential tool in the search for this structuring and efficiency of collective rights, in all its parties involved in the litigation; to the legitimated and their defenders, magistrates and transgressing parties - offers legal material that can facilitate research in large volume, on a given topic in a short time, jurisprudence, precedents and related topics that help in the defense of supra-individual rights and guarantees.

In relation to the prevention and detection of violations of collective rights, Artificial Intelligence can monitor and analyze large-scale data, such as social media, to detect patterns of violations of collective rights, such as discrimination, racism, or abuse of human rights. Such early detection can allow for a faster and more effective response from the competent authorities.

With regard to the efficiency of the legal system and decision-making based on empirical data made possible with the use of Inteligência Salomão and Braga, (2022, p. 200), deliberate as follows:

> Artificial Intelligence can help speed up legal processes by identifying patterns in court cases and streamlining administrative tasks. This could result in faster and more accessible justice for those seeking protection of their collective rights. Likewise, when it comes to the application of Artificial Intelligence in data-driven decision-making, it is clear that, by providing more detailed and relevant information to decision-makers on collective rights issues, Artificial Intelligence can help ensure more informed and informed decisions.

Thus, the use of Artificial Intelligence helps the Judiciary to provide effectiveness, speed and efficiency in its actions, whether they are carried out by procedural conventions or even if from a litigation formed, in any way, its applicability to the field of collective rights helps to ensure compliance with constitutional rights.

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CONCLUSION

The present study investigated the use of Artificial Intelligence in the Judiciary and its application from the perspective of the structural process and collective rights in Brazil.

The concept and historicity of collective rights and their due insertion in the Brazilian legal-normative context were defined, absorbing that these are a category of rights that transcend ownership and private interest, and their premises are delineated by meta-individual issues.

The concept of society was demonstrated when it is being formed under the premise of the various social relations that are grouped within the same intention. The fundamental characteristic of this concept is formed in the dynamism of relations - it is not something static, or univocal in its structural composition, on the contrary, dynamism is the main characteristic of social formation.

The implementation of extrajudicial structural actions in collective litigation in Brazil was also addressed, when the instruments available for their achievement were listed, being the Civil Inquiry, the Administrative Procedure and the Recommendations, instruments capable of the proposed purpose.

The conceptualization of Artificial Intelligence and the proposal for its use in the Judiciary were exposed, the services that it can (will) perform in the achievement of fundamental rights and guarantees were listed, from the simple provision of information about the process, as well as organizing the system of Precedents of the Superior Courts of this country.

It was concluded that the application of Artificial Intelligence in collective demands from the perspective of the structural process, which takes place under the perspective of better management, reliability, legal certainty and guarantee of fundamental rights, ensures efficiency and speed in constitutional commands, thus preventing damage to society from happening (and if they occur, that their consequences are mitigated as much as possible) -, this is the function of the application of Artificial Intelligence in the context of collective rights, the Judiciary and, in general, in the Democratic Rule of Law.

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