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THE POSSIBILITY OF APPLYING ARTIFICIAL INTELLIGENCE IN THE DELIVERY OF JUSTICE BY COURTS

Egidija Tamošiūnienė

Professor in partnership, Dr.
Vilnius University, Lithuania

Contact information

Address: Saulėtekio al. 9, LT-10222, Vilnius, Lithuania
Phone: +370 5236 6185
E-mail: egidija.tamosiuniene@tf.vu.lt

Žilvinas Terebeiza

Professor in partnership, Dr.
Mykolas Romeris University, Lithuania

Contact information

Address: Ateities st. 20, LT-08303, Vilnius, Lithuania
Phone: +370 5271 4593
E-mail: zilvinast@mruni.eu

Artur Doržinkevič

Lecturer, PhD candidate
Mykolas Romeris University, Lithuania

Contact information

Address: Ateities st. 20, LT-08303, Vilnius, Lithuania
Phone: +370 5 271 4610
E-mail: artdorzinkevic@mruni.eu

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ABSTRACT

The article analyses the prospects for the application of artificial intelligence in the delivery of justice by courts. The application of artificial intelligence is increasingly spreading in various different areas of life - both in the daily life of individuals and in the public sector. One of the main areas

where artificial intelligence is already being applied is in the area of justice. However, given the complexity and importance of this field, the question arises whether artificial intelligence could really replace the person of the judge. In order to answer this question, the authors first assess what constitutes the delivery of justice. Secondly, the authors analyse the concept of artificial intelligence and the possibilities of its use. Thirdly, the authors assess the potential and risks of artificial intelligence in the delivery of justice. The paper reviews various artificial intelligence models already in use around the world and assesses the application of various technologies (large language models such as ChatGPT) in the court. Finally, conclusions are drawn as to whether artificial intelligence can replace the person of the judge.

KEYWORDS

Artificial intelligence, justice system, courts, administration of justice.

INTRODUCTION

In reflecting on the purpose of law and justice, the ancient Greeks pointed out that "law and justice are essentially a device to keep the peace; or to be more exact, they were peace and order itself".[1] Justice is a multifaceted category, encompassing both moral and philosophical considerations. It is a measure by which we can gauge many phenomena in life. We often associate the category of justice with the activities of the court as an institution that delivers justice. The delivery of justice is a clearly defined and regulated activity, which is carried out according to predefined rules. However, this does not mean that there is no judicial discretion in adjudicating cases. There is no legal system, where justice is administered "without any recourse to the will of the judge and his personal sense of what should be done to achieve justice in the cause before him. Both elements are to be found in all administration of justice".[2] Modern legal systems recognise that the delivery of justice requires a "human factor" in the resolution of cases. As Hart points out, "judges must use their discretion and make new law in penumbral situations. And this use of discretion is viewed positively".[3] Courts must have discretion in certain matters, not only because the legislator cannot regulate all situations, but also because the formal application of the law can undermine fundamental human rights.

However, in modern society, judicial discretion in the administration of justice is in some cases viewed negatively, and society itself, unable to fully understand the reasoning behind the decision, tends to demand detailed legal regulation, thus hoping to curb the judge's power. As a social being, human beings have both positive and negative characteristics. Therefore, ways are being sought to automate the various spheres in which human beings operate, including the delivery of justice. "Artificial Intelligence (AI) is already providing commercial solutions across different practice areas such as medicine, transportation, and climate change".[4] AI systems pervade modern life and are already being used in the legal profession[5]. Various AI systems are being built, tes-

1 Anton-Hermann Chroust, "The Function of Law and Justice in the Ancient World and the Middle Ages," *Journal of the History of Ideas* 7, 3 (1946): 299 // https://doi.org/10.2307/2707403

2 Roscoe Pound, "Justice According to Law," *Columbia Law Review* 13, 8 (1913): 696–697.

3 Michael D. A. Freeman, *Lloyd's Introduction to Jurisprudence*, 9ed (London: Sweet & Maxwell, Thomson Reuters, 2014), 327.

4 Pablo J. Olmo Rodriguez, "Artificial Intelligence Law: Applications, Risks & Opportunities," *Revista Juridica Universidad de Puerto Rico* 90, 3 (2021): 704 // https://derecho.uprrp.edu/revistajuridica/wp-content/uploads/sites/4/2021/09/ARTIFICIAL-INTELLIGENCE-LAW-APPLICATIONS-RISKS-OPPORTUNITIES.pdf

5 Felicity Bell et al., *AI Decision-Making and the Courts: A Guide for Judges, Tribunal Members and Court Administrators* (Rochester, NY, 2022), 6 // https://papers.ssrn.com/abstract=4162985

ted, and deployed in courts and tribunals globally, with new methods continually being developed[6]. Accordingly, there is much debate as to whether AI can be used as an aid to the delivery of justice and whether it could replace the judge in the administration of justice at all. It is acknowledged that the digitalisation of justice shall make justice more efficient; but it must never replace the judge. The judge must remain at the centre of the procedure[7].

At the EU level, there are concerns that AI can endanger the delivery of justice. An initial proposal for an Artificial Intelligence Act (AI Act) was tabled at the EU level as early as 2021[8], which sparked much debate. The European Parliament approved the AI Act on 13 March, 2024[9]. AI Act provides that certain AI systems intended for the administration of justice and democratic processes should be classified as high-risk, considering their potentially significant impact on democracy, rule of law, individual freedoms as well as the right to an effective remedy and to a fair trial. The use of AI tools can support the decision-making power of judges or judicial independence, but should not replace it: the final decision-making must remain a human-driven activity[10]. This shows that even at the EU level, the threat of AI is visible.

This article assesses the use of AI in the delivery of justice. The objectives are: first, to define what the delivery of justice is and how it is implemented; second, to reveal what AI is and how it is understood in the context of modern technologies; third, to assess the opportunities and risks of AI in the delivery of justice. The last objective is analysed in two aspects: firstly, by assessing the potential of AI to act as an auxiliary (advisory) tool in the delivery of justice; secondly, by assessing the potential of AI to replace the person of the judge.

The object of the study does not include the public functions performed by the courts, which are technical, administrative in nature, and in some jurisdictions viewed as quasi-judicial[11] (for example, issuing payment orders of simplified procedure[12] or court permits and so on). The study focuses on the administration of justice function in the constitutional sense, that is, a judicial procedure that is based on the principles of legality, publicity, transparency, and fairness.

The study applies analytical, systematic, synthesis methods. The analytical method examines the administration of justice, highlighting its specific features. The

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6 Ibid., 15.

7 2022–2025 CEPEJ Action plan: "Digitalisation for a better justice" Adopted at the 37th CEPEJ plenary meeting Strasbourg and online, (2021) // https://rm.coe.int/cepej-2021-12-en-cepej-action-plan-2022-2025-digitalisation-justice/1680a4cf2c

8 European Commision, *Proposal for a Regulation of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) and amending certain union legislative acts*, (2021), COM/2021/206 final // https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52021PC0206

9 *European Parliament legislative resolution of 13 March 2024 on the proposal for a regulation of the European Parliament and of the Council on laying down harmonised rules on Artificial Intelligence (Artificial Intelligence Act) and amending certain Union Legislative Acts*, (2024), COM(2021)0206 – C9-0146/2021–2021/0106(COD) TA/2024/0138 // https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=EP%3AP9_TA%282024%290138

10 Position of the European Parliament adopted at first reading on 13 March 2024 with a view to the adoption of Regulation (EU) 2024/… of the European Parliament and of the Council laying down harmonised rules on artificial intelligence and amending Regulations (EC) No. 300/2008, (EU) No. 167/2013, (EU) No. 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act), para. 61 of Recital // https://www.europarl.europa.eu/RegData/seance_pleniere/textes_adoptes/definitif/2024/03-13/0138/P9_TA(2024)0138_EN.pdf

11 In some jurisdictions, for example, Germany, court officers (germ. *Rechtpfleger*) are responsible for a wide range of quasi-judicial and administrative functions. Mads Tønnesson Andenæs et al., *Enforcement agency practice in Europe* (London: British Institute of International and Comparative Law, 2005), 35.

12 An example of such a procedure is the *Mahnverfahren* procedure under German civil procedure.

systemic method assesses the use of AI, systematically evaluating the potential of AI and the possibilities of using this technology. The synthesis approach combines two separate elements - the administration of justice and AI – in order to determine whether and to what extent these two elements can be reconciled.

Research in this area has also been addressed by authors such as Cui[13], Xu[14] and others. The work of authors Chroust[15] and Posner[16], which analysed the concept of the administration of justice, was significant for this study. This paper also refers to the analysis on the use of AI by authors Surden[17], Kasap[18], Bell et al.[19] and other authors, who have analyzed AI technology.

1. DELIVERY OF JUSTICE AS THE MAIN FUNCTION OF THE COURT

It is generally accepted that justice is administered only by the courts. The function of administering justice is attributed to the courts by virtue of the fact that the judge's decision must be taken impartially and independently, after hearing all the parties to the dispute and after weighing the evidence in the case in accordance with the procedures laid down by law and in accordance with its own internal conscience. For example, Lithuanian constitutional jurisprudence notes that all applicable legal acts are expressed in a certain textual form with a certain linguistic expression. However, law cannot be treated merely as a text which contains certain legal provisions. Legal reality cannot be treated merely as its textual form, merely as a set of explicit provisions[20]. The case law of the European Court of Human Rights also points out that a court must not be a formalistic applicator of the law[21]. In order to ensure practical and effective protection of human rights, "the realities of each case must be taken into account in order to avoid the mechanical application of domestic law to a particular situation"[22].

It is therefore reasonably acknowledged that when deciding a case, the court must always be guided by the law and the principles of justice, reasonableness, proportionality, fairness.[23] The principle of justice, enshrined in the Constitution, that justice is administered only by the courts, means that the constitutional value lies not in the court's rendering of a decision itself, but in the rendering of a just decision. The constitutional concept of justice does not only mean formal, nominal justice administered by a court, not only the outward appearance of justice administered by a court, but also, and most importantly, judgments (other final acts) that are not unjust in substance. Justice administered by a court in a merely formal way is not the justice that the Constitution enshrines, protects, and defends[24]. Thus, in the administration of justice, courts

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13 Yadong Cui, *Artificial Intelligence and Judicial Modernization* (Singapore: Springer, 2020) // https://doi.org/10.1007/978-981-32-9880-4

14 Zichun Xu, "Human Judges in the Era of Artificial Intelligence: Challenges and Opportunities," *Applied Artificial Intelligence* 36, 1 (2022): e2013652-1045 // https://doi.org/10.1080/08839514.2021.2013652

15 Chroust, *supra* note 1.

16 Richard A Posner, "The Role of the Judge in the Twenty-First Century," *Boston university law review* 86, 5 (2006): 1049–1068.

17 Harry Surden, *Artificial Intelligence and Law: An Overview* (Rochester, NY, 2019) // https://papers.ssrn.com/abstract=3411869

18 Gizem Halis Kasap, "Can Artificial Intelligence (‚AI') Replace Human Arbitrators? Technological Concerns and Legal Implications," *Journal of Dispute Resolution*, 2 (2021): 209–54 // https://heinonline.org/HOL/P?h=hein.journals/jdisres2021&i=226

19 Bell et al., *supra* note 5.

20 Ruling of the Constitutional Court of the Republic of Lithuania of June 8, 2006.

21 The Court must apply the law with "some degree of flexibility and without excessive formalism" (European Court of Human Rights, case *İlhan v Turkey* ECHR 2000-VII, para. 51).

22 European Court of Human Rights, case *Nada v Switzerland ECHR 2012-V*, para. 182.

23 Ruling of the Constitutional Court of the Republic of Lithuania of March 15, 2008.

24 Ruling of the Constitutional Court of the Republic of Lithuania of November 15, 2013.

must determine the content of the applicable law, which is determined not only by the meaning of the text of the law or regulations, but also by the content of elements of the law, such as the principles of the law or the values being protected. Given the uncertainty surrounding these elements of law, the courts have the discretion to determine the content of the law applicable to a particular case.[25]

Different authors highlight different aspects of the delivery of justice. Cass R. Sunstein emphasises different concepts of legal judgment. The first conception places a high premium on the creation and application of general rules and the second conception places a high premium on law-making at the point of application through case-by-case decisions, narrowly tailored to the particulars of individual circumstances[26]. Legal doctrine also states that justice may be administered according to the will of the individual who administers it for the time being, or it may be administered according to law[27]; in other words, the judge has some discretion in the administration of justice. However, the court's discretion in the administration of justice does not provide certainty for either the judge or other persons in order to predict a future (possible) judgment. Moreover, the exercise of this discretion by the court brings together the two objectives that the court is trying to fulfil: on the one hand, the aim of doing justice and, in a sense, "improving the world"; and, on the other hand, the court's aim of resolving the dispute in accordance with the established rules, i.e., "playing the judicial game". However, the confluence of these two objectives is not always mutually compatible, as a rule that allows (if not obliges) a judge to exercise a certain degree of discretion is difficult to reconcile with other adjudication rules[28]. Thus, the decision-making procedure must strike a balance between the rules and the judge's discretion. The court is not merely an institution that decides a dispute strictly according to the law. In applying the rules of law and resolving the social tensions between the parties to a dispute, the court also applies the principles of justice, reasonableness and fairness. As previously mentioned, both elements of legal rules and judicial discretion are to be found in the delivery of justice.

Legal doctrine notes that emotion and intuition are an important part of a court's decision:

> The role of these factors can be manifested in the reasoning of the judgment. If the judge explains his emotions and intuition, the decision can be made to look like the result of an analytical process, even if the opposite result would also have been analytically sound[29].

While it is true that legal doctrine holds that the decision-making process goes beyond the application of the law, the court's intuition or emotions must not be allowed to become a judge's bias. Article 6 § 1 the European Convention of Human Rights requires a tribunal falling within its scope to be impartial. One of the criteria for determining partiality is the subjective test, where regard must be held to the personal conviction and behaviour of a particular judge, that is, whether the judge held any personal prejudice or bias in a given case[30]. There is a narrow line between the judge's intuition or emotion and the impartial resolution of a dispute. However, when a decision is properly reasoned

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25 Lina Beliūnienė et al., *Galimybės siaurinti teismo funkcijas administracinių teisės pažeidimų procese* (Possibilities for narrowing the court's functions in administrative offences proceedings). Lietuvos teisės institutas, 2014, 15–16.
26 Cass R. Sunstein, "Problems with Rules," *California Law Review* 83, 4 (1995): 956–957.
27 Pound, *supra* note 2, 696
28 Posner, *supra* note 16, 1058.
29 Ibid., 1065.
30 European Court of Human Rights, case *Denisov v. Ukraine [GC], 2018*, para. 61–65.

and argued, the judge's intuition or inner sense of justice may be one of the decisive factors that will lead to a fair resolution of the dispute. The areas in which a judge exercises his or her discretion depend on the judge. The judge's "zone of reasonableness" (the area in which the judge feels he or she has discretion on a particular matter) is likely to increase with the judge's experience, as the judge's intuition is based on an increasing body of knowledge[31]. Thus, along with the judge's experience, the judge's desire to implement justice according to his personal sense of justice also increases. The judge tends to resolve the dispute not formally, but rather taking into account his life experience and inner sense of justice.

In summary, as a form of state power courts do not only decide cases through the formal application of statutory rules, but must also consider the principles of justice, fairness and reasonableness. Thus, the administration of justice also requires a certain human subjective factor, such as a judge's intuition or emotions, which make a judge cautious and careful, as well as responsible for the decisions he or she takes.

2. THE CONCEPT OF ARTIFICIAL INTELLIGENCE

Although the concept of AI can be interpreted in different ways, it can be described as a technology designed to automate tasks that "normally require human intelligence"[32]. This description of AI emphasizes that the technology is often focused upon automating specific types of tasks: those that are thought to involve intelligence when people perform them[33]. Meanwhile, the Organisation for Economic Co-operation and Development (OECD) defines an "AI system" as "machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments ". It is noted that "AI systems are designed to operate with varying levels of autonomy"[34]. Finally, it is relevant to mention the definition of "AI system" in the Article 3 of AI Act, according to which AI system means a machine-based system designed to operate with varying levels of autonomy, that may exhibit adaptiveness after deployment and that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments.

The reality is that today's AI systems are decidedly not intelligent thinking machines in any meaningful sense. Rather, AI systems are often able to produce useful, intelligent results without intelligence. These systems do this largely through heuristics—by detecting patterns in data and using knowledge, rules, and information that have been specifically encoded by people into forms that can be processed by computers[35]. The current state of Al technology is only capable of solving narrow problems. Irrespective of how much it excels at solving these narrow problems, the problems are narrow. Thus, the technology is referred to as artificial narrow intelligence (ANI)[36]. The vision of AI as involving thinking machines with abilities that meet or surpass human-level cognition—often referred to as Strong AI or Artificial General Intelligence (AGI)—is only

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31 Posner, *supra* note 16, 1065–66.
32 Surden, *supra* note 17, 1307. See Stuart J. Russell, Peter Norvig, Ernest Davis, *Artificial Intelligence: A Modern Approach*, 3rd ed., Prentice Hall Series in Artificial Intelligence (Upper Saddle River: Prentice Hall, 2010).
33 Ibid.
34 OECD, *Recommendation of the Council on Artificial Intelligence* (2019) // https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0449
35 Surden, *supra* note 17, 1308.
36 Kasap, *supra* note 18, 233.

aspirational[37]. Thus, AI is not yet a self-thinking technology that can replace humans in all aspects.

The mechanism by which AI performs automated tasks can be divided into different categories. For example, the relationship between humans and a system, particularly in the context of decision-making, could be described as a system that makes a decision and a system that supports a human decision-maker[38]. Sourdin uses the terminology of 'Judge AI' and 'supportive Judge AI' to articulate a similar distinction between AI that replaces a judge and AI that plays a role in decision-making processes[39]. An analogous assessment can be made with regard to the operation of AI in the administration of justice under the AI Act. The AI Act provides that AI can act as an auxiliary/advisory tool, but it cannot be a decision-maker in the administration of justice[40].

Today, the most successful technological approaches to AI fall into two broad categories: 1) *machine learning*; 2) *logical rules and knowledge representation*[41]. Most machine-learning methods work by detecting useful patterns in large amounts of data that can be used to perform various tasks, such as driving a car[42]. Meanwhile, the second area of AI aims to model real-world phenomena or processes in a form that computers can use, typically for the purposes of automation[43]. As machine learning is the predominant approach to AI today[44], it is worth looking at this approach in more detail. Based upon the name "machine learning", one might assume that these systems are learning in the way that humans do. But the word learning is used only as a rough metaphor for human learning. For instance, when humans learn, we often measure progress in a functional sense—whether a person is getting better at a particular task over time through experience. Similarly, we can roughly characterize machine-learning systems as functionally "learning" in the sense that they too can improve their performance on particular tasks over time.[45]. Thus, by applying machine learning, we can expect future advances in AI in a wide range of fields.

It is important to understand how machine learning systems use data patterns to produce intelligent results. The doctrine gives an example of a typical email spam filter. Most email software uses machine learning to automatically detect incoming unsolicited emails (i.e. unsolicited commercial emails) and divert them into a separate spam folder. Often, the key is to "train" the system by providing it with a few examples of unsolicited emails and a few examples of "wanted" emails[46]. The machine-learning software can then detect patterns across these example e-mails that it can later use to determine the likelihood that a new incoming e-mail is either spam or wanted[47]. For instance, when a new e-mail arrives, users are usually given the option to mark the e-mail as spam or not[48]. Every time users mark an e-mail as spam, they are providing a training example

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37 Surden, *supra* note 17, 1308–1309.
38 Ibid.
39 Tania Sourdin, Judges, Technology and Artificial Intelligence (Elgar, 2021) 16, cited from Felicity Bell et al., *supra* note 5, 9.
40 Artificial Intelligence Act, *supra* note 10, para. 61 of Recital.
41 Surden, *supra* note 17, 1310.
42 Ibid., 1311.
43 Ibid., 1316.
44 Ibid., 1311.
45 Ibid.
46 *What Is Machine Learning? 3 Things You Need to Know* (Mathworks: Machine Learning, 2019) // https://www.mathworks.com/discovery/machine-learning.html; cited from Harry Surden, *supra* note 17, 1312.
47 *Comparison of Machine Learning Methods in Email Spam Detection*, Mathias Schilling: Blog (2018) // https://www.matchilling.com/comparison-of-machine-learning-methods-inemail-spam-detection/, cited from Surden, *supra* note 17, 1312.
48 Nicholas Moline, Combatting Spam Emails and Contact Forms, *Justia Legal Marketing & Tech. Blog* (2018) // https://onward.justia.com/2018/12/04/combatting-spam-emails-andcontact-forms/, cited

for the system. This signals to the machine-learning software that this is a human-verified example of a spam e-mail that it should analyse for telltale patterns that might distinguish it from wanted e-mails[49]. Machine-learning systems are designed to learn and improve over time[50]. By examining more data and looking for more useful signals, these systems get better at their job.

In summary, while AI is generally understood as a technology that can make intelligent "human" decisions, it is only an aspiration today. Although machine learning technology is a technology that learns by itself, it is currently only a narrow type of AI that can only perform pattern-based evaluation.

3. THE POTENTIAL OF ARTIFICIAL INTELLIGENCE IN THE DELIVERY OF JUSTICE

In recent years, the legal profession has turned its attention to the AI revolution, asking about the ethics of intelligent machines, how machine learning can improve legal research, who can be sued when AI results in liability, and the concept of AI ownership[51]. For a long time, the use of AI in the administration of justice at the EU level has been mostly dealt with in so-called soft law documents[52]. However, the European Parliament approved the AI Act on 13 March, 2024[53], although the legislation has yet to be formally endorsed by the EU Council[54]. The AI act is the first ever attempt to enact a horizontal regulation for AI. The proposed legal framework focuses on the specific utilisation of AI systems and associated risks. The AI act introduces a proportionate and effective set of binding rules for AI systems, which follows a clearly defined risk-based approach. It will prohibit certain unacceptable AI practices, impose requirements for high-risk AI systems and set obligations for relevant operators and transparency requirements for certain AI systems. One of the key principles that will guide AI technologies is "human agency and oversight", which means that AI systems are developed and used as a tool that serves people, respects human dignity and personal autonomy, and that is functioning in a way that can be appropriately controlled and overseen by humans[55]. EU lawmakers have provided substantial amendments to the Commission's proposal including revising the definition of AI systems, broadening the list of prohibited AI systems, and imposing obligations on general purpose AI and generative AI models such as ChatGPT. Chapter III (Article 6) of the AI act regulates "high-risk" AI systems that create adverse impact on people's safety or their fundamental rights. AI Act distinguishes between two categories of high-risk AI systems: 1) systems used as a safety component of a pro-

from Surden, *supra* note 17, 1312.

49 Harry Surden, "Machine Learning and Law," *Washington Law Review* 87, 89 (2014), cited from Surden, *supra* note 17, 1312.

50 Surden, *supra* note 17, 1314.

51 Zoe Niesel, "Machine Learning and the New Civil Procedure," *Smu law review* 73 (2020): 495.

52 CEPEJ, *European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and their environment, adopted at the 31st plenary meeting of the CEPEJ,* (2018) // https://rm.coe.int/ethical-charter-en-for-publication-4-december-2018/16808f699c; ENCJ, „Ljubljana Declaration Courts fit for the future" (2023) // https://pgwrk-websitemedia.s3.eu-west-1.amazonaws.com/production/pwk-web-encj2017-p/Ljubljana%20declaration%20ADOPTED%2012.06.2023.pdf; CCBE, *Considerations On The Legal Aspects Of Artificial Intelligence,* (2020) // https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/IT_LAW/ITL_Guides_recommendations/EN_ITL_20200220_CCBE-considerations-on-the-Legal-Aspects-of-AI.pdf

53 European Parliament, *supra* note 9.

54 *European Parliament Press Release: Artificial Intelligence Act: MEPs adopt landmark law*, (2024) // https://www.europarl.europa.eu/news/en/press-room/20240308IPR19015/artificial-intelligence-act-meps-adopt-landmark-law

55 Artificial Intelligence Act, *supra* note 10, para. 26–27 of Recital.

duct or falling under EU health and safety harmonisation legislation (e.g. toys, aviation, cars, medical devices, lifts); and 2) systems deployed in eight specific areas identified in Annex III, which the Commission could update as necessary through delegated acts (Article 7) between them Law enforcement and Administration of justice and democratic processes. All of these high-risk AI systems would be subject to a set of new rules[56].

3.1. Artificial Intelligence as a Tool to Assist the Delivery of Justice

Today, we already have AI systems that assist in the delivery of justice. For example, the Chinese judiciary already has certain systems in place, which not only comprehensively improve judicial efficiency, but also provide convenient and efficient technical support for judges to hear cases[57]. The increased workload of the judiciary has made the deployment of AI systems in China crucial, and it is currently helping, for example, with the examination of evidence, case file production, the generation of elemental adjudication instruments in a short period, and so on[58]. Thus, AI is particularly important in countries where the speed of proceedings is quite high, as AI can help the judge to focus on the real legal problem instead of spending time on technical work, such as drafting the descriptive part of the judgment.

One of the most fruitful examples of the use of AI in the court system is the use of ChatGPT or other large language models. According to the AI Act, generative AI, such as ChatGPT, is not considered to be a high-risk or unacceptable risk technology. However, if a court decides to use this technology, for example to search for case law, this would clearly fall within the scope "assistance in legal interpretation and application of the law" and must therefore qualify as high-risk technology[59]. ChatGPT is already being used by lawyers, but in many cases ChatGPT technology does more harm than good by generating fake case law citations. A recent study, conducted in January 2024, found that "legal hallucinations" occur 69% of the time with ChatGPT 3.5[60]. This is confirmed by practical examples, e.g. the U.S. District Court imposed a fine of 5 000 dollars to the attorneys, for quoting fake citations of case law[61]. Meanwhile, in a Canadian case, a situation arose where an attorney submitted fake case law citations generated by ChatGPT, but withdrew them after learning of this. The Supreme Court of British Columbia in the case noted that "generative AI is still no substitute for the professional expertise that the justice system requires of lawyers. Competence in the selection and use of any technology tools, including those powered by AI, is critical"[62]. Therefore, although the use of such technologies is of a supportive measure and theoretically possible in the administration of justice, a human factor is needed to supervise the functioning of this technology, because there is a very significant margin for error.

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56 See Artificial Intelligence Act, *supra* note 10.

57 For example, "smart court navigation system" and "intelligent push system" launched by the Supreme People's Court in 2018, Beijing's "rui judge" intelligent research system, Shanghai's "206" criminal case intelligent auxiliary case system (206 system), Hebei's "smart trial 1.0" trial support system and other local courts launched artificial intelligence products, not only comprehensively improves judicial efficiency, but also provides convenient and efficient technical support for judges to hear cases (see Xu, *supra* note *14*, 1026–1027).

58 Ibid., 1026–1027.

59 Paragraph 8(a) of Annex III High-risk AI Systems Referred to in Article 6(2) of AI Act.

60 This is even more common with other large language models such as, 88 % with Llama 2. See Matthew Dahl et. al., *Large Legal Fictions: Profiling Legal Hallucinations in Large Language Models*, (2024) // https://arxiv.org/html/2401.01301v1

61 United States District Court, S.D. New York. Decision of June 22, 2023 in case Mata v. Avianca Inc., (2023) // https://caselaw.findlaw.com/court/us-dis-crt-sd-new-yor/2335142.html

62 The Supreme Court of British Columbia Ruling of February 20, 2024 in case Zhang v. Chen, 2024 BCSC 285 // https://www.bccourts.ca/jdb-txt/sc/24/02/2024BCSC0285cor1.htm

AI is also often used in the context of predictive justice, which generally refers to using analysis of large amount of data by the means of AI-enabled technologies for predicting outcomes of legal disputes[63]. It is also important for sentencing, as various tools have been developed that can predict the likelihood that a person will reoffend in the future. One of the relevant technologies, which is already in practice, is the risk assessment tool: Correctional Offender Management Profiling for Alternative Sanctions (COMPAS), used in the United States. For example, in *Loomis v. Wisconsin*[64], Mr. Loomis was sentenced to six years of imprisonment and the length of the sentence had been partially determined by COMPAS. Although Mr. Loomis argued that the use of COMPAS was inadequate and violated his right to due process, the Supreme Court of Wisconsin rejected these arguments, thus creating a relevant precedent[65] on the acceptance of the use of COMPAS, or any other risk assessment instrument, in determining a sentence, a practice that is already widespread in the context of the United States of America[66]. One of the reasons was that the court had the discretion to disregard the report if necessary[67]. Other similar tools of predictive justice have been tried in France[68], but the conclusions from the experiments conducted demonstrated that a product of AI can hide unacceptable design flaws and totally erroneous analysis results[69].

It is clear that the AI can serve as a tool to assist the delivery of justice. A number of AI technologies are already in place at different levels of the judicial system, but the "blind" application of these technologies, in the absence of human supervision, poses serious problems. It is no coincidence that the AI Act refers to the use of these technologies as "high-risk", so that they can only be used in the administration of justice as a supportive tool.

Finally, it is worth addressing the issue of liability for damage caused by the use of AI in the courts. In this respect, the Proposal for the Directive of the European Parliament and of the Council on the adaptation of the rules on non-contractual liability to AI[70] (AI Liability Directive) should be noted. The adoption of the AI Act will undoubtedly intensify the procedures for the adoption of the AI Liability Act in the near future. At present, the proposal for AI Liability Directive does not provide detailed rules on what would happen if AI were to cause harm in the delivery of justice. In the authors' view, in a situation where the damage would arise from AI actions in the administration of justice, there is no direct exposure to the problems of establishing fault that are expressed in the proposal for AI Liability Directive. AI in the judiciary would have to come about through wide-ranging changes that include risk management methodologies

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63 See, e. g. B. Khanna. Predictive Justice: Using Ai For Justice, (2021) // https://www.cppr.in/wp-content/uploads/2021/05/PREDICTIVE-JUSTICE-USING-AI-FOR-JUSTICE-2.pdf). However, other authors refer to a slightly different notion of predictive justice, for example, to describe the automation of legal procedures. Seth Lazar, Jake Stone, "On the Site of Predictive Justice," *Noûs,* (2024) // https://doi.org/10.1111/nous.12477

64 13 July, 2016 decision of Supreme Court of Wisconsin in case State v Loomis 881 N.W.2d 749, (2016) // https://www.courts.ca.gov/documents/BTB24-2L-3.pdf

65 The Supreme Court of the United States denied the writ of certiorari on June 26, 2017 // https://www.supremecourt.gov/orders/courtorders/062617zor_8759.pdf

66 Iñigo De Miguel Beriain, "Does the use of risk assessments in sentences respect the right to due process? A critical analysis of the Wisconsin v. Loomis ruling," *Law, Probability and Risk* 17, 1 (2018): 45–46 // https://doi.org/10.1093/lpr/mgy001

67 Supreme Court of Wisconsin, *supra* note 67, section 71.

68 The Douai and Rennes Courts of Appeal in France conducted a three-month trial in 2017 with a software programme labelled "predictive" by a panel of judges.

69 CEPEJ, *European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and their environment*, (2018) // https://rm.coe.int/ethical-charter-en-for-publication-4-december-2018/16808f699c

70 *Proposal for a Directive of the European Parliament and of the Council on adapting non-contractual civil liability rules to artificial intelligence*, (2022), COM/2022/496 final // https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022PC0496

(with liability issues being part of these processes and methodologies). Since AI would be operating under human supervision (presumably a judge's), such liability would be linked to a human person's failure to comply with certain guidelines or other methodologies. In most countries the liability of the judiciary is primarily a State liability and not the personal liability of the judge[71]. For example, Lithuanian law provides that the State shall fully compensate for damage caused by unlawful actions of a judge or court in a civil case if the damage is caused by the fault of the judge or other court official (Article 6.272(2) of the Civil Code of the Republic of Lithuania). Such liability is strict, that is, it is not necessary to establish the fault of the judge or other responsible person. Thus, if a judge or other responsible person is found not to have complied specific methodologies, the State would compensate for the damage caused.

3.2. The Potential of Artificial Intelligence to Replace the Role of the Judge

One useful way of thinking about the use of AI within law today is to conceptually divide it into three categories of AI users: the administrators of law (i.e., those who create and apply the law, including government officials such as judges, legislators, administrative officials, and police), the practitioners of law (i.e., those who use AI in legal practice, primarily attorneys), and those who are governed by law (i.e., the people, businesses, and organizations that are governed by the law and use the law to achieve their ends)[72]. In the present case, the first division is relevant to determine whether AI can replace judges who deliver justice.

AI cannot replicate certain abilities that are uniquely human, such as creativity, imagination and vision, empathy, communication skills, strategic thinking, leadership. These skills and capacities are people-oriented rather than legal problem-oriented[73]. In legal doctrine, these traits are also referred to as emotional intelligence[74]. While today's AI can interact with others on some level and answer questions based on user input, for example using Siri or Alexa apps, AI does not understand the question at the level of emotional intelligence. Currently, AI only demonstrates logical-mathematical intelligence[75].

The delivery of justice is an area that requires subjective assessment. It is not focused on the subject-matter of the dispute, but on the parties to the proceedings, who are the primary addressees of the judgment. The court must feel responsible for the decisions it takes. It is no coincidence that the search for solutions to empower AI in legal proceedings focuses on defining the ethical limits of its use. CEPEJ's Working Party on Quality (GTQUAL) developed ethical principles for the use of AI in the administration of justice: 1) Principle of respect for fundamental rights: ensure that the design and implementation of AI tools and services are compatible with fundamental rights; 2) Principle of non-discrimination: specifically prevent the development or intensification of any discrimination between individuals or groups of individuals; 3) Principle of quality and security: with regard to the processing of judicial decisions and data, use certified sources and intangible data with models elaborated in a multi-disciplinary manner,

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71 D. Cavallini, *State Liability for Judicial Wrongs: Impact of Rulings of the European Court of Justice and Debate in Italy in The Culture of Judicial Independence in a Globalised World* (Brill | Nijhoff, 2016), 272.
72 Surden, *supra* note 17, 1328.
73 Allison C. Shields, "Emotional Intelligence versus Artificial Intelligence Frontlines: Simple Steps," *Law Practice* 45, 4 (2019): 14 // https://heinonline.org/HOL/P?h=hein.journals/lwpra45&i=257
74 Kasap, *supra* note 18, 234.
75 Ibid., 235.

in a secure technological environment; 4) Principle of transparency, impartiality and fairness: make data processing methods accessible and understandable, authorise external audits; 5) Principle "under user control": preclude a prescriptive approach and ensure that users are informed actors and in control of the choices made[76].

AI, however, does not feel any responsibility. AI could be a strict applicator of legal rules rather than an enforcer of justice. In the same way that a client chooses a lawyer not only on the basis of legal knowledge, but also on the way the client feels[77] when interacting with the lawyer, a litigant's view of the administration of justice and the judicial process is shaped by his or her experience in court (the way the judge interacted with the person, the level of detail of the arguments, the level of interest shown in the situation, etc). The administration of justice is thus a process that requires responsibility on the part of the person administering it. It is not merely the resolution of a legal problem; it is a social process, where the public interest is served, where discord between the parties to a dispute is restored. It is these elements that are the cornerstones when it comes to public trust in the courts.

AI tends to work poorly, or not at all, in areas that: are conceptual, abstract, value-laden, open-ended, policy- or judgment-oriented; require common sense or intuition; involve persuasion or arbitrary conversation; or, involve engagement with the meaning of real-world humanistic concepts, such as societal norms, social constructs, or social institutions. In general, AI tends to work well for tasks that have definite right-or-wrong answers, and clear, unambiguous rules[78]. For example, it is a mistake to assume that just because AI successfully beat a grandmaster in the game of "Go"—a famously difficult game—that that this same technology will necessarily lead to the automation of other difficult tasks, such as creative legal argumentation or problem solving[79]. It is therefore doubtful that AI will be able to replace the judge who administers justice in the near future. The use of AI is hotly debated, for example in the reasoning behind simple court decisions. However, AI is not always compatible with judicial reasoning. It needs to be monitored. AI and the potential risks to justice systems can lead to the problem that the social context may change. The law may develop, but the system may not be able to consider these changes in due time. In addition, social relationships may change and the algorithm will not be able to take this into account. Moreover, AI-based technology should be ethical-by-design. This means that right from the design and learning phases, rules prohibiting direct or indirect violations of the fundamental values protected by various conventions must be fully integrated. Although the AI Act foresees that there must be certain authorities that supervise the functioning of AI, the question is whether such a procedure will be able to ensure the reasonability of the AI algorithm itself. Therefore, the final decision in the adjudication process must be taken by the human being.

Additionally, the establishment of AI as a judge may lead to the problem of AI manipulation. The doctrine notes that there is ample evidence of bias in AI. Also known as algorithmic bias, it is what we experience when a machine learning model produces a systematically wrong result. Bias is a reflection of the data algorithm authors choose to use, as well as their data blending methods, model construction practices, and how results are applied and interpreted. In other words, these processes are driven by human

[76] CEPEJ, *supra* note 52.
[77] Shields, *supra* note 73, 15.
[78] Surden, *supra* note 17, 1322–1323.
[79] Ibid., 1322.

judgments.[80]. So, when it comes to AI's potential to change the person of a judge, it is important to bear in mind that the algorithm can be flawed and manipulated. For example, the State itself may have an interest in keeping the algorithm biased in order to control the decisions taken by the courts, a problem that would be particularly acute in authoritarian states. Even if the algorithm is developed by a private company, there is still the risk that the algorithm is programmed with a "biased" purpose. In this respect, the introduction of AI components to human brain should be considered controversial, as it may affect the judge's independence and impartiality.

Thus, there is a risk that AI could be used as a tool to achieve goals that are not compatible with a democratic legal system that prioritises protection of fundamental human rights. According to B. Z. Tamanaha, the:

> application of the law can be understood from either a traditional or an instrumental view. The traditional view insists that law consists of and is limited by principles consistent with reason, or community norms representing the good and right, whereas the instrumental understanding is that law is an empty vessel that can be applied to achieve any end. <…> When the law has been deprived of its own integrity, there is little to separate law from any other tool or weapon[81].

This thought aptly describes the use of AI in the delivery of justice. If we associate the delivery of justice only with the instrumental application of the law, detached from any moral viewpoint, AI systems could become a tool or weapon against society.

In conclusion, the use of AI in the delivery of justice may have the effect of undermining the ability to interpret the law correctly. Judges have to interpret the law not only on the basis of the text, but also in the light of the principles of reasonableness, fairness and equity. Moreover, AI can be programmed to serve unlawful purposes (biased dispute resolution). Of course, a judge (a human being) can make mistakes, and there can be questions about his bias, but relying on AI is just as dangerous, if not more so, than relying on a judge to hear a case, for a very simple reason: all it takes is for a human being to change an algorithm to serve an illegitimate purpose and it can have a negative impact on the entire justice system.

CONCLUSIONS

The delivery of justice is not only about resolving disputes in accordance with established rules, but also about the "art" of reconciling the interests of the different parties to a dispute and defusing social tensions. The judge has a certain degree of discretion in the delivery of justice, since it is not merely a mechanical application of the rules of law, but also an assessment of certain circumstances of a more subjective nature, based on the principles of justice, reasonableness and fairness.

AI is a technology that makes automated decisions that normally require human intelligence. Machine learning is a method of using AI to make more complex decisions, while also allowing it to learn from its own experience. However, given the specific nature of the delivery of justice, the role of AI is that of a tool to assist in the administration of justice, rather than being an implementer of justice itself.

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[80] Gregory S. Nelson, "Bias in Artificial Intelligence," *North Carolina Medical Journal* 80, 4 (2019): 220 // https://ncmedicaljournal.com/article/55108.pdf

[81] B. Z. Tamanaha, "Law as a Means to an End": 218–224; In: Michael D. A. Freeman, *supra* note 3, 69.

The reason why AI cannot replace decision-making power of judges is that the administration of justice requires not only the formal application of legal rules, but also creativity, imagination, vision, empathy, sensitivity, attentiveness, understanding, honesty, a sense of reality, a sense of responsibility and other subjective qualities which AI cannot apply. It is difficult to imagine that an algorithm could be developed that replicates the characteristics of a human being to resolve a dispute in a way that is not only formally legal, but also fair, reasonable and honest. AI can contribute to the delivery of justice, but it will not replace the human personality as an agent of justice.

Excessive involvement of AI in the delivery of justice may lead to a decrease in trust in the state and the law, as the persons responsible for the use of AI may be interested in the application of AI to achieve unlawful goals. To avoid this, the judiciary must play a decisive role in any AI-assisted decision in the administration of justice.

BIBLIOGRAPHY

1. Andenæs, Mads Tønnesson, Burkhard Hess and Paul Oberhammer. *Enforcement agency practice in Europe*. London: British Institute of International and Comparative Law, 2005.
2. Beliūnienė, Lina, et al. "Galimybės siaurinti teismo funkcijas administracinių teisės pažeidimų procese." Vilnius: Lietuvos teisės institutas, 2014.
3. Bell, Felicity, et al. *AI Decision-Making and the Courts: A Guide for Judges, Tribunal Members and Court Administrators*. Australasian Institute of Judicial Administration, 2023 // https://papers.ssrn.com/abstract=4162985
4. Beriain, Iñigo De Miguel. "Does the use of risk assessments in sentences respect the right to due process? A critical analysis of the Wisconsin v. Loomis ruling." *Law, Probability and Risk* 17, 1 (2018): 45–53 // https://doi.org/10.1093/lpr/mgy001
5. Cavallini, Daniela. *State Liability for Judicial Wrongs: Impact of Rulings of the European Court of Justice and Debate in Italy in The Culture of Judicial Independence in a Globalised World*. Brill | Nijhoff, 2016.
6. Chroust, Anton-Hermann. "The Function of Law and Justice in the Ancient World and the Middle Ages." *Journal of the History of Ideas* 7, 3 (1946): 298–320 // https://doi.org/10.2307/2707403
7. Cui, Yadong. *Artificial Intelligence and Judicial Modernization*. Singapore: Springer, 2020 // https://doi.org/10.1007/978-981-32-9880-4
8. Freeman, Michael D. A. and Dennis Lloyd Lloyd of Hampstead. *Lloyd's Introduction to Jurisprudence*. 9 ed. London: Sweet & Maxwell, Thomson Reuters, 2014.
9. Kasap, Gizem Halis. "Can Artificial Intelligence (‚AI') Replace Human Arbitrators? Technological Concerns and Legal Implications." *Journal of Dispute Resolution* 2 (2021): 209–254 // https://heinonline.org/HOL/P?h=hein.journals/jdisres2021&i=226
10. Lazar, Seth, and Jake Stone. "On the Site of Predictive Justice." *Noûs,* (2024) // https://doi.org/10.1111/nous.12477
11. Dahl, Matthew, et al. *Large Legal Fictions: Profiling Legal Hallucinations in Large Language Models.* (2024) arxIV:2401.01301 // https://arxiv.org/html/2401.01301v1

12. Niesel, Zoe. "Machine Learning and the New Civil Procedure." *Smu Law Review* 73 (s. a.).
13. Nelson, Gregory S. "Bias in Artificial Intelligence." *North Carolina Medical Journal* 80 (2019): 4 // https://ncmedicaljournal.com/article/55108.pdf
14. Olmo Rodriguez, Pablo J. "Artificial Intelligence Law: Applications, Risks & Opportunities." *Revista Juridica Universidad de Puerto Rico* 90, 3 (2021): 701–720 // https://heinonline.org/HOL/P?h=hein.journals/rjupurco90&i=735
15. Posner, Richard A. "The Role of the Judge in the Twenty-First Century." *Boston University law review* 86 (s. a.).
16. Pound, Roscoe. "Justice According to Law." *Columbia Law Review* 13, 8 (1913): 696–713 // https://heinonline.org/HOL/P?h=hein.journals/clr13&i=740
17. Russell, Stuart J., Peter Norvig, Ernest Davis. *Artificial Intelligence: A Modern Approach*. 3rd ed. Prentice Hall Series in Artificial Intelligence. Upper Saddle River: Prentice Hall, 2010.
18. Shields, Allison C. "Emotional Intelligence versus Artificial Intelligence Frontlines: Simple Steps." *Law Practice* 45, 4 (2019): 14–15 // https://heinonline.org/HOL/P?h=hein.journals/lwpra45&i=257
19. Surden, Harry. "Artificial Intelligence and Law: An Overview." Rochester, NY, 2019 // https://papers.ssrn.com/abstract=3411869
20. Tamanaha, B. Z. "Law as a Means to an End." Cambridge University Press, 2006. In Michael D. A. Freeman, *Lloyd's Introduction to Jurisprudence*. 9 ed. London: Sweet & Maxwell, Thomson Reuters, 2014.
21. Xu, Zichun. "Human Judges in the Era of Artificial Intelligence: Challenges and Opportunities." *Applied Artificial Intelligence* 36, 1 (2022): 2013652 // https://doi.org/10.1080/08839514.2021.2013652

LEGAL REFERENCES

1. Council of Bars and Law Societies of Europe. *Considerations On The Legal Aspects Of Artificial Intelligence* (2020) // https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/IT_LAW/ITL_Guides_recommendations/EN_ITL_20200220_CCBE-considerations-on-the-Legal-Aspects-of-AI.pdf
2. *Denisov v. Ukraine*. European Court of Human Rights [GC], 2018, Application No. 76639/11.
3. European Commission for the Efficiency of Justice. *2022–2025 CEPEJ Action plan: "Digitalisation for a better justice" Adopted at the 37th CEPEJ plenary meeting Strasbourg and online.* (2021) // https://rm.coe.int/cepej-2021-12-en-cepej-action-plan-2022-2025-digitalisation-justice/1680a4cf2c
4. European Commission for the Efficiency of Justice. *European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and their environment*. (2018) // https://rm.coe.int/ethical-charter-en-for-publication-4-december-2018/16808f699c
5. European Commision. *Proposal for a Regulation of the European Parliament and of the Council laying down harmonised rules on artificial intelligence and amending certain union legislative acts.* (2021), COM/2021/206 // https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52021PC0206
6. European Commission for the Efficiency of Justice. *European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and their environment,*

adopted at the 31st plenary meeting of the CEPEJ. (2018) // https://rm.coe.int/ethical-charter-en-for-publication-4-december-2018/16808f699c

7. European Parliament. *Legislative resolution of 13 March 2024 on the proposal for a regulation of the European Parliament and of the Council on laying down harmonised rules on Artificial Intelligence (Artificial Intelligence Act) and amending certain Union Legislative Acts* (2024), COM(2021)0206 – C9-0146/2021 – 2021/0106(COD) TA/2024/0138 // https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=EP%3AP9_TA%282024%290138
8. European Parliament. *Position on with a view to the adoption of Regulation (EU) 2024/ of the European Parliament and of the Council laying down harmonised rules on artificial intelligence and amending Regulations (EC)* No. 300/2008, (EU) No. 167/2013, (EU) No. 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act) // https://www.europarl.europa.eu/RegData/seance_pleniere/textes_adoptes/definitif/2024/03-13/0138/P9_TA(2024)0138_EN.pdf
9. European Network of Councils for the Judiciary. *Ljubljana Declaration Courts fit for the future.* (2023) // https://pgwrk-websitemedia.s3.eu-west-1.amazonaws.com/production/pwk-web-encj2017-p/Ljubljana%20declaration%20ADOPTED%2012.06.2023.pdf
10. *İlhan v. Turkey*. European Court of Human Rights, 2000, Application No. 22277/93.
11. Khanna, B. *Predictive Justice: Using Ai For Justice* (2021) // https://www.cppr.in/wp-content/uploads/2021/05/PREDICTIVE-JUSTICE-USING-AI-FOR-JUSTICE-2.pdf
12. *Mata v. Avianca Inc. United States District Court*. S.D. New York, 2023, 22-CV-1461 (PKC).
13. *Nada v. Switzerland*. European Court of Human Rights [GC], 2012, Application No. 10593/08.
14. Organisation for Economic Co-operation and Development. *Recommendation of the Council on Artificial Intelligence.* (2019) // https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0449
15. *Proposal for a Directive of the European Parliament and of the Council on adapting non-contractual civil liability rules to artificial intelligence*. 2022, COM/2022/496.
16. Ruling of the Constitutional Court of the Republic of Lithuania of June 8, 2006.
17. Ruling of the Constitutional Court of the Republic of Lithuania of March 15, 2008.
18. Ruling of the Constitutional Court of the Republic of Lithuania of November 15, 2013.
19. *State v. Klaipėda City Municipality*. Supreme Court of Lithuania, 2011, No. 3K-3-207/2011.
20. *State v. Loomis*. Supreme Court of Wisconsin, 2016, 881 N.W.2d 749.
21. *Zhang v. Chen*. The Supreme Court of British Columbia, 2024 BCSC 285.