First Study Commission Questionnaire 2024

1) Do judges in your country utilize artificial intelligence technology ("AI"), and how so?

They do not.

a) If not, have judges in your country considered utilizing AI, and, if so, in what ways?

Only the use of programs which would enable direct typing of text dictated by a judge was considered.

b) Is the use of AI in legal proceedings regulated?

It is not regulated.

c) Does the use of AI impact the handling of evidence?

The use of AI should in no way impact the evidence handling and evaluation, but could ease the collection of evidence.

2) What are the pros and cons of having judges utilize AI?

The use of certain programs that would have to be "tailor made" specifically for the needs of the judiciary could greatly speed up the drafting of court decisions, but also the process of trial and deliberation of a certain legal issue.
On the other hand, strong reasons against the use of AI could be summed up as: 1) excessive reliance on the use of AI which could lead to overlooking crucial nuances of legal institute or factual situation in a specific situation, and 2) danger of relying on AI as a decision-maker.

a) What are the possible effects of AI on the administration of justice?

AI could facilitate the technical drafting of court decisions, browsing case law, articles and regulations. It could also help in outlining or quickly summarizing the key allegations of submissions, so that judges can have an instant overview of the entire case, making it easier for them to consider every allegation in detail and step by step. It is the responsibility of each judge not to rely solely on these summaries, but they could be helpful. Of course, this would imply the necessity of having significant financial resources, personnel and programs with a high level of security protection in order to scan each and every submission and upload it into a specially

designed judicial AI program. AI could also help in locating statements given before the court that contradict each other. Again, with a note that this kind of analysis could not and should not replace analysis performed by humans, but only to point out obvious discrepancies.

b) What are the possible effects of AI on judicial independence?

Use of AI could endanger the independence of judges if applied incorrectly, and prevent judges in adjudicating in accordance with the principle of freedom of judges' belief. It could *a priori* threaten the independence if every judge did not undergo detailed training on the possibilities, realistic limits and theoretical limits of AI abilities. Applied incorrectly and without understanding, it could lead to a lack of courage to think and decide outside the usual framework. It could lend false authority to erroneous or insufficiently thought-out legal positions. According to its capabilities, AI is more in line with precedent law.

3) Should there be limits on the use of AI by judges, and, if so, to what extent?

All the circumstances of a specific case should always be taken into account, and some of them imply a subjective assessment and value assessment by the judge, as well as the interpretation of the legal norm in which the use of AI could not replace a judge. In addition, it should be prohibited to condition the drafting of a decision with the help of AI (only a possibility, and not an obligation, should exist) as a measure of quality, as well as that any participation of AI in the preparation of a legal assessment of any decision should be absolutely prohibited.