GENERATIVE ARTIFICIAL INTELLIGENCE: OPPORTUNITIES AND CHALLENGES FOR THE RIGHT OF ACCESS TO JUSTICE

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ABSTRACT

The rapid development of information technology and artificial intelligence has opened up new pathways to exercise fundamental human rights, including the right of access to justice. However, as legal systems begin to integrate generative AI tools, questions arise regarding their actual effectiveness, reliability, and inclusiveness. This study investigates how generative AI is being used in Vietnam's legal context to support individual legal needs. Based on a structured survey of 582 respondents from diverse professional and educational backgrounds, the research reveals critical limitations such as the lack of accuracy in AI-generated legal content, difficulties in practical application, and insufficient legal frameworks to govern AI use. Although AI presents potential to support equitable access to justice, current implementations remain inaccessible to many and may reinforce existing inequalities. The study calls for a more robust regulatory response and technical improvements to ensure that generative AI evolves as a trustworthy and inclusive legal support tool.

Keywords: AI application; fundamental rights; generative AI; human rights; right of access to justice.

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RESUMO

O rápido desenvolvimento da tecnologia da informação e da inteligência artificial abriu novos caminhos para o exercício dos direitos humanos fundamentais, incluindo o direito de acesso à justiça. No entanto, à medida que os sistemas jurídicos começam a integrar ferramentas de IA generativa, surgem questões quanto à sua eficácia real, fiabilidade e inclusão. Este estudo investiga como a IA generativa está a ser utilizada no contexto jurídico do Vietname para apoiar as necessidades legais individuais. Com base num inquérito estruturado em 582 participantes de diversas origens profissionais e educacionais, a investigação revela limitações críticas, como a falta de precisão nos conteúdos jurídicos gerados por IA, dificuldades na aplicação prática e insuficiência de quadros legais para regulamentar o uso da IA. Embora a IA apresente potencial

para promover um acesso equitativo à justiça, as implementações atuais continuam inacessíveis para muitos e podem reforçar desigualdades existentes. O estudo apela a uma resposta regulatória mais robusta e a melhorias técnicas para garantir que a IA generativa evolua como uma ferramenta jurídica fiável e inclusiva.

Palavras-chave: aplicação da IA; direitos fundamentais; direitos humanos; IA generativa; direito de acesso à justiça.

1 INTRODUCTION

Access to justice is widely recognized as a cornerstone of the rule of law, essential for enabling individuals to assert rights, resolve disputes, and participate in the legal system on an equal basis. International frameworks, such as the Declaration of the High-Level Meeting on the Rule of Law (United Nations, 2012), and recent analyses (National Center for Access to Justice, 2023; United Nations and the Rule of Law, 2023) affirm that effective access to justice underpins human dignity and social stability. Nonetheless, despite its foundational role, achieving meaningful access to justice remains a persistent global challenge, particularly in the face of contemporary technological transformations.

Against this backdrop, technological advances particularly in Generative Artificial Intelligence (Gen AI) have emerged as potential tools to enhance access to justice. Large Language Models (LLMs) can generate legal information, assist in drafting documents, and provide preliminary legal guidance at scale and low cost (Chien; Kim, 2024). These capabilities offer unprecedented opportunities to lower traditional barriers to legal services, especially for underserved populations. Yet, the integration of AI into legal processes is not without significant risks, prompting critical reflection on its broader implications.

Indeed, the deployment of Gen AI in legal contexts raises profound concerns regarding hallucinations, biased outputs, ethical accountability, and regulatory oversight (Fuchs, 2023; Zittrain, 2023). Such challenges question whether technological innovation alone can genuinely uphold the ideals of fairness and equality that access to justice demands. Accordingly, there is a pressing need to move beyond technical discussions and systematically examine how AI intersects with legal, ethical, and institutional frameworks protecting fundamental rights.

While initial studies have highlighted both the promise and perils of AI in legal services, there remains a lack of comprehensive analysis critically assessing these intersections across diverse jurisdictions, including emerging economies like Vietnam. Understanding this broader landscape is essential to developing strategies that harness AI's potential while mitigating its risks.

This article seeks to address this gap by examining the opportunities and challenges that Gen AI presents for the right of access to justice. It adopts an interdisciplinary approach that combines doctrinal legal analysis with insights from AI governance and ethics research. The study aims to contribute to the responsible deployment of AI technologies in the legal domain, ensuring that innovation serves to strengthen rather than undermine access to justice.

2 RESEARCH METHODOLOGY

This study adopts a mixed-method approach that combines legal doctrinal analysis with empirical research to examine the opportunities and challenges posed by GenAI in enhancing access to justice. The first part of the research applies comparative legal analysis, focusing on international standards, such as the UN Declaration on the Rule of Law and the EU Artificial Intelligence Act (2024), and their implications for the right of access to justice in the digital age. These are then contrasted with the current legal and regulatory framework in Vietnam, highlighting normative gaps and opportunities for reform. In addition, selected international case studies such as the implementation of Smart Justice in Kazakhstan, the deployment of Internet Courts in China, and AI-based legal assistance models in the United States are examined to illustrate how GenAI has been practically used to support legal access in different jurisdictions.

Vietnam was selected as the primary case study because it is an emerging jurisdiction undergoing rapid digital transformation while still facing structural barriers that limit equitable access to justice. This creates a context in which the promises and limitations of GenAI can be assessed within a civil-law system heavily shaped by legal formalism. The user-experience research was designed and carried out directly by the authors, based at the University of Economics Ho Chi Minh City. The survey instrument was developed, piloted, and refined by the research team and administered between August and November 2024 through a structured online questionnaire using Google Forms.

A total of 583 respondents were included through purposive and convenience sampling, targeting five occupational groups students, lawyers, government officials, business professionals, and other workers to ensure representation across diverse levels of legal literacy and technology exposure. This sampling strategy was selected to capture a wide spectrum of user experiences relevant to GenAI-supported legal assistance. The research team oversaw the entire data-collection process, ensuring methodological consistency and contextual accuracy.

Vietnam also offers comparative value when viewed alongside Kazakhstan, China, and the United States jurisdictions with more mature digital justice ecosystems and Brazil, which registered 178 AI projects in 2024 (98 of them new), most of which focus on internal judicial efficiency rather than expanding access to justice. Positioned between technologically advanced and developing digital justice systems, Vietnam provides insights applicable to many Global South contexts where legal digitalization is progressing but remains uneven.

To complement the doctrinal and comparative analysis, the structured quantitative survey measured five constructs legal knowledge, accessibility, affordability, perceived reliability, and outcomes of AI-assisted justice using a 5-point Likert scale. This mixed-method design links normative expectations with real-world user interactions, offering a grounded assessment of GenAI's role in enhancing access to justice in Vietnam.

Table 1 - Presents the complete variable list, item descriptions, and measurement levels

Variable	Description	Measurement Scale
K1.1	I clearly understand how Generative Artificial Intelligence (GenAI) works	Likert 1–5
K1.2	I know that generative AI can be applied in the legal field	Likert 1–5
K1.3	I regularly research and stay updated on generative AI	Likert 1–5
K1.4	I have hands-on experience using generative AI for work and study purposes	Likert 1–5
K1.5	I'm confident in my knowledge of generative AI	Likert 1–5
R1.2	I believe the legal information provided by AI is accurate	Likert 1–5
R1.2	I believe AI can provide appropriate legal advice	Likert 1–5
R2.1	I maintain that AI stays current with all new legal updates	Likert 1–5
R2.2	I maintain that AI-generated results demonstrate greater reliability than informal sources	Likert 1–5
R3.1	I trust AI to provide practical legal solutions	Likert 1–5
O1.1	Using AI helps me reduce legal expenses	Likert 1–5
O1.2	Using AI helps me save time when handling legal issues	Likert 1–5
O2.1	AI helps me quickly access legal solutions	Likert 1–5
Y1	AI has made legal information more accessible to me	Likert 1–5
Y2	AI helps me clearly understand my legal rights and obligations	Likert 1–5
Y3	AI helps me select appropriate legal solutions without hiring a lawyer	Likert 1–5
Y4	AI helps reduce cost barriers when exercising compensation claims and protecting legitimate rights	Likert 1–5
F1	Have you ever used AI to help with your personal legal matters?	Yes/No
F2	Which legal areas do you use AI for the most	Multiple choice

F3	How satisfied are you with the legal support results from generative AI	Likert 1–5
F4	In your opinion, what is the most significant limitation when using AI for legal work	Multiple choice

Source: The Authors (2025)

These items were coded numerically to facilitate analysis in SPSS. Composite variables were computed to generate a dependent variable (Y-avg), representing an aggregate perception of AI's effectiveness in enabling access to justice. Multiple regression analysis was subsequently performed to identify which factors most significantly influence perceptions of AI-facilitated legal empowerment.

3 LITERATURE REVIEW

Efforts to enhance access to justice through technological innovations have attracted growing scholarly and institutional interest in recent years. Across jurisdictions, the integration of Generative Artificial Intelligence (Zittrain, 2023) into legal services is increasingly viewed as both an opportunity to reduce systemic barriers and a source of new ethical, procedural, and substantive risks. A review of the emerging literature reveals the complexity of this dual-edged phenomenon.

Internationally, early analyses emphasize the potential of AI tools to expand legal accessibility. Demonstrated through empirical studies that AI-powered legal assistance tools, including Large Language Models (LLMs), can help bridge longstanding gaps by offering faster, lower-cost preliminary legal advice (Chien; Kim, 2024). Their findings align with broader optimism that technology could democratize legal information, especially for underrepresented and marginalized communities. Similarly, initiatives in the United States, such as the adoption of AI solutions by New York legal aid groups, illustrate practical attempts to scale legal services efficiently (Wang, 2024). However, even within these pioneering efforts, financial constraints, operational challenges, and concerns over service quality remain salient, tempering the initial enthusiasm for AI-based access to justice.

At the same time, cautionary examples highlight the significant risks posed by unregulated or inadequately supervised AI deployment. The suspension of Tessa, a chatbot designed for individuals with eating disorders, after it provided harmful advice (Karol, 2023), underscores how AI-generated outputs can deviate dangerously from acceptable professional standards. In legal contexts, such risks are amplified, given the potential consequences of

incorrect or misleading advice on individuals' rights and livelihoods. Urther warns of hallucination phenomena instances where AI confidently produces false or fabricated legal content thus compromising reliability and trustworthiness.

The limitations of technological solutions have led scholars like (Fuchs, 2023) to argue that achieving true access to justice requires systemic transformation, not merely the adoption of new tools. His analysis emphasizes that legal institutions themselves must adapt structurally and ethically to integrate AI responsibly, ensuring that innovation supports rather than erodes core values such as fairness, equality, and due process.

Turning to the Asia-Pacific region, interest in AI-driven legal modernization is evident, but so are the persistent tensions between technological promise and regulatory preparedness. Highlight that while corporate legal departments increasingly embrace AI under the broader banner of Industry 4.0 transformation (Lydon, 2014), uneven institutional capacity and ethical oversight mechanisms remain critical barriers to meaningful deployment (Sheehy; Chin, 2023).

Vietnam’s experience with AI in the legal sector exemplifies these broader dynamics in a national context. Significant strides have been made, such as the development of the Viettel Legal Virtual Assistant, aimed at supporting judges and citizens by facilitating access to a database of over 160,000 legal documents (Group, 2024). Similarly, the chatbot initiative by the Ho Chi Minh City Department of Health, designed to assist users in navigating healthcare regulations, demonstrates the versatility of AI applications in expanding public legal literacy (Quyen, 2024).

Yet, practical challenges persist. Vu (2024) critically examines the Court Virtual Assistant software, pointing to interactional shortcomings that hinder user trust and limit the system's effectiveness. His analysis suggests that technological sophistication alone cannot overcome deep-rooted structural and cultural obstacles to accessible justice.

Concerns are particularly acute in criminal justice contexts. Trang *et al.*, (2024) identify serious risks associated with using AI in criminal proceedings, including threats to the right to a fair trial and procedural fairness. They advocate for the establishment of specialized regulatory frameworks and oversight bodies to ensure that AI applications do not erode fundamental rights.

Further reinforcing these concerns, studies such as the Vietnam Justice reveal that despite technological advancements, citizens' experiences with the legal system often remain characterized by perceptions of inequality, inefficiency, and opacity. Complementary research by Ha (2024) stresses the continuing importance of strengthening traditional legal aid

mechanisms, cautioning that AI should be seen as an augmentation not a replacement of human-centered legal support.

In synthesizing these findings, it becomes evident that while Gen AI holds significant promise for enhancing access to justice, its integration must be approached with vigilance. A balanced perspective recognizes that AI is neither a panacea nor a peril in itself, but a powerful tool whose impact depends largely on the legal, institutional, and ethical environments into which it is deployed. Consequently, there is an urgent need for comprehensive regulatory frameworks, interdisciplinary collaboration, and ongoing empirical assessment to ensure that the expansion of AI in legal services genuinely advances, rather than undermines, the fundamental right of access to justice.

4 LEGAL FRAMEWORD

4.1 Traditional Legal Framework on Access to Justice

Access to justice stands as a fundamental pillar of the rule of law, universally recognized under international and regional legal instruments. According to the United Nations, “Access to justice is a basic principle of the rule of law,” ensuring that individuals can raise their voices, claim their rights, challenge discrimination, and hold decision-makers accountable. The Declaration of the High-level Meeting on the Rule of Law (United Nations, 2012) emphasized the need for equal access to justice for all, particularly vulnerable groups, reaffirming the commitment of member states to provide fair, transparent, effective, non-discriminatory, and accountable justice services. Thus, from an international perspective, the critical role and significance of access to justice have been clearly established.

Conceptually, access to justice can be approached in both a narrow and a broad sense. In the narrow sense, access to justice refers to the right to a fair trial, linking closely to judicial proceedings and the requirement that courts ensure impartial adjudication between parties. This understanding highlights that access to justice is an essential principle within the formal judicial system and in societies that respect civil liberties.

Fair access to justice thus means that every individual, regardless of background, socioeconomic status, or financial condition, should be able to seek and achieve just, impartial outcomes in their legal disputes. It also entails the right to obtain a judgment consistent with objective truth, restoring justice to those seeking redress. In other words, narrowly construed, access to justice refers to the “right to seek reasonable remedies or redress for injustices or

harms," particularly for socially vulnerable groups such as the poor, people with disabilities, and children. Importantly, achieving this form of justice requires judicial processes that respect objective facts, uphold legal fairness, and resist external influences, recognizing that justice must be based solely on the correct evaluation of the truth.

Conversely, from a broader perspective, access to justice entails not only fair adjudication but also access to a legal system capable of effectively ensuring the realization of human rights. Realizing this broader concept demands a comprehensive legal framework, effective legal protection, sufficient legal awareness and knowledge among the populace, accessible legal aid services, and robust oversight mechanisms to prevent violations.

In practice, access to justice in the broader sense is often hampered by several factors: practical obstacles such as geographic isolation, financial barriers related to the costs of legal services, procedural complexity causing fatigue and discouragement among laypersons, and challenges arising from the digitalization of justice processes. Despite the benefits brought by technological advancements, the strong shift towards digital justice systems has unintentionally created new hurdles for those lacking sufficient digital literacy. Overcoming these barriers is thus critical to ensuring that every individual enjoys real and equal access to the legal system in the future.

In addition to these foundational principles, access to information emerges as a vital prerequisite for effective access to justice. Without reliable access to legal information, individuals cannot understand their rights or the procedures necessary to vindicate them. International instruments such as Article 14 of the International Covenant on Civil and Political Rights (General Assembly Resolution, 1966) and Article 8 of the Universal Declaration of Human Rights (United Nations General Assembly, 1948) highlight the centrality of fair procedures and remedies, which inherently depend on informed participation. The Aarhus Convention (1998) further illustrates this point in the environmental domain, emphasizing that access to justice must be preceded by meaningful access to information. These standards converge in requiring that states not only maintain independent judicial institutions but also ensure the transparency, availability, and accessibility of legal information to the public.

4.2 Theoretical Foundations of AI and Its Risks

AI has evolved from rule-based expert systems to machine-learning and deep-learning architectures with the capacity to autonomously identify patterns, generate predictions, and

create new content. GenAI, a subfield of deep learning, uses transformer-based neural networks trained on large multimodal datasets to generate outputs that structurally resemble the patterns on which the model was trained. Unlike traditional AI systems that rely on predefined rule sets, GenAI models such as GPT-4, rely on probabilistic inference and self-supervised learning, enabling them to produce complex reasoning chains, structured legal arguments, and context-dependent narratives (Russell; Norvig, 2022).

From a legal-informatics perspective, GenAI represents a paradigm shift in the production, distribution, and interpretation of legal information. Scholars argue that the defining characteristics of GenAI in law include:

(i) probabilistic reasoning, which enables models to infer likely legal interpretations based on patterns in training data (Havu *et al.*, 2024);

(ii) natural-language generation, which allows models to produce coherent legal documents, summaries, and guidance at scale;

(iii) adaptive learning, whereby models improve through user interaction, potentially refining accuracy over time (Bryson, 2019).

These features position GenAI as a powerful tool for expanding access to legal knowledge, particularly in contexts with limited legal-aid capacity.

However, the integration of AI into justice systems has also raised fundamental concerns related to fairness, due process, and accountability. One major risk is algorithmic bias, a phenomenon in which discriminatory patterns embedded in training data or model architecture result in unequal outcomes for different user groups. Famously demonstrated that widely deployed commercial AI systems exhibited significant race- and gender-based inaccuracies, raising alarm about the potential replication of structural discrimination in legal domains (Buolamwini; Gebru; Timnit, 2018). In the context of access to justice, such bias could magnify inequalities by providing less accurate guidance to marginalized communities.

A second challenge is the opacity of deep-learning systems. Many GenAI models function as “black boxes,” making it difficult to understand how a particular output was produced. This lack of transparency undermines core rule-of-law principles such as foreseeability, justification of decisions, and the right to an effective remedy. As note, opacity complicates the attribution of responsibility especially in cases where AI-generated outputs influence judicial or administrative decisions (Goodman; Flaxman, 2017).

A third problem is automation bias, the tendency of users to over-trust technologically generated outputs even when they are erroneous (Binns, 2020). This risk is heightened in legal settings where individuals may lack sufficient legal training to critically assess AI-generated

advice. Automation bias is particularly dangerous in low-literacy contexts, where reliance on GenAI without adequate safeguards may result in inaccurate filings, procedural mistakes, or misinterpretation of rights.

GenAI systems also face issues related to hallucinations, a phenomenon in which the model produces content that appears plausible but is factually incorrect or legally fabricated. Such hallucinations have been documented in multiple studies, including those by the European Commission, highlighting the need for robust verification and human oversight in legal applications (European Commission, 2021).

International policy frameworks have attempted to address these risks. The Ai Principles emphasize fairness, transparency, and accountability, requiring that AI systems be "robust, secure, and safe throughout their entire life cycle" (Oecd, 2021). The EU's Artificial Intelligence Act adopts a risk-based regulatory model, classifying AI used in justice systems as "high risk" and mandating strict obligations involving explainability, human oversight, and traceability. Likewise highlights the need for human-rights-centered governance of AI systems, particularly in relation to equality, non-discrimination, and access to justice (Unesco, 2024).

Taken together, the theoretical literature underscores a dual reality: GenAI has transformative potential to lower informational and procedural barriers to justice, yet it also presents substantial challenges to the rule of law. Ensuring that GenAI enhances rather than undermines human rights requires embedding technological innovation within normative frameworks that prioritize transparency, fairness, and accountability.

4.3 Contemporary Legal Challenges: Access to Justice in the Age of AI

With the advent of AI, especially GenAI, new dimensions are added to the discourse on access to justice. AI has the potential to democratize legal information and lower traditional barriers such as cost, expertise, and procedural complexity. AI-powered platforms like Do Not Pay and Josef Legal assist users in drafting claims, accessing basic legal information, and navigating administrative processes, without necessarily engaging expensive legal professionals (Oecd, 2021; World Justice Project, 2021). By offering automated yet personalized legal assistance, AI could significantly extend access to justice to marginalized populations.

Nevertheless, the integration of AI into legal services raises significant concerns. Scholars such as (Binns, 2020) and (Goodman; Flaxman, 2017) caution that AI systems often suffer from data biases, opacity, and inaccuracies the so-called "black box" problem. In legal

contexts, such deficiencies can have severe repercussions, especially for vulnerable populations who may rely heavily on automated tools without fully understanding their limitations. The European Union's Artificial Intelligence Act (2024) acknowledges these risks by classifying AI systems used in legal services as “high-risk,” thereby subjecting them to strict requirements of transparency, accountability, and human oversight.

Hence, a modern legal framework addressing access to justice must evolve to accommodate both the opportunities and the challenges presented by AI technologies. Regulation must ensure that AI systems deployed in the justice sector adhere to human rights standards, safeguard procedural fairness, and provide effective remedies for AI-driven harms. As the UNESCO Report on AI and Access to Justice (2022) rightly asserts, the promise of AI to enhance access to justice can only be fulfilled if embedded within a rights-based, ethically grounded, and carefully regulated framework. Otherwise, the digital divide and algorithmic biases could further entrench existing inequities rather than alleviate them. Only through a deliberate integration of fairness, transparency, and accountability into AI-based legal tools can we truly transform technological advancements into tangible improvements for access to justice for all.

5 THE IMPACT OF GENAI ON THE RIGHT OF ACCESS TO JUSTICE

The digital transformation of justice systems worldwide has created both unprecedented opportunities and complex challenges for the realization of the right of access to justice. Central to this transformation is the rise of Generative Artificial Intelligence (GenAI), a branch of AI capable of producing new content text, images, videos, and legal narratives based on deep learning models trained on large-scale datasets. Contemporary GenAI systems such as GPT-4, DeepSeek, and Gemini exhibit an expanding ability to interpret legal problems and generate context-sensitive reasoning. Early models often produced answers without grounding them in legal authority, but recent iterations demonstrate improved citation accuracy and more reliable integration of statutory and jurisprudential sources (Cascone, 2025).

In the United States, GenAI has begun to alter the landscape of legal aid and public-interest lawyering. Scholars such as emphasize the importance of partnerships between legal aid organizations and academic institutions to develop ethically aligned AI tools.

Practical initiatives such as the collaboration between Cornell University’s Legal Aid Housing Practice and Josef Legal show how GenAI can automate intake, triage, and document assembly for low-income tenants. Commercial applications including Lexis+ AI, Paxton, and

LegalPDF's "AI Lawyer" offer advanced legal analytics, although their subscription-based cost structures impose accessibility barriers for vulnerable populations (Legg; Bell, 2020; Singh, 2025).

Beyond advanced economies, emerging jurisdictions offer compelling illustrations of GenAI's democratizing potential. In December 2024, Kazakhstan's *Smart Justice* platform gained international attention after citizen Kenzhebek Ismailov successfully overturned an automated bus-lane violation. Using the AI-enabled system, Ismailov analyzed procedural requirements and identified a medical-emergency exemption under Article 12 of the Traffic Code, enabling him to lodge a successful appeal without legal representation. This marks one of the first documented cases in which an individual independently used AI to vindicate legal rights, highlighting the capacity of state-driven digital reforms to reduce procedural barriers and empower non-lawyers. (Carsdb, 2025).

China represents perhaps the most institutionalized example of AI-enabled judicial accessibility. Since the establishment of the Hangzhou Internet Court in 2017, China has integrated AI throughout the dispute-resolution process. Tools such as the "Xiao Zhi" robot assist litigants with filing, evidence assessment, and drafting of judicial documents; AI systems also support case-flow management and hearing organization (Zhabina, 2023). With more than three million online cases processed annually, China demonstrates how centralized digital infrastructures can expand procedural access, reduce transaction costs, and streamline litigation while also raising concerns regarding transparency, algorithmic oversight, and concentration of institutional power.

In Asia-Pacific, however, the adoption of legal technology, including Legal AI and GenAI, remains at an early stage. A survey conducted by PwC revealed that 92% of general counsels and 83% of chief legal officers in the region rated their understanding of legal technology and digital transformation as below average. The limited familiarity with available legal technology solutions continues to be a major barrier to wider adoption. While tools like electronic signature software and document management systems are becoming more common, advanced solutions such as AI-driven contract lifecycle management remain underutilized.

Brazil, although technologically advanced in judicial automation, reveals a different dimension of the global landscape. According to the *IA no Poder Judiciário 2024* survey by the National Council of Justice (CNJ), the Brazilian judiciary registered 178 AI projects in 2024, including 98 new initiatives, most of which focus on internal efficiencies such as document classification, timeline prediction, and workflow optimization (Brasil, 2025). However, only a minority of these initiatives directly relate to expanding public access to legal services or

enhancing access to justice. This contrast underscores the need to distinguish between AI for judicial administration and AI for public-facing legal empowerment an essential point for understanding Vietnam's position relative to global trends.

Despite these promising developments, significant risks accompany the adoption of GenAI in legal contexts. The reliability of AI-generated legal information depends on the quality and representativeness of training data, raising concerns about error propagation, structural bias, and outdated legal knowledge (Oecd, 2021). The opacity of machine-learning systems often described as a "black box" poses challenges for transparency, accountability, and due-process guarantees (Goodman; Flaxman, 2017; Council of Europe, 2018) Scholars also highlight the risk of automation bias, whereby users defer excessively to AI-generated outputs even when these are incomplete or inaccurate (Binns, 2020). Such vulnerabilities are particularly salient in jurisdictions with limited digital literacy and uneven technological infrastructure.

International human rights standards emphasize that technological innovation must respect fundamental guarantees of fairness, equality, and transparency. The United Nations frames access to justice as a core element of the rule of law, essential for empowering individuals and ensuring accountability. Regional frameworks such as the OECD AI Principles and the EU Artificial Intelligence Act underscore the importance of human oversight, risk-based regulation, and safeguards against discrimination. Conceptually, access to justice extends beyond the right to a fair trial to encompass legal awareness, affordability, meaningful participation, and the ability to obtain effective remedies. Yet financial, procedural, and technological barriers persist across jurisdictions.

Furthermore, access to GenAI-based legal services often requires digital literacy and financial resources, both of which are unevenly distributed. In the Vietnamese context, while initial efforts have been made such as the deployment of a virtual assistant system by Viettel for court officials and the development of AI Law by Luat Vietnam most AI applications remain tailored to professional users like judges and lawyers, rather than the general public. Consequently, the potential of GenAI to democratize access to justice remains largely unrealized in Vietnam and similar jurisdictions.

The broader international legal framework highlights the importance of ensuring that technological innovations respect human rights principles. The United Nations emphasizes that access to justice is a fundamental principle of the rule of law, essential for empowering individuals, especially vulnerable groups, to claim their rights, oppose discrimination, and demand accountability. The Declaration of the High-level Meeting on the Rule of Law reiterates

the commitment of UN Member States to provide fair, transparent, effective, and accountable public services to promote access to justice for all.

Conceptually, the right of access to justice can be understood narrowly as the right to a fair trial or more broadly as the right to access the legal system to enforce one's human rights effectively. A broad understanding of access to justice encompasses legal awareness, affordable legal assistance, effective remedies, and the ability to participate meaningfully in legal processes. However, significant practical, financial, procedural, and technological barriers continue to hinder this right in many parts of the world.

In conclusion, while GenAI holds transformative potential for enhancing the right of access to justice by lowering barriers to legal information and services, it also presents substantial risks related to accuracy, transparency, bias, and accessibility. Effective governance frameworks such as the EU's proposed Artificial Intelligence Act, the OECD AI Principles, and regional human rights instruments must be implemented to ensure that AI technologies serve to enhance, rather than undermine, human rights and the rule of law. The future of access to justice in the digital era depends on the careful and principled integration of AI, balancing innovation with the fundamental values of fairness, accountability, and equality before the law.

6 CURRENT SITUATION OF GENAI APPLICATION FOR ACCESS TO JUSTICE IN VIETNAM

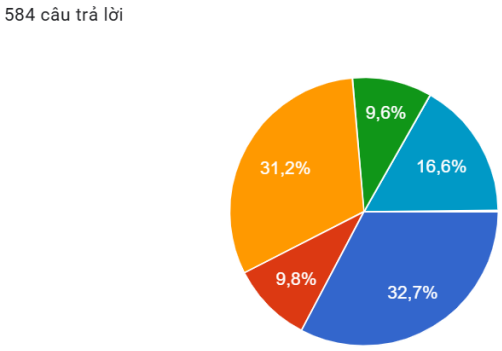
In Vietnam, studies on citizens' access to justice reveal persistent systemic challenges. The 2015 Vietnam Justice Index Report highlighted significant public concerns, including: 'overly complex and time-consuming court procedures' (40% of respondents), perceived impartiality of judges and court officials (34%), and high attorney fees (33%). These findings underscore critical barriers to equitable justice delivery. Vietnam is currently in the early stages of applying GenAI, particularly Gen AI, to the legal sector. Although digital transformation has been promoted broadly across various fields, the application of AI to support access to justice remains limited and predominantly experimental. One notable initiative is the “Virtual Assistant for Courts” developed by Viettel Group and implemented in 2022. This tool aims to assist judicial officers in quickly retrieving legal documents, with a database exceeding 160,000 legal texts and over one million court judgments. This application represents a significant first step in introducing AI into the judicial sector, especially by enabling judges and court staff to access legal information more efficiently and accurately. However, the target users of this

platform are primarily professional legal practitioners within the state sector, not the general public.

In the private sector, some companies such as FPT have made initial attempts to build "smart virtual lawyer" chatbots. These solutions are designed to provide basic legal advice and information searches. However, many of these applications remain in early development stages or have not been fully deployed in practice. For instance, platforms like aitracuuluat.vn have not yet been put into operation, while others such as "AI Luat" by "Luat Vietnam" are only partially accessible, limited to specific areas of law and requiring a paid subscription.

Based on our recent survey of 583 participants, comprising students (38.2%), lawyers (9.8%), Government officials (31.3%), Business representatives (9.5%), and other Workers (16.7%), the findings show that 76.3% of respondents have used AI tools for legal-related tasks, while 23.7% have not.

Figure 1 - Professional composition of legal survey respondents: Students in blue, lawyers in red, public servants/civil servants in orange, businesses in green, and other workers in purple

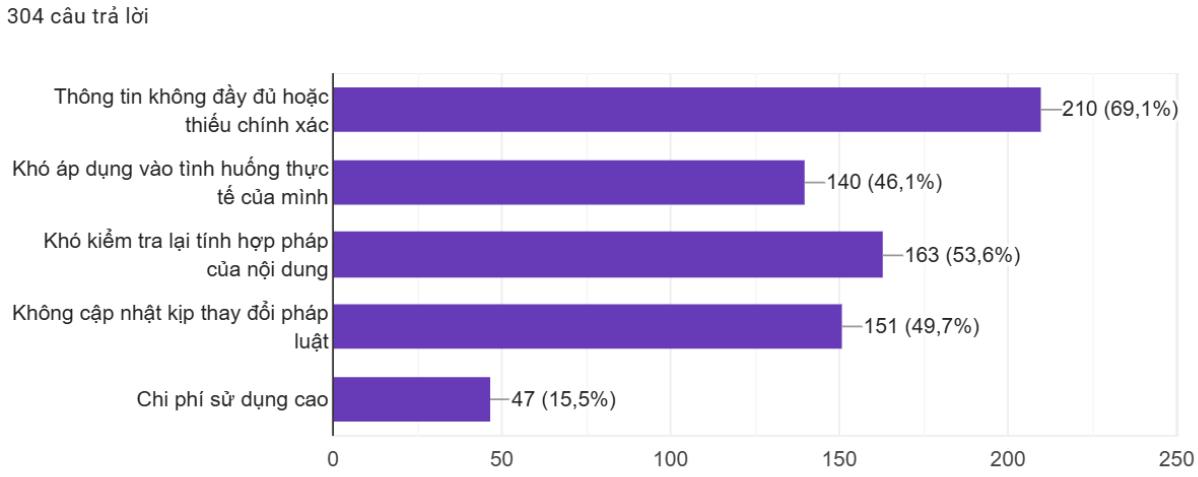


Source: The Authors (2025)

Regarding education levels, 1.7% held a college or vocational diploma, 57.7% had undergraduate degrees, and 40.5% held postgraduate degrees. Among those who used AI tools, 56.8% searched for legal documents or legislation, 19.5% used them to draft legal documents such as petitions or contracts, 10.6% sought dispute resolution advice, 1.3% prepared litigation-related documents, and 11.9% used AI in other legal contexts. In terms of satisfaction, only 4.3% were very satisfied, 21.8% satisfied, 41.3% neutral, 10.6% dissatisfied, and 1.0% very dissatisfied. When asked about major limitations, 69% of users cited incomplete or inaccurate information, 53.8% found it hard to verify the legality of AI-generated content, 49.8% felt AI failed to stay updated with legal changes, 45.9% struggled to apply AI results to real-life cases, and 15.5% noted high costs as a barrier (Duong; Doan, 2025).

In addition, the limitations reported by 304 respondents when using AI for legal purposes, which indirectly reflects users' trust in AI systems for accessing justice. The most prominent concern, cited by 69.1% of participants, is the lack of complete or accurate information, highlighting a significant barrier to trust in AI-generated legal content. Over half of the respondents (53.6%) also noted difficulties in verifying the legal validity of AI-provided content, while 49.7% indicated that AI tools often fail to keep up with changes in the law. These findings suggest that users remain skeptical about the reliability and legal soundness of AI tools. Additionally, 46.1% reported that AI outputs are difficult to apply to their specific legal situations, reflecting a lack of contextual adaptability. Interestingly, only 15.5% mentioned high cost as a primary barrier, suggesting that trust-related issues outweigh financial considerations in determining the adoption of AI for legal assistance.

Figure 2 - Variable F4, In your opinion, what is the most significant limitation when using AI for legal work



Source: The Authors (2025)

Furthermore, the survey results suggest that the current legal AI platforms in Vietnam are predominantly tailored for professional use, rather than for the broader public. Users with higher education levels and technological proficiency (accounting for 98.2 % of respondents) were significantly more likely to engage with AI for legal assistance compared to those with lower educational backgrounds. These results suggest that while AI is gaining traction in Vietnam’s legal domain, its usage is skewed towards professional users with higher digital literacy and education levels. Broader adoption is hindered by technological literacy gaps,

limited availability of free and reliable AI legal tools, concerns about accuracy, and regulatory uncertainties.

To further substantiate these findings, an ordinal regression model was conducted to examine which factors significantly influence whether users believe AI has helped them access legal information. The findings from the ordinal regression analysis offer valuable insights into the current state of Gen AI usage for enhancing access to legal information in Vietnam. Among 578 participants, only 440 valid responses were available for modeling, with the dependent variable measuring whether AI had helped individuals access legal information more easily. The majority of responses clustered around the higher end of the Likert scale, with 66.1% selecting “4” and 14.1% selecting “5”, indicating a generally positive perception of AI’s utility in this context.

Model fit statistics show that the regression model significantly improves upon the null model (Chi-Square = 318.158, df = 19, $p < .001$), with strong goodness-of-fit indicators (Pearson $p = .913$; Deviance $p = 1.000$). The pseudo R-squares are also promising (Nagelkerke = 0.590), suggesting a moderate to strong model fit.

Several variables were found to be statistically significant predictors. Notably, individuals who reported frequently updating their knowledge about Gen AI (K1.2), having experience using AI for legal purposes (K1.4), and believing that AI saves legal costs (O1.1), time (O1.2), and accelerates access to legal solutions (O2.1) were significantly more likely to report that AI helped them access legal information. These findings align with the broader narrative that familiarity, practical experience, and perceived efficiency are key enablers in leveraging AI for legal empowerment. However, variables measuring trust in AI's legal accuracy or reliability (e.g., R1.1, R2.2) were not statistically significant, suggesting that while users may find AI practically helpful, confidence in its correctness remains limited. Additionally, demographic variables such as occupation and education did not show significant effects, indicating that the perceived usefulness of AI may cut across professional and educational boundaries.

7 TECHNICAL AND SOCIAL CHALLENGES IN APPLYING GENAI TO ENHANCE ACCESS TO JUSTICE

Despite the promising potential of Gen AI to support broader access to justice, the practical implementation of AI in this field is fraught with numerous challenges. These difficulties stem from technological, legal, social, and ethical considerations, each of which

must be addressed to ensure that AI becomes a tool for empowerment rather than a source of inequality.

Barriers to wider adoption of AI for access to justice in Vietnam include technological literacy gaps, lack of free and comprehensive legal AI tools, concerns over the accuracy of AI-generated legal content, and the cost associated with accessing premium AI services. Additionally, there remains a lack of regulatory guidance on the use of AI in legal practice, which further limits its integration into the justice system accessible to ordinary citizens.

In summary, although Vietnam has begun to explore the application of Gen AI to enhance access to justice, the current reality shows a number of limitations. Future efforts should focus on expanding AI applications to be more inclusive, improving the reliability of AI legal outputs, reducing user costs, and establishing clear legal frameworks to govern the ethical and responsible use of AI in the legal domain.

First, there remains the significant issue of data accuracy and reliability. Gen AI models, by nature, learn from vast datasets; however, the quality and representativeness of the training data directly impact the reliability of outputs. In the legal sector, where precision is paramount, any inaccuracies in AI-generated legal advice or information could lead to serious consequences, including misinterpretation of rights or judicial errors. Studies show that hallucinations false or fabricated outputs by AI models occur in 69.1% of interactions with legal AI systems (source to be updated after survey).

Second, the challenge of digital literacy and technology accessibility cannot be underestimated. While AI tools are increasingly available, the general public's ability to effectively interact with and understand these systems varies widely. In Vietnam, the digital divide between urban and rural populations, coupled with varying education levels, exacerbates this issue. Preliminary survey results indicate that only 21.59 % of respondents feel confident in using AI tools for legal purposes (source to be updated after survey).

Third, cost barriers remain a non-trivial issue. Although AI is often portrayed as a tool to reduce costs, advanced AI platforms that provide high-quality legal assistance, such as Paxton AI or Lexis+ AI, typically involve subscription fees that are unaffordable for many individuals. In the Vietnamese context, where access to legal services is already limited for low-income groups, adding a financial barrier to AI-based assistance could ironically reinforce existing inequalities rather than alleviate them.

Fourth, ethical and regulatory uncertainties pose significant risks. The use of AI in legal processes raises questions about responsibility, accountability, and confidentiality. If an AI tool provides incorrect legal advice, it remains unclear under current Vietnamese law who would

bear liability the user, the developer, or the deploying organization. Additionally, the confidentiality of sensitive legal data processed by AI systems must be safeguarded, but clear data protection regulations specifically addressing AI in the legal domain are still lacking in Vietnam and in many other jurisdictions.

Finally, there is a broader risk related to trust in AI-generated outputs. Access to justice is not solely about obtaining information; it also involves individuals' trust in the fairness and accuracy of the legal advice they receive. Our preliminary findings suggest that only (21.5)% of respondents trust AI-generated legal advice to the same extent as advice provided by a human lawyer (source to be updated after survey). These practical and social obstacles are compounded by a series of legal risks, which are analysed in the next section.

8 LEGAL RISKS AND REGULATORY RESPONSES IN THE USE OF GENAI FOR ACCESS TO JUSTICE

In addition to these technical and social challenges, GenAI-based tools create complex legal and regulatory questions. This section examines how risks related to bias, opacity, data protection and liability are being addressed – or not – in current regulatory frameworks.

8.1 Risks arising from the use of gen AI in enhancing access to justice

Inaccurate solutions represent the most significant technical risk for users relying on GenAI when exercising their right to access justice. This risk can stem from various causes. One primary cause is the insufficiency of training data for machine learning systems. To fully harness GenAI and improve access to justice, it is crucial to recognize its limitations and develop technical solutions that empower users rather than exacerbate inequalities caused by algorithmic bias. Machine learning models are fundamentally predictive: they generate outputs based on the patterns identified in the data on which they are trained. These models undergo a “learning” process that mimics human cognitive functions, absorbing information and forming connections between data points.

For instance, training an algorithm to perform facial recognition involves providing it with numerous images of human faces, supplemented by images of non-face objects. The more exposure the model receives, the more accurately it distinguishes facial features. This highlights that machine learning, including GenAI, benefits from extensive and diverse datasets to enhance predictive accuracy. However, despite training, AI models inherently face limitations,

particularly when confronted with novel scenarios not captured in their original datasets (Zou; Schiebinger, 2018). In contexts like criminal investigations or legal adjudications, failing to account for these limitations can lead to erroneous outcomes and undermine the integrity of justice processes.

Within the domain of access to justice, inaccurate AI predictions can have grave consequences. Individuals lacking professional legal assistance and relying solely on GenAI may receive misleading advice, potentially resulting in failed claims, unjust verdicts, or denial of legal entitlements. Such risks underscore the necessity of combining AI assistance with human legal expertise rather than replacing it entirely.

Another cause of risk is GenAI's inability to adapt promptly to social and legal developments. Different GenAI platforms like ChatGPT, Gemini, and DeepSeek produce varied responses to identical legal inquiries. These discrepancies arise from differences in training datasets, which may be outdated or lacking exposure to recent socio-legal dynamics (Weidinger *et al*., 2022). AI models operate based on the data they have "seen"; they cannot extrapolate beyond their training unless retrained or fine-tuned with updated information. This phenomenon, termed "exposure bias," manifests when an AI model underperforms or misinterprets new information due to outdated training data.

A well-known cautionary example is the case of "Tessa," the chatbot deployed by the National Eating Disorders Association (NEDA) to provide counseling for individuals with eating disorders. Despite its noble intentions, Tessa ended up promoting harmful dieting advice, leading to its suspension in June 2023 (O'connor, 2023). The incident illustrated how even minor gaps in training datasets can result in outputs with dangerous real-world impacts.

Moreover, the issue of non-representative data must be emphasized. To ensure GenAI tools effectively support access to justice, training data must reflect the full diversity of socio-economic, educational, and geographic realities not merely middle- or upper-class experiences. This is especially critical for racial and ethnic minority groups, whose distinct legal experiences may be systematically underrepresented, leading to systemic biases (Buolamwini; Gebru, 2018). If GenAI tools are not inclusively trained, they risk perpetuating or even exacerbating injustices rather than remedying them.

Another technical concern is the phenomenon of "hallucination," where GenAI generates factually inaccurate or nonsensical content. While techniques such as reinforcement learning from human feedback (RLHF) aim to minimize these hallucinations, they cannot eliminate them entirely (OpenAI, 2023).

Thus, despite its potential, the application of GenAI must be accompanied by rigorous quality control, constant retraining, and legal oversight to mitigate risks and uphold the integrity of access to justice.

8.2 Legal risks in the application of GenAI to enhance access to justice and regulatory responses in Vietnam

In addition to the technical and data-related challenges discussed earlier, the deployment of GenAI in the legal sector presents several pressing legal risks that require careful regulation. One of the foremost concerns is the potential for incorrect legal applications. Since GenAI systems are trained on jurisdiction-specific datasets embedded with particular legal cultures, their outputs may reflect jurisdictional biases or inaccuracies (Crawford, 2021). If these outputs are not sufficiently adapted to real-life contexts or properly qualified with legal disclaimers, they may lead to misinterpretations of rights and obligations. This risk is especially pronounced in civil law countries like Vietnam, where formalistic legal reasoning is central to judicial outcomes.

Incorrect or misleading AI-generated advice may expose users to material and psychological harm, especially in the absence of professional legal support. This raises an important legal question: can developers or owners of GenAI systems be held liable for such harm? While Vietnamese jurisprudence has not yet addressed this issue, general tort principles under Articles 584–589 of the 2015 Civil Code (National Assembly, 2015) provide a potential legal basis for pursuing compensation for damages caused by unlawful acts or omissions. Preliminary inquiries using platforms such as ChatGPT and Gemini reveal a notable lack of user warnings about the risks of relying solely on AI-generated legal solutions. This omission could be viewed as a form of contributory negligence by AI providers, thereby intensifying their potential liability.

Another key legal risk pertains to personal data protection and privacy. AI systems often require users to input sensitive personal information, which can subsequently be stored and used for further model training. ChatGPT, for instance, automatically collects user inputs unless privacy settings are adjusted, while Gemini offers users an opt-out mechanism for data usage. These contrasting practices underscore the need for consistent and enforceable data protection frameworks. In Vietnam, the current regulatory environment most notably Decree No. 13/2023/ND-CP on personal data protection remains general in scope and lacks specific provisions for regulating AI applications in the legal domain.

In summary, although GenAI offers promising tools for democratizing legal information and supporting broader access to justice, it remains a "double-edged sword." Without sufficient regulatory oversight, GenAI may hinder rather than facilitate justice by disseminating inaccurate information, violating user privacy, or shifting liability away from responsible entities. Vietnam's legal framework must therefore evolve to address these risks by establishing clear standards of transparency, accountability, and user protection in the context of AI-powered legal services.

9 RECOMMENDATIONS FOR ENHANCING THE LEGAL FRAMEWORK AND RESPONSIBLE USE OF GENAI IN ACCESS TO JUSTICE

To fully harness the potential of GenAI while minimizing its adverse effects on access to justice, it is imperative that Vietnam adopts an integrated approach combining both legal and technological solutions. The dual nature of GenAI as both an enabler and a possible barrier to justice demands a cautious yet proactive regulatory stance. Drawing from international practice, domestic developments, and empirical survey results, several key recommendations are proposed.

First, the quality and scope of training data must be significantly improved. GenAI systems used in legal contexts require diverse, deep, and representative datasets to generate reliable and legally accurate outputs. The 2024 Law on Data, which classifies types of data and sets out principles for their management, governance, and usage (see Article 5), provides a foundational legal framework for data input. However, further guidance is needed to ensure that legal AI models are trained on jurisdiction-specific, up-to-date legal sources that reflect Vietnam's diverse legal and social realities.

Second, the licensing and approval process for deploying GenAI systems must be formalized and subject to expert review. Similar to the Tessa case in the United States, where poorly trained AI generated harmful content, Vietnam must require a technical audit or certification stage before legal AI tools are released to the public. This would mitigate the risk of misleading outputs and protect the right to legal certainty.

Third, while the draft Law on Digital Technology Industry includes provisions on developers' responsibilities to assess, monitor, and document risks associated with AI systems, additional legal mechanisms are necessary to clearly allocate liability. It remains unclear whether the AI developer, platform provider, or owner should bear responsibility for damages caused by GenAI-generated advice. This ambiguity is especially problematic in commercial

contexts where users pay for access to legal AI services. The law must specify legal duties, limits of liability, and standards of care in cases of harm resulting from AI-generated legal solutions.

Fourth, beyond statutory instruments, the government should promote the adoption of an "Ethical Code of Conduct for Gen AI." Such a code should articulate boundaries for responsible use, including respect for privacy, personal data rights, and human dignity. Ethical frameworks are critical in fostering a digital society that values empathy and human-centric design.

In sum, Gen AI should be regarded as a supportive tool that empowers individuals by improving access to legal knowledge and enhancing procedural efficiency. However, it cannot and should not replace human judgment, especially in matters involving legal rights and moral agency. As Liz Thompson, Executive Director of the National Eating Disorders Association, aptly stated, "Even the most intuitive chatbot cannot replace human interaction... or human empathy." Thus, users of legal GenAI must be equipped with sufficient legal literacy and discernment to evaluate and appropriately use AI-generated content. Only with this balanced approach can GenAI become a meaningful asset in advancing equitable access to justice.

10 CONCLUSION

The integration of GenAI into the legal domain marks a pivotal moment in the pursuit of equitable access to justice. On one hand, GenAI offers the potential to break down entrenched barriers by democratizing legal knowledge, lowering costs, and streamlining legal processes. Empirical evidence from both global practices and the Vietnamese context affirms that AI-powered tools can, under the right conditions, empower individuals especially those from marginalized communities to understand and assert their rights more effectively. However, this transformative promise is counterbalanced by a range of serious risks. These include the dissemination of inaccurate or outdated legal content, persistent digital literacy gaps, uneven accessibility, and insufficient legal safeguards surrounding privacy, liability, and ethical use.

The study's findings particularly the low trust in AI-generated outputs and limited use among lower-educated groups highlight that without adequate regulation and inclusive design, GenAI may entrench existing inequalities rather than resolve them. Vietnam, while making commendable strides in piloting AI legal tools, still lacks a robust regulatory framework that ensures transparency, accountability, and human oversight. Addressing these gaps requires not

only legal reform but also interdisciplinary collaboration to align AI development with human rights standards and ethical principles.

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