

Access to Justice in Eastern Europe

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## Editor-in-Chief's Note

### ABOUT THE ISSUE 1 OF 2023

This issue features articles and notes by various authors on current legal topics.

I am proud to present articles from a diverse group of authors from Romania, Albania, Lithuania, Slovakia, Austria, and Kazakhstan. I deeply thank them for sharing their valuable research results with our readership. The values of the rule of law and human rights are shared by all civilized nations, and our unity in supporting them is as strong as our diversity. It is clear that no one in the world is immune to violations of rights, and it is our duty to stand strong and prevent further injustices whenever possible.

In AJEE, we stand with those who fight for their rights and freedoms. We firmly believe that speaking out against violations is crucial and that silence only enables further injustices. This is especially relevant in the field of research and scholarly publishing, where we rely on facts and arguments. That's why we show our solidarity with all who courageously stand up for equality and justice. We believe that everyone, regardless of gender or nationality, deserves to live in a world where their rights are respected and protected. Join us in standing up for what's right and making a difference in the world!

In light of the above, I am glad to announce among the articles in this issue, we have outstanding research related to the issues of the jurisdiction of the International Criminal Court in the case of Russian aggression against Ukraine. The article delves into the legal basis for Russia's actions, including anticipatory and collective self-defence, invasion by invitation, and the protection of the rights of the population of Donbas. The authors also suggest potential loopholes in countering Russia's actions. Don't miss the opportunity to read *Asma Salari and Seyed Hossein Hosseini's* article, '*Russia's Attack on Ukraine: A Review of the International Criminal Court's Capacity to Examine the Crime of Aggression*'.

The use of technology in the public sector promises to improve efficiency, transparency, cost-effectiveness, and speed but raises concerns about legal risks due to discrimination, the 'black-box problem, and cybersecurity issues. The EU institutions believe that while technology should be promoted, human rights must also be protected. In her article, *Goda Strikaitė-Latušinskaja* concludes that the rule of law must be upheld when implementing technology in the public sector and identifies potential risks in areas such as automated administrative orders, risk-assessment tool COMPAS, and robot judges. Don't miss out on this thought-provoking article, '*The Rule of Law and Technology in the Public Sector*', which delves into the delicate balance between utilising technology in the public sector and protecting human rights. It's a must-read for anyone interested in the intersection of technology and the rule of law.

The shift in civil procedure towards a more cooperative and consensual approach is very important and is attracting scientists' attention worldwide. In the article by *Tetiana Tsvina, Sascha Ferz, Agnė Tvaronavičienė, and Paula Riener*, the impact of these changes on current

legal regulations and practices is investigated. The article looks at the role of settlement principles, case management, and court-related amicable dispute resolution procedures, such as conciliation, mediation, and amicable conciliation process, in promoting the consensual tenet in civil procedure. The authors distinguish and analyse these procedures and their unique features. This research is valuable for dispute resolution practitioners and researchers seeking to better understand how different court-related amicable dispute resolution procedures can be incorporated into legal regulation and practice.

The article written by *Iryna Soldatenko* argues that reducing corruption requires not only implementing anti-corruption policies but also building an anti-corruption culture that encourages people to reject corrupt practices at all levels of government. The author suggests that this can be achieved through better communication between the authorities and the public, which can be managed professionally to increase transparency. The article describes the role of communication in implementing anti-corruption strategies and presents the results of the 'Islands of Integrity'™ project, which was implemented in six communities in Eastern Ukraine in 2020. The research conducted in these communities showed a lack of public interest and confidence in official channels for information about local authorities, which leads to the spread of rumours and decreases public trust. The author argues that this situation requires a reform of communication strategies, mandatory information-sharing practices, and increased communication support for anti-corruption methodologies to reduce corruption risks and increase public control. I truly believe that the article '*Communication between the Government and the Public as a Factor in Lowering the Risk of Corruption*' helps us learn more about building effective communications and reducing corruption in Ukraine.

The growing influence of artificial intelligence in international arbitration poses a challenge to arbitrators as AI threatens to take over some of their fact-finding responsibilities. To maintain their demand in the market, the article written by young and promising author *Jurgis Bartkus* proposes a stricter application of the rule on the admissibility of written witness testimony as a solution to improve fact-finding. The article aims to show why AI is a better fact-finder than arbitrators, examine current practices in the application of the admissibility rule, and justify a stricter approach to the rule that would increase the quality of fact-finding and allow arbitrators to keep pace with AI. By adopting a stricter approach to the admissibility rule, international arbitration proceedings can exclude written witness testimony, leading to improved fact-finding and increased demand for arbitrators. Read this insightful article, '*Ai v. Arbitrator: How can the Exclusion of Evidence Increase the Appointments of the Arbitrators?*' to learn more.

The recent adoption of the Administrative Code in Romania in 2019 is analysed in the article written by *Cătălin-Silviu Săraru*, in which the author evaluates the Code's impact on the general regulation of public services and their alignment with the best practices in creating a good administration that can respond to the changing needs of citizens. The article examines the categories of public services at the EU level, the principles of organisation and functioning of public services in France, Germany, Italy, Spain, and the UK, and analyses the challenges and limitations in regulating local public services in Romania in comparison with the EU and best practices in comparative law. The conclusion of the article suggests using the findings from the research on the Administrative Code to improve the degree of administrative convergence with other EU member states. Please read the details in '*Regulation of Public Services in the Administrative Code of Romania: Challenges and Limitations*'.

In *Cristina Elena Popa Tache's* article, the subject of state immunity is examined, highlighting its growing importance and its journey from customary law to codification attempts. The article mentions the 2004 United Nations Convention on Jurisdictional Immunities of States and their Property and the initiatives for the establishment of the European Court of State

Immunity. The article aims to emphasise the significance of comprehending state immunity and its exceptions using a scientific introspection method. Please read the details in '*State Immunity, Between Past and Future*'.

As usual, I would like to express my sincere gratitude to all the AJEE team who are working so passionately to deliver research results to the wider scholarly community through our academic publishing procedures.

The challenges of recent years have demonstrated the significance of teamwork, patience, and support, as well as the sharing of human values and the creation of a fair and inclusive society. These elements are crucial in overcoming difficulties and working towards a better future for all.

Slava Ukraini!

Editor-in-Chief

**Prof. Iryna Izarova**

Law School, Taras Shevchenko National University of Kyiv,  
Ukraine