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## METHODOLOGY FOR APPLYING ARTIFICIAL INTELLIGENCE IN JUSTICE AND THE FUTURE OF ROBOT JUDGES

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### Abstract

*The relevance of scientific research lies in the fact that the article explores the theoretical and legal issues of the possibilities and limitations of the use of artificial intelligence in the justice system, the future of robot judges who can replace a person (a professional judge), and also delineates the concepts of "digitalization of justice" and "the use of artificial intelligence technologies in justice." As part of the study, the concept of artificial intelligence, the basics of legal regulation of the use of artificial intelligence in various modern jurisdictions were analyzed, the vector of further development of the social relations under consideration was outlined.*

*The purpose of the article is to study the concept, content, place and role of artificial intelligence in the national justice system, as well as to study the possibilities, prospects and possible dangers of using robotic judges in the judicial system, about the possible replacement of human judges with robotic judges in the future, and about making court decisions with artificial intelligence.*

*Methods.* The leading method of researching the problem was the deductive method, which made it possible to study the legal and social nature of the processes of using artificial intelligence in justice. The article uses inductive method, method of system scientific analysis, comparative legal and historical methods. The leading method behind the problem is to justify the concept of carefully introducing robotic judges into the justice and judicial system.

*Results.* The author of the article indicates the advantages of the gradual introduction of artificial intelligence into the judicial system, promising areas of its use in the field of information and analytical, administrative activities of the courts, office work and consideration of cases on applications for court orders. Within the framework of this article, the author expressed some concerns about the introduction of strong artificial intelligence technologies with insufficiently developed technical and legal components. The shortcomings of the work of artificial intelligence

*within the Russian justice system were investigated, relevant projects aimed at using artificial intelligence technologies in the judicial system were considered. Doctrinal positions on the issues under study are presented.*

**Keywords:** *digital state, civil society, branch of law, additive technologies in law, private law, public law.*

## 1. INTRODUCTION.

The emergence of the latest information technologies, the widespread distribution of which is associated with the introduction and widespread use of the Internet, marked the beginning of a new information and innovation era. Innovation should rightly be considered the main catalyst for long-term economic growth, and the regulatory environment in which it exists plays a crucial role in its further development and dissemination.

Currently, society is on the verge of transforming familiar social relations into digital ones. This is due to the need to change the system of legal regulation, which is the most important part of any social system. In this regard, the main task of each state is to develop a regulatory framework for the implementation of digital technologies in the legal system.

Today, the issues of digitalization and automation of the daily tasks facing a person concern all spheres of public relations, including the field of administration of justice. Electronic services that simplify the functioning of the judicial system are actively used by both participants in court proceedings and employees of the court apparatus.

## 2. METHODOLOGICAL BASE.

The leading method of researching the problem was the deductive method, which made it possible to study the legal and social nature of the processes of digitalization of judicial activity and justice. It is important to note that the most frequent areas of digitalization of justice among researchers are the following: a) electronic justice; b) consideration of cases and issuance of judicial acts by artificial intelligence.

Electronic justice - unlike artificial intelligence technologies - does not imply independent decision-making regarding assigned tasks by a given artificial algorithm, but only allows, through certain information systems, to ensure interaction with the court in the created electronic field. The use of artificial intelligence technologies involves the imitation of human cognitive functions, as a result of which the system is able to self-learn and search for solutions without a predetermined algorithm.

## 3. RESULTS.

It seems relevant to consider the possibilities and limits (restrictions) of the use of artificial intelligence in the justice of the Russian Federation, as well as the possibility of introducing a robot judge into the Russian legal system.

In relation to modern legal society, one of the only possible and key rules for the introduction of artificial intelligence into the judicial system should be considered the following: the large-scale introduction of artificial intelligence into the judicial process should not entail a significant change in the judicial order regulated by the current procedural legislative acts. Moreover, the final decision should remain with the human judge, and not with the

robot judge. This direction should be manifested in the following aspects:

- in any form of artificial intelligence in litigation, the responsibility for making the final decision in the case should lie with the judge;
- the results obtained from the functioning of artificial intelligence, their quality and applicability in a particular case, are evaluated by the judge in relation to each case.

Based on the above rule, we should talk about the possibilities of using artificial intelligence in justice from the point of view of a means of solving the problem of justice. Moreover, the introduction of specific artificial intelligence algorithms into the court's activities currently already provides a solution to some problems, including:

- reducing the routine work of judges;
- reduced technical work of court staff.

The resolution of these problems using artificial intelligence does not cause controversy among researchers. However, today the question of the potential for using artificial intelligence in the administration of justice is acute, which is the subject of research in some monographs and scientific articles.

## 4. DISCUSSIONS.

The result of the work of the artificial intelligence system is the performance of tasks comparable (at least) with the results of the work of human intellectual activity. Similarly, artificial intelligence is defined, for example, in the Russian jurisdiction, in the Federal Law of April 24, 2020 No. 123-FZ "On conducting an experiment to establish special regulation in order to create the necessary conditions for the development and implementation of artificial intelligence technologies in the constituent entity of the Russian Federation - city of federal significance in Moscow and amendments to Articles 6 and 10 of the Federal Law "On Personal Data." <sup>1</sup>The definition of artificial intelligence itself is rather vague. This circumstance is understandable, since artificial intelligence technologies are interdisciplinary, technical in nature, which is difficult to describe solely with the help of legal definitions. Among the concepts of artificial intelligence presented in the Russian doctrine, the most detailed, in our opinion, was

<sup>1</sup>Federal Law of 24.04.2020 No. 123-FZ "On conducting an experiment to establish special regulation in order to create the necessary conditions for the development and implementation of artificial intelligence technologies in the constituent entity of the Russian Federation - the city of federal significance Moscow and amending Articles 6 and 10 of the Federal Law "On Personal Data" // Official Internet portal of legal information <http://www.pravo.gov.ru>. 2020.

proposed by P.M. Morhat in the monograph "Artificial Intelligence: A Legal View."<sup>2</sup>

It should be noted that the possibilities and limits of using artificial intelligence in the activities of the judicial system are not regulated by this regulatory act. In this connection, this legal gap causes an active discussion in the scientific community regarding the limitations of the use of artificial intelligence in justice.

The use of artificial intelligence in the judicial system of different states is hampered, including due to the lack of a legal basis governing the use of artificial intelligence. It is advisable to assume that the acceleration of the introduction of artificial intelligence in the countries of the European Union depends on the definition of the legal framework in which the functioning of its technologies is supposed to be possible.

For example, the European Commission in 2018 adopted the European Ethical Charter for the Use of Artificial Intelligence in Judicial and Law Enforcement Systems, in accordance with which the basic principles for the use of artificial intelligence were approved in the European Union<sup>3</sup>. According to the approved principles, the mechanism for using artificial intelligence ensures the rights of citizens to receive information about the algorithms of the decision made using artificial intelligence, access to large data that served as the basis for the judicial act, the use of certified systems, on the basis of which the work of artificial intelligence is ensured in order to prevent leakage of personal data and confidential information.

It is important to be able to administer justice without the use of appropriate artificial intelligence technologies at the request of the applicant and the possibility of appealing against a judicial act issued on the basis of artificial intelligence technologies.

Thus, the creation of a more specific legal framework for the introduction of artificial intelligence into the Russian justice system will ensure the transparent and understandable functioning of artificial intelligence technologies, which, in turn, will provide greater confidence on the part of civil society.

With a stable legal framework, foreign states have accumulated some experience in using artificial intelligence technologies in justice, the analysis of which allows us to highlight some of the risks associated with the use of artificial intelligence.

The transfer of justice to the hands of robotic technology carries the possibility of personal data leakage, since the work of artificial intelligence is quite unpredictable for an ordinary person. The process of operation of artificial intelligence mediated by technical equipment does not exclude the occurrence of failures and errors, which, in turn, may lead to the loss of large amounts of information in the future.

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<sup>2</sup>Morhat P.M. Artificial intelligence: legal view: Scientific monograph/ROO "Institute of State-Confessional Relations and Law." - M.: Buki Vedi, 2017. - 257 p.

<sup>3</sup>European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and the Realities Surrounding Them (Adopted by Strasbourg 03.12.2018 - 04.12.2018 at the 31st Plenary Meeting of the European Commission on the Effectiveness of Justice )//Precedents of the European Court of Human Rights: Electronic Periodical/Founder of Legal Systems Development LLC. Special issue. 2021. № 10 (56).

Despite the described shortcomings and disputes in science regarding the further application and active distribution of artificial intelligence in justice, artificial intelligence technologies have a number of significant advantages:

- a) efficiency of artificial intelligence: processing and analysis of large amounts of information, reducing the number of errors caused by the human factor, increasing the speed of the trial;
- b) elimination of problems of judicial discretion, bias on the part of the court, the issuance of judicial acts solely on the basis of applicable law and the evidence presented;
- c) reduced load on judicial staff.

Based on the current possibilities of using artificial intelligence in the doctrine of national law, it is customary to single out weak and strong artificial intelligence. The capabilities of strong artificial intelligence, which recreates human intellectual activity, resemble the work of a robot judge, analyzing the evidence presented and making a fair decision in the case. The question arises as to how likely this seems in the near future. It seems possible to talk about the use of artificial intelligence in the Russian justice system in the near future in a narrow context as an electronic justice system, which implies further automation of administrative processes that ensure the work of judges. In such situations, artificial intelligence plays the role of an assistant judge, reducing the burden of performing routine work.

Analyzing, for example, the legislation of France, where special attention is paid to the implementation of artificial intelligence, it should be noted that the issue of the possibility of issuing independent judicial acts of artificial intelligence has been resolved quite specifically - a legislative ban has been established on the delegation of such powers by a judge<sup>4</sup>. In addition, when making a judicial act, artificial intelligence technologies should not in any way limit the judge's ability to make a particular decision, and a decision made using artificial intelligence should be sufficiently justified.

Similarly, the legislation of the entire European Union is built, calling not to delegate the administration of justice to artificial intelligence technologies. Such norms directly correlate with the current norms of procedural law of the Russian Federation, according to which the court evaluates the evidence presented by the parties according to its internal conviction, which, in turn, artificial intelligence cannot do due to the absence of such moral categories and qualities.

However, this path of development of artificial intelligence within the framework of existing international practice is not the only one. For example, China has made great progress in introducing artificial intelligence technologies into the justice system, where trials are considered directly in the Wechat messenger. Artificial intelligence independently evaluates the evidence submitted by the parties, considering disputes arising in the field of copyright infringement, entrepreneurial disputes, including in the field of e-commerce.

In addition, the practice of using artificial intelligence technologies in criminal proceedings is not uncommon. Unsuccessfully demonstrated the experience of using the American COMPAS algorithm when considering the possibility of a relapse in the

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<sup>4</sup>Duflo A. Artificial Intelligence in French Law//Bulletin of the O. E. Kutafin University. 2021. №1 (77).

commission of crimes<sup>5</sup>. When it came to representatives of the African American race, the system indicated the risk of recommitting a crime twice as often as in relation to representatives of other peoples. Thus, even with respect to this system, the presence of discriminatory characteristics can be noted. Therefore, the practice of introducing such mechanisms should be considered premature.

The use of artificial intelligence in the framework of criminal proceedings is advisable only to accompany and increase the effectiveness of individual procedural actions, for example, involving artificial intelligence in the recognition of false indications based on visual changes in human facial expressions or voice and demeanor (see, for example, the study "Being human in a technological age: rethinking theological anthropology," Edited by Steven C. van den Heuvel).<sup>6</sup>

## 5. CONCLUSION.

The experience of some states (China, France, Germany, USA) indicates that the activities of the robot in the framework of the administration of justice can be exclusively auxiliary, and not the main one, should have alternatives and the possibility of refusing to use artificial intelligence technologies in the presence of certain circumstances. The lack of clear principles and limits for the use of these technologies will not allow us to talk about the further development of this issue.

In general, it should be said that the accelerated development of information technologies and their penetration into all areas of activity, including the activities of the courts, confirm the need for further study of the possibilities and limits (restrictions) of the use of artificial intelligence in justice, taking into account the experience of different states, as well as taking into account the characteristics of different national legal systems.

As evidenced by the materials of scientific publications, a certain distrust of the legal community in artificial intelligence technologies is associated with a psychological, subjective factor<sup>7</sup>. One of the basic principles of legal proceedings involving the implementation of the guarantee of fair justice is the principle of independence of judges, the exclusive subordination of judges to the legislation of the Russian Federation. In the case of the development of artificial intelligence based on programming languages and dependent on its creator, the implementation of this principle is called into question. Consequently, the possibilities and limitations of the use of artificial intelligence in Russian justice depend mainly on the amount of authority that society is currently ready to delegate to artificial intelligence.

Summing up the results of the analysis, it should be noted that at the moment, legislators and law enforcement agencies in many

<sup>5</sup>Kupchina E.V. Application of artificial intelligence technology in the US civil justice system//Legal paradigm. 2021. T. 20. № 4. S. 63-71.

<sup>6</sup>Being human in a technological age: rethinking theological anthropology / Edited by Steven C. van den Heuvel, Institute of Leadership and Social Ethics Research Institute of the Evangelische Theologische Faculteit, Leuven (Belgium). Leuven – Paris – Bristol, 2020.

<sup>7</sup>Chucha S.Yu. Artificial Intelligence in Justice: Legal and Psychological Aspects of Law Enforcement//Law Enforcement. 2023. № 2.

countries of the world have focused on the further development of weak artificial intelligence technologies within their national judicial systems, as well as on the development of the electronic justice system. Improving existing services and the emergence of new ones will provide more convenient access to justice for direct applicants. At the same time, we note that the construction of an up-to-date legal framework requires active interaction of representatives of various specialties.

## 6. RECOMMENDATIONS.

In the short term, artificial intelligence in the judicial system of many modern states (France, Germany, the USA, China, etc.) is considered as an assistant judge capable of supporting office work, digitizing documents of any format, digital recording of court hearings and automatic distribution of cases between judges based on their specialization and the envisaged load. Assigning this functionality to artificial intelligence will significantly reduce the burden on judges and their assistants and free up time to perform more serious tasks. It is not possible to transfer the consideration of complex litigation, the assessment of the evidence presented, the assessment of the behavior and good faith of the parties to the robot judge today. Then the question arises about the directions of the transfer of individual powers of the judge in the near future to artificial intelligence.

When answering this question, it should be borne in mind that a considerable burden of courts is made up of cases considered in the framework of order proceedings, where it is quite possible to transfer the assessment of submitted documents and the issuance of court orders to artificial intelligence. Since the order proceedings involve consideration of claims for debt collection under the contract, for the collection of mandatory payments, and the claims in this case are confirmed by documents submitted by the claimant, artificial intelligence will have to be checked:

- compliance of the form and content of the application for the issuance of a court order with the requirements established by law;
- completeness of attached documents;
- compliance of the stated requirements with the statutory restrictions on the established amounts and categories of cases (indisputability).

The transfer of this functionality to artificial intelligence has already been the subject of a pilot project in some states. For example, in Russia, in the process of conducting this experiment, artificial intelligence was transferred to the functionality of justices of the peace to issue court orders to recover property, transport and land taxes. Under the guidance of the judge, artificial intelligence checked the correctness of the available details and prepared a draft court order. Thus, given the mechanical nature of these actions, the performance of such processes by artificial intelligence seems expedient and effective.

After analyzing the current state of electronic justice, it is necessary to identify the main possibilities of using artificial intelligence technologies that are most relevant at the moment and divide them into certain groups:

1. Information and administrative support for the activities of the courts, including office work and the work of judicial archives: the formation and management of court cases by artificial intelligence in digital format, the

search for information on existing databases, the processing of court decisions issued in a similar category of disputes and forecasting on their basis a draft judicial act, namely, the transformation of artificial intelligence into a kind of analogue of an information and analytical system. Today, given the basics of court records management, the possibility of complete liquidation of paper cases, correspondence and other types of documentation seems unlikely. In order to reduce the workload of court employees in the formation of court cases and summons, copying materials, and performing other monotonous work, it is permissible to use robots used in industrial production.

2. Providing the population with freer access to justice. This service will allow citizens who do not have special knowledge in the field of jurisprudence not to resort to the help of lawyers and lawyers, receiving qualified assistance based on a given algorithm, and will also provide access to legally sound documents;
3. The development of draft orders on the indisputable requirements for the recovery of mandatory payments, since the use of complex cognitive functions of the human brain to consider this kind of disputes is not required.

Thus, the spread of digital technologies requires the registration of actually developing legal relations within the legal framework in order to protect the rights and legitimate interests of persons using modern tools for the administration of justice. The creation of a regulatory framework governing the use of artificial intelligence technologies is also facilitated by the need to find ways to optimize the work of the judicial system in accordance with the existing load.

## References:

1. Being human in a technological age: rethinking theological anthropology / Edited by Steven C. van den Heuvel, Institute of Leadership and Social Ethics Research Institute of the Evangelische Theologische Faculteit, Leuven (Belgium). Leuven – Paris – Bristol, 2020.
2. Duflo A. Artificial Intelligence in French Law//Bulletin of the O. E. Kutafin University. 2021. №1 (77).
3. European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and the Realities Surrounding Them (Adopted by Strasbourg 03.12.2018 - 04.12.2018 at the 31st Plenary Meeting of the European Commission on the Effectiveness of Justice )//Precedents of the European Court of Human Rights: Electronic Periodical/Founder of Legal Systems Development LLC. Special issue. 2021. № 10 (56).
4. Kupchina E.V. Application of artificial intelligence technology in the US civil justice system//Legal paradigm. 2021. T. 20. № 4. S. 63-71.
5. Morhat P.M. Artificial intelligence: legal view: Scientific monograph/ROO "Institute of State-Confessional Relations and Law." - M.: Buki Vedi, 2017. - 257 p.
6. Chucha S.Yu. Artificial Intelligence in Justice: Legal and Psychological Aspects of Law Enforcement//Law Enforcement. 2023. № 2.