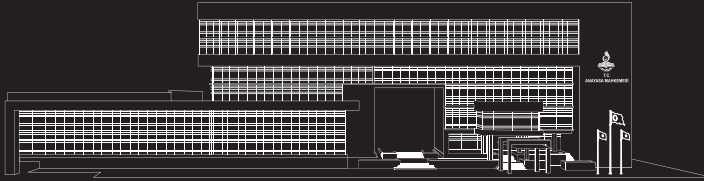




Constitutional Court of the  
Republic of Türkiye

# Constitutional Justice in Asia

“The Use of Information Technologies and Artificial  
Intelligence in the Higher Judiciary”



12<sup>th</sup> Summer School of the Association of the Asian Constitutional Courts  
and Equivalent Institutions (AACC)  
30 September – 3 October 2024, Ankara



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Organised by  
The Center for Training and Human Resources Development of AACC  
Constitutional Court of the Republic of Türkiye



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Constitutional Court of the Republic of Türkiye  
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## MESSAGE OF THE PRESIDENT

The Constitutional Court of the Republic of Türkiye undertakes the Center for Training and Human Resources Development (CTHRD), which is one of the three Permanent Secretariats of the Association of Asian Constitutional Courts and Equivalent Institutions (AACC). The Center successfully held the 12<sup>th</sup> Summer School Programme on 30 September - 3 October 2024 in Ankara. This year's event under the theme of "The Use of Information Technologies and Artificial Intelligence in the Higher Judiciary" highlighted the transformative role of digital innovation in strengthening judicial procedures while addressing the challenges and risks such advancements may inherently entail.

The Summer Schools have long been a hallmark of the AACC, offering a vibrant setting where diverse practices and a large spectrum of legal traditions can be shared. Being a dynamic platform for collaboration and interactive learning, the Summer School programme provides participants with the opportunity to reflect on challenges, to exchange know-how and expertise, and to strengthen the sense of collaboration among peer courts. Likewise, the 12<sup>th</sup> Summer School provided a platform for distinguished participants from across the Asia, Europe and Africa to exchange ideas and expertise on the use of technology in higher judiciary.

I would like to express pleasure for hosting such an event and presenting this publication, which is a compilation of the papers and presentations delivered during this Summer School.

On my own behalf and on behalf of the Constitutional Court of Türkiye, I extend my heartfelt gratitude to the distinguished jurists, legal scholars, and experts whose contributions enriched this programme.

I wish that this book will serve as a valuable resource in the field of constitutional justice, inspiring those who strive to protect and advance democracy, rule of law, and human rights.

**Kadir ÖZKAYA**

President of Constitutional Court of  
the Republic of Türkiye



## PREFACE

Being a member of the Association of Asian Constitutional Courts and Equivalent Institutions (AACC) since 2012, the Constitutional Court of the Republic of Türkiye also hosts one of the three Permanent Secretariats of the AACC under the Center for Training and Human Resources Development (CTHRD). The Center plays an instrumental role in fostering judicial dialogue through annual programmes aimed at mid-level judges and lawyers from constitutional/ supreme courts and equivalent institutions around the world.

Since 2013, the Center has annually hosted Summer Schools, bringing together judicial professionals from AACC member courts to share experiences and exchange ideas. These gatherings have steadily expanded in scope and attendance, attracting participants from a growing network of courts globally.

The Summer Schools serve as a platform for exploring contemporary and global issues in constitutional justice and human rights law. Through these programmes, participants have the opportunity to engage in inspiring discussions that not only explore theoretical frameworks but also provide an insight into the practice of the legal systems in their respective countries. We sincerely believe that the exchange of best practices also contributes to the global effort to uphold justice through effective legal frameworks.

Various themes so far discussed in the Summer Schools pertain to the right to a fair trial, independence of the judiciary, interpretation of Constitutions, challenges in the execution of court judgments, restriction of human rights and freedoms in health emergencies, presumption of innocence, right to personal liberty and security, migration and refugee law, right to respect for private and family life, as well as freedom of expression and freedom of association. This year's Summer School focuses on a particularly pertinent topic in the intersection of law and technology: *"The Use of Information Technologies and Artificial Intelligence in the Higher Judiciary."*

The rapid evolution of digital technologies and artificial intelligence (AI) continue to transform nearly every aspect of modern life. Judicial systems worldwide have not remained untouched by these advancements, undergoing certain changes driven by the integration of sophisticated technological innovations.

In this respect, the integration of information technologies and AI into higher judiciary systems holds the potential to transform legal practices and frameworks by significantly enhancing efficiency, transparency, and accessibility. Digital technologies may help expedite case management processes, facilitate comprehensive legal research, automate classification of complaints, and assist in the preliminary drafting of decisions. In this way, digital advancements may reduce procedural delays, increase operational transparency and facilitate managing large volumes of case files.

We believe that this book, like previous ones, will undoubtedly strengthen the collaboration and exchange of best practices among all involved.

We sincerely wish that you find this publication instrumental for exploring and advancing digital technologies in judicial field!

**The CTHRD**



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## REMARKS

by

**The President of the Constitutional Court  
of the Republic of Türkiye**

**1 October 2024, Ankara**

**Distinguished Participants,**

**Ladies and Gentlemen,**

I would like to extend you all my most sincere and respectful greetings. It is a great pleasure to be here and address such eminent participants. We are deeply honoured to welcome you to Ankara, our capital city. I sincerely hope that the Summer School programme will be successful and fruitful, and that have an enjoyable and memorable time in Ankara and Türkiye.

In its capacity as the Center for Training and Human Resources Development, one of the three permanent secretariats of the Association of Asian Constitutional Courts and Equivalent Institutions (AACC), the Turkish Constitutional Court is proud to host the 12<sup>th</sup> Summer School programme. We are always delighted and honoured to join together with participants from different parts of the world on the occasion of these annual events.

**Distinguished Participants,**

Let me notably emphasise that such events not only serve formal objectives and outputs, but also encompass a social dimension. Through communication, people connect, build mutual understanding, and foster trust and confidence. Dialogue is of paramount importance for setting common ideals and goals and collaborating in pursuit of these ideals and goals. Today, we have the honour hosting guests from Asia and Europe, as well as from Africa. This event provides you, our young and distinguished jurists, with an exceptional opportunity not only to interact and build connections with colleagues from equivalent





institutions worldwide but also to work towards shared ideals for humanity.

During your visit of a couple of days, I encourage you not to confine yourself to only obtaining an insight into the academic discussions. Besides academic gains, I sincerely wish that the bonds and communication you establish here will serve as a lasting foundation of solidarity throughout your career. Such enduring relationships will be instrumental in achieving the exact purpose of this gathering. I firmly believe that the fellowship and communication cultivated on the occasion of this event will continue to flourish throughout your professional life and contribute significantly to the good administration of justice in the future.

I firmly believe that each of you possesses the potential to build a career what will lead to significant positions in the legal system and administrative fields of your own countries. Allow me to remind you that when you embark on these significant responsibilities, you must strive to ensure that justice and the rule of law are upheld and prevail not only in your own countries, but also throughout the world. That is because, justice and peace constitute two basic indispensable elements underpinning the shared future of humanity. Therefore, it is of utmost importance that you always act and decide in pursuance of justice. In this sense, you should bear in mind that justice is a universal concern for humanity and serves as the strongest assurance of peace. At every stage of the legal procedures, you are expected to adopt a proportionate and fair approach affirming the supremacy of justice, as well as to uphold these principles throughout your professional life and pass them to future generations. I kindly recommend you all to fulfil your responsibilities and duties with this awareness in mind.

Distinguished Guests,

I attended the 6<sup>th</sup> Congress of the Association of Asian Constitutional Courts and Equivalent Institutions (AACC) hosted last week by the Constitutional Court of the Kingdom of Thailand in Bangkok. During the Board of Members meetings held as part of the Congress, we engaged in a fruitful exchange of views on various issues with our counterpart institutions in Asia. We also seized the opportunity to give an insight into the Summer School Programme and the activities performed by the Turkish Constitutional Court, acting as the Center for Training and Human Resources Development. I would



like to extend my heartfelt gratitude to the Constitutional Court of the Kingdom of Thailand once again for their outstanding organisation of this event.

The Congress was marked by the unanimous adoption of the Bangkok Declaration by all participating members of the AACC. This paramount instrument reaffirms the commitment to human rights and the rule of law and calls for solidarity to uphold and preserve these values. The Declaration also calls attention to the grave violations of human rights currently taking place in Palestine and expresses the pressing need for solidarity. It further points to the significance of actions that must be taken to raise awareness on climate change. The participating members then expressed their best wishes for the success of the upcoming conference in Azerbaijan.

In May, I attended the XIX Congress of the Conference of European Constitutional Courts, hosted by the Constitutional Court of the Republic of Moldova in Chişinău. We had a really fruitful academic programme during the well-attended Congress, where we also engaged in consultations with our European colleagues. At the end of this month, I will also participate in the 7<sup>th</sup> Congress of the Conference of African Constitutional Courts, which will be organised by the Constitutional Court of Zimbabwe in Victoria Falls. We will there have the opportunity to interact with our colleagues from the African continent.

#### Distinguished Participants,

It is both a privilege and a profound pleasure to welcome you all as we convene today with 53 eminent participants from 27 nations. The 12<sup>th</sup> of the Summer School Programmes builds on the legacy of previous years, which have focused on pivotal themes of human rights. In this regard, preceding programmes have covered in-depth elaboration on various issues, including but not limited to, the freedom of expression, the presumption of innocence, and the right to respect for private life. This year, we are focusing on a topic of growing relevance: the utilisation of information technologies and artificial intelligence in the higher judiciary. In an era where artificial intelligence increasingly underpins the effective and efficient management of legal processes, it is crucial for judicial institutions to rigorously explore how these technological advancements can be best utilised and seamlessly integrated into our judicial systems.



As higher judicial bodies, we are all confronted with particularly heavy workload. Allow me to illustrate this with an example: the Turkish Constitutional Court receives over 100,000 individual applications annually. In addition, the Court is tasked with adjudicating cases of constitutionality review. Therefore, the effective management of such volume of workload necessitates the utilisation of emerging technologies, which has become not merely an option but a compelling imperative for us all. At the Turkish Constitutional Court, we already make extensive use of the UYAP (National Judiciary Informatics System) and other digital platforms. It is worth noting that approximately 90% of our judgments are inadmissibility decisions, which are processed entirely through UYAP. Nevertheless, there are still further steps we need to take to improve and optimise our system.

Naturally, I will not discuss every detail of this topic, as my colleagues from the Court have already provided comprehensive and valuable information. However, I would like to reiterate our unwavering commitment to integrating artificial intelligence into our systems to harness the potential of advancing technologies more effectively. I am confident that the exchange of knowledge and experiences facilitated throughout this summer school programme will offer us new insights and valuable guidance in this endeavour.

Before concluding my remarks, I would like to draw your attention to one additional point. Your invitation to our country is not confined solely to your participation in academic programmes and discussions, which are undoubtedly -through the exchange of knowledge, professional development, and legal debates- of great significance and indeed constitute a substantial part of the primary objective of this programme. There is another equally important dimension to such gatherings. Beyond serving as an academic platform, these events also provide an opportunity to experience and appreciate social and cultural heritage.

Our aim is not only to introduce you to the historical and cultural richness of our country but also to ensure that you have an enjoyable and memorable time together. In this context, following the intensive academic programme, we have planned a one-day social excursion to Cappadocia. I am of the opinion that social activities are an essential complement to academic programmes. Such events should not only provide platforms for knowledge exchange and deliberations but also create opportunities for communication and interaction among



participants. The connections established during this event will not only enrich your experience here but also enhance your professional journeys in the future, laying a strong foundation for collaboration and solidarity. I wish you all a delightful and refreshing experience. I would also like to express my sincere gratitude to each and every one of you for your remarkable commitment and active participation over the past two days, making the effort to engage with the programme with such dedication.

As you get ready to return to your respective countries, I wish you, your families, and your loved ones a life of health, tranquillity, prosperity and success. With the hope of a long and fulfilling journey of life ahead, I would like to extend my deepest respect and warmest greetings.

**Kadir ÖZKAYA**

President

Constitutional Court of the  
Republic of Türkiye





## OPENING REMARKS

by

**The Vice-President of the Constitutional Court of the  
Republic of Türkiye**

**30 September 2024, Ankara**

**Distinguished Participants,**

**Ladies and Gentlemen,**

I would like to welcome you all to the 12<sup>th</sup> Summer School program organized by the Center of Training and Human Resources Development of the Asian Association of Constitutional Courts and Equivalent Institutions (AACC). It is both an honour and a pleasure for me, on behalf of the Turkish Constitutional Court, to extend our warmest greetings as we host this prestigious event. Each year in September, we have the privilege of convening with our esteemed guests from Asia, Europe, and Africa with great enthusiasm for this Summer School Program.

Today, we are welcoming 53 participants from 27 countries, and I extend my gratitude to the Courts that have sent their representatives to this occasion. The valuable feedback we receive from you and your respective Courts demonstrates that the legal bridge we have built between our countries has proven to be extremely beneficial. This year, we have chosen a highly relevant and increasingly important topic for the summer school: *“The Use of Information Technologies and Artificial Intelligence in the Higher Judiciary.”*

**Distinguished Participants,**

We are living in an era where technology is advancing rapidly and transforming society at an unprecedented pace. Artificial intelligence and digital tools are now influencing every aspect of our lives, including the field of law. As constitutional courts and equivalent institutions, we bear the profound responsibility of ensuring that justice remains at the heart of this transformation. While safeguarding individuals' fundamental rights and freedoms, we must also harness



the opportunities offered by these new technologies to enhance the efficiency of our judicial systems.

The theme we have chosen for this year's Summer School presents an important opportunity for us to reflect on and exchange ideas regarding how artificial intelligence and information technologies can be integrated into our judicial processes without compromising the rule of law or the right to a fair trial. AI-assisted methods can enable judicial officers to quickly analyse vast amounts of data and review documents, access significant precedents, analyse judicial decisions, and even predict case outcomes based on historical data.

All these innovations promise to reduce the workload and expedite access to justice; however, they may also raise certain challenges and drawbacks that need to be carefully considered. The challenges faced by legal practitioners in adapting to new technologies, managing ethical concerns, and ensuring data security are among the foremost issues that must be addressed.

Esteemed Participants,

I would like to briefly highlight two of the most significant projects in the digitalization of the Turkish judicial system and the integration of information technologies: The National Judiciary Informatics System (UYAP) and the Audio and Visual Information System (SEGBİS). UYAP is an informatics system designed to incorporate the latest technological advancements, providing information automation and integration for the Ministry of Justice (Ministry), as well as all judicial and judicial support units, both in the administrative and judicial branches. As of today, UYAP is fully utilized by the Ministry and all judicial units in our country. All judicial, administrative, and supervisory activities of these units are conducted electronically through this system, reducing reliance on traditional paperwork.

Through the centralized electronic archive integrated into UYAP, reliable information and data are made accessible to all authorized users, particularly judges, public prosecutors, and judicial personnel, within the scope of the powers granted by the legislation. Users can quickly access and retrieve relevant information. Courts can also seamlessly exchange all types of information and documents electronically. The final versions of information and documents in UYAP are securely stored in the database, and unauthorized access is strictly prohibited.



In order to facilitate the electronic exchange of information and documents, UYAP has been integrated with the information systems of other institutions and organizations. This integration eliminates duplicate processes and intermediary steps in administrative and judicial proceedings, thereby reducing workload, minimizing staffing needs, and saving on costs such as postage and stationery. Through these information technologies, judicial units can measure their performance, allocate resources more efficiently, and securely store judicial information and documents via electronic filing.

The Constitutional Court also actively uses the UYAP system. As of 2021, applications made to the Constitutional Court from various regions of the country are scanned and transferred into the UYAP system, which then forwards them to our Court for processing.

Distinguished Participants,

While information technologies significantly accelerate and facilitate judicial processes, they also present various legal challenges. In this context, I would like to discuss some issues that have arisen in practice and the Constitutional Court's jurisprudence on these matters.

Under current legislation, lawyers and other relevant parties can submit information and documents to courts via UYAP using an electronic signature. Accordingly, legal representatives can file appeals through this system without requiring handwritten documents. These provisions also state that lawyers must have an electronic signature to submit appeal petitions through the UYAP Lawyer Information System, that appeal fees must be electronically transferred by the lawyer to the court's account, and that the appeal is considered filed on the date the petition is recorded in the system.

In line with these regulations, if an appeal request is submitted via UYAP but is processed after the statutory deadline due to an error on the part of the court staff, resulting in the rejection of the appeal, a violation of the right of access to a court may occur.

The Constitutional Court has reviewed claims regarding missed appeal deadlines due to errors by the courts, specifically in cases related to submissions made through UYAP. In these cases, the Court has held that practices which unduly obstruct or render it practically impossible to access a court may constitute a violation of the right of access to justice. While imposing time limits and formal requirements





for filing cases or appeals is essential to uphold the principle of legal certainty, these conditions do not infringe on the right of access to justice as long as they are not applied in a manner so rigid as to make legal recourse impossible.

However, when legal requirements are misapplied or misinterpreted in a way that unlawfully prevents individuals from exercising their right to file a case or pursue an appeal, it must be deemed a violation of the right of access to the court. Individuals who have complied with the procedural requirements for submitting legal petitions to the competent judicial authorities should not be held responsible for errors or delays that arise solely from the internal operations of the courts. Holding them accountable in such circumstances would amount to a disproportionate interference with their right of access to justice. Such interference, therefore, constitutes a violation of the right of access to the courts as enshrined in Article 36 of the Constitution.

The Constitutional Court has also addressed issues concerning the right to the protection of personal data as regards to the data uploaded to UYAP. The Court determined that the systematic uploading of prisoners' personal information, particularly their correspondence unrelated to judicial proceedings, constituted a violation of both the right to respect for private life and the freedom of communication.

The Constitutional Court has also examined applications related to online hearings and determined key principles on this matter. The Court found that the right to be present at a hearing, which is one of the integral components of the right to a fair trial under Article 36 of the Constitution, was violated when a judge ordered a hearing via SEGBİS (Audio and Visual Information System) without providing a reasonable justification. The Court held that conducting a hearing through SEGBİS, which inherently limits the right to be physically present, must be based on necessity and must comply with the principle of proportionality.

In line with this, the legislation stipulates that the use of audio-visual communication technology in hearings may only be ordered by the judge or court in cases of necessity. In such instances, the lower courts are required to provide concrete reasons for why the party's physical presence is not essential.

In one case, the Constitutional Court found a violation on

the grounds that the necessity for using SEGBİS had not been demonstrated. In *Emrah Yayla*, the Court noted that no efforts were made to secure the applicant's physical presence at the hearing, and no justification was provided as to why the applicant, who was detained in a penitentiary institution within the same province, could not attend in person. The applicant's request to attend the hearing was denied without consideration of alternative solutions or any case-specific justification. The court proceeded with the hearing in the applicant's absence relying on general and abstract grounds, without considering whether the nature of the case required the applicant's attendance in person. This failure resulted in a violation of the right to be present at the trial.

In the *Şehrivan Çoban* case, the applicant was transferred to another penitentiary institution for security reasons during ongoing trial. Despite this, the applicant explicitly expressed the desire to be physically present at the hearing. However, the court rejected the applicant's request without attempting any alternative measures to secure their presence and without demonstrating that physical attendance was not possible, thus necessitating the use of SEGBİS. As the court failed to establish a clear necessity for denying the applicant's request to attend the hearing in person, the Constitutional Court found a violation.

In another case, the Court concluded that the right to cross-examine a witness had been violated because the witness, whose testimony formed the basis of the applicant's conviction, was heard via SEGBİS, while the applicant was not present during the examination.

In conclusion, the use of SEGBİS in criminal proceedings concerning allegations, as well as in disputes related to civil rights and obligations, is not categorically unconstitutional. However, courts must demonstrate why participation via SEGBİS, which imposes a limitation on the right to be physically present at a hearing, is necessary in each case. Without such justification, the use of SEGBİS may lead to violations of the right to a fair trial.

Esteemed Participants,

Before concluding my remarks, I would like to highlight a significant international development regarding artificial intelligence. On 17 May 2024, the Committee of Ministers of the Council of Europe adopted the Council of Europe Framework Convention on Artificial



Intelligence and Human Rights, Democracy and the Rule of Law, which was officially opened for signature on 5 September 2024, at the Ministers of Justice Conference held in Vilnius.

This Convention is the first-ever international legally binding treaty aimed at ensuring that the use of artificial intelligence systems is fully compatible with human rights, democracy, and the rule of law. The Convention also seeks to address the challenges posed by AI systems and promote the awareness of broader risks and impacts associated with these technologies, including socio-economic issues such as human health, the environment, and employment. In addition, it ensures that AI systems respect the principles of equality, non-discrimination, and the protection of privacy and private life.

Distinguished Participants,

All these matters will be thoroughly discussed through the exchange of experiences and ideas among you, esteemed legal professionals. This summer school offers a unique and invaluable platform to view the topic from various perspectives. In this context, I would like to emphasize the importance of international cooperation in protecting human rights, improving the judiciary system as a whole, and ensuring justice. I would also like to highlight that, as the Turkish Constitutional Court, we have always maintained strong relationships and cooperation with our counterpart institutions in other countries.

I would like to extend my deepest gratitude to all esteemed participants and to everyone who involved in organizing this event. I am confident that the discussions over the next three days will greatly enhance our courts' capacity to comprehend the technological advancements and innovations essential for addressing the challenges of the future.

Once again, I would like to express my pleasure in welcoming you to our country, and I wish each of you a highly productive and enriching summer school program.

**Basri BAĞCI**  
Vice-President  
the Constitutional Court of  
the Republic of Türkiye

***USE OF INFORMATION TECHNOLOGY  
AND ARTIFICIAL INTELLIGENCE  
AT THE EUROPEAN COURT  
OF HUMAN RIGHTS***

***Dr. M. Şerif Yılmaz***

***EUROPEAN COURT OF  
HUMAN RIGHTS***





## USE OF INFORMATION TECHNOLOGY AND ARTIFICIAL INTELLIGENCE AT THE EUROPEAN COURT OF HUMAN RIGHTS

*Dr. Mehmet Şerif Yılmaz\**

### INTRODUCTION

Given the number of cases and their complexity, and thanks to the technological progress, as in most national superior courts or international courts, the European Court of Human Rights (hereafter “the Court”) also uses information technology to improve people’s access to justice and to enhance the efficiency of judicial processes. For the Court, it is about leveraging information technology to streamline internal operations, improve interactions with parties involved in proceedings, and provide publicly available information. Given the large number of cases pending before the Court, it is essential to achieve efficiency through the effective use of technology. At the same time, efforts should be taken to focus on improving the quality and timeliness of services for all users, including applicants, governments, practitioners, academics, journalists, and the general public.

In this presentation, I will first start by providing an overview of the IT tools that the Court employs to manage internal application processes and to facilitate communication with applicants, governments, and users accessing the Court’s rulings. Following that, I will give a brief overview of the Court’s current initiatives aimed at enhancing the use of IT and AI tools, (the project that the Court is finalising on the online application) along with the guidelines for implementing artificial intelligence. Lastly, the Council of Europe’s Work on Artificial Intelligence will briefly be presented.

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## 1. CURRENT INFORMATION TECHNOLOGY INFRASTRUCTURE

About 30 years ago, in November 1996, the Registry of the former Court was working on old digital computers running DOS and WordPerfect 5.1. In January 1997, these computers were replaced, and the Registry was migrated to Windows NT, using Microsoft Office (Word).

In November 1998, after the Commission had merged with the former Court, a decentralised network managed by an IT team of 8 people was formed. The first task of this team was to migrate the (most numerous) users of the Commission Secretariat to Windows NT.

Starting in November 1998, the new Court took over the management of a tailor-made computerised information system (ITIS) (previously established by the Commission) and became responsible for its future development and deployment.

Today, nearly 30 specialists work in the Court's IT Department, continuing to develop the tools so that the Court can deal with hundreds of thousands of applications in a very efficient manner.

To manage the approximately 60,000 cases the Court receives each year potentially even more depending on circumstances - the IT team is continuously creating new tools and features to support various Court services in handling these cases efficiently. They collaborate closely with users, prioritising their input and requirements throughout the process. Most of the tools developed are tailored specifically to meet the Court's needs, with users actively participating in the development from beginning to end.

The Court's current IT infrastructure is made up of three main tools:

- Case Management
- Document Production
- Platforms and means of communication (both internal and external facing)

### 1.1. Case Management: Court Management Information System (CMIS)

The Court has developed its specific database - the *Court's Management Information System* (CMIS) which is the principal IT tool



for dealing with applications lodged with the Court. It's an important source of information for most sectors of the Court (e.g., statistics based on information in CMIS is given to Governments, journalists, etc.). It is therefore crucial that information recorded is complete, precise and always up to date.

Any application lodged with the Court is registered in this database and assigned a number as soon as possible. CMIS generates an ID number for each applicant and for each application, which allows in one simple click for example:

- to link an applicant's data to all the applications he/she has introduced,
- to identify all the applications, he/she has introduced, and
- to search for all documents created in relation with an application.

It also generates a barcode for each application, which for example allows:

- to swiftly access the application(s) in the database,
- to copy series of application numbers to add information in one go, and
- to automatically save all scanned documents to the Court's Document Management System.

The database gathers a large array of information, including:

- applicant's personal information,
- the complaints raised by the applicant,
- the information about the compliance of the application with Rule 47 of the Rules of Court,
- the priority category of the applications,
- the subject-matter of the case, and
- the advancement of the proceedings.

Additionally, several IT tools have been developed within this database, including the WECL FT modules. This tool is specifically designed for efficiently managing groups of repetitive cases where the





subject-matter is subject to well-established case-law. Each module is tailored based on defined criteria that reflects the relevant case-law. The calculation of just satisfaction is automated, requiring only the input of pertinent information into the module.

## **1.2. Document Production: Document Management System (DMS)**

Every Microsoft Word document created in relation with case-processing is based on a template. A template determines the basic structure of a document and contains document settings such as page layout, formatting, and styles. Most templates concerning case-processing are connected to the CMIS database so that the information concerning a case (application number, case title, applicant's name, events, dates, etc.) is automatically inserted into a letter or document and saved under the ID number of the application.

### **- Templates**

The Template Team of IT Department has developed over 2,300 templates in order to facilitate the work of legal divisions and Court-specific macros to support Registry staff in document production. The Court templates contain specific headers and footers, styles, etc. that are common for all documents produced in the Court. They have been developed also to automate certain tasks and actions (e.g., in letters, certain data is filled in automatically according to data present in CMIS, etc.).

This collection includes templates in 40 languages, and we use a custom catalogue that allows staff to easily identify the appropriate template for every stage of proceedings, from the initial acknowledgment of receipt letter to the drafting of judgments.

When generating letters, the system automatically extracts information from CMIS to prefill essential fields, such as the applicant's name and address and the relevant government agent's details. For reports, we can pull in complaints and applicant specifics. Additionally, we have the capability to extract information for multiple cases at once, enabling us to create tables for individual cases or batches of up to 500 cases, thereby streamlining the processing of all applicant information.



Two levels of templates are used in the creation process: masks and templates. The masks are “parent” templates and are the starting point for the creation of templates. A new template should be based on a mask unless it is like an existing template which can be copied and modified. A mask contains the correct styles, parameters for the language and all the basic fields. It also contains the dynamic links for headers and footers.

The user is prompted by a panel of questions and, depending on the answer, the relevant parts of the letter or report are completed. Preview of the letter and instructions are available to assist with completing CMIS with events, trigger dates, etc.

#### **- Electronic Signatures**

Once letters or documents are created and saved in our Document Management System, it can be signed electronically by launching it in the Sign letter workflow.

#### **- Scanning**

The Court has a number of scanners evenly distributed around the building. They are integrated with the DM system.

### **1.3. Platforms and means of communication (both internal and external facing)**

The Court has many platforms and means of communication for internal and external communication and collaboration.

#### **- InSite**

The Court has an intranet site for internal use that contains many sources, Section agendas, work plans, information and research of the Court aimed at facilitating the search for manuals, instructions, and guidelines.

#### **- Requests for interim measures (Rule 39 of the Rules of Court)**

As an alternative to fax, the Rule 39 Site was designed exclusively for lodging requests for interim measures with the Court under Rule 39 of the Rules of Court. It is accessible from a computer or mobile device.



According to Rule 39 § 1 of the Rules of Court “[t]he Court may, in exceptional circumstances, whether at the request of a party or of any other person concerned, or of its own motion, indicate to the parties any interim measure which it considers should be adopted. Such measures, applicable in cases of imminent risk of irreparable harm to a Convention right, which, on account of its nature, would not be susceptible to reparation, restoration or adequate compensation, may be adopted where necessary in the interests of the parties or the proper conduct of the proceedings.”

Interim measures play a vital role in avoiding irreversible situations that would prevent national courts and/or the Court from properly examining Convention complaints and, where appropriate, in securing to the applicant the practical and effective protection of his or her Convention rights.

The Court has created the online ECHR Rule 39 Site exclusively for lodging requests for interim measures with the Court under Rule 39 of the Rules of Court. It is an accessible alternative means to lodging the request by fax or by post, even though both of these means are still in use.

The Site is used to correspond with the applicants who have lodged their requests via this tool until a decision regarding the request for interim measures is taken. Correspondence, including notification of any administrative or judicial decision, is notified via the Site.

Requests under Rule 39 of the Rules of Court are given top priority and are processed on the same day. To this end, the Court has developed an adapted platform, allowing all stakeholders (assistants, lawyers, quality checkers and judges) to consult the progress of decision-making.

#### **- Court’s reporting system**

The Registry has developed a wide range of reports, through which information is extracted from its CMIS database that makes it possible:

- to carry out regular checks of the information entered in the database – with regard to the importance of its quality,
- to monitor the achievement of the objectives of the Registry and its staff, and

- to produce statistics for governments and for the public.

### **- Superior Court Network**

The overall aim of the Superior Court Network (SCN) is to enrich dialogue and the implementation of the Convention. Its objective is to create a practical and useful means of exchanging relevant information on Convention case-law and related matters.

- In 2015, a test phase was launched with the French superior courts.
- In 2016, it was opened to all superior courts of other member States.
- Currently there are 110 courts from 46 member States and 3 observer courts in the Network.
- The Network provides a privileged structure for dialogue between the superior courts of the member States of the Council of Europe and the Court.
- The focus is on exchange of information and knowledge on Convention case-law and related matters.
- The objective of the Network is to reinforce national implementation of the Convention.

### **- Knowledge Sharing**

Its mission is to share Convention case-law knowledge, complementing the existing information tools such as [HUDOC](#). It provides case-law knowledge through a particular Article/Transversal Theme as well as through materials and links of more general case-law relevance.

### **- ECHR-KS**

- Genesis of KS – Case-law knowledge previously consisted of various items of analysis, created by different entities and with varying content. They were static in time, and not sufficiently updated. In 2018, there was a need for a concentration of all know-how and case-law material in a single centralised, contextualised, and easily accessible space. An internal platform was thus formed so that all Judges of the Court and Registry staff



have in front of them all they need to perform their daily jobs in processing cases at the Court.

- There is a complex machinery behind the platform that makes sure everything works and is kept up to date. The platform covers all substantive Articles of the Convention and its Protocols and a growing number of Transversal Themes (these are specific themes which involve many Convention Articles – such as environment, terrorism, immigration etc.).
- One important element to underline is that ECHR-KS is not a database (such as HUDOC for example where you will find all Court judgments and decisions) but a contextual, analytical platform which is regularly updated (every week: the most important judgments adopted by the Court in a specific area are put in the platform – every 6 months updates of the Guides).
- The system is designed to ensure that all knowledge is systematically updated on a weekly basis and that the analytical content is developed to cover new and emerging themes (latest publication, social rights, for example). Additionally, the aim is to provide updated material in a one stop platform that is intuitively structured.
- The platform is now public since October 2022. It exists in the two official languages of the Court (French and English) and in 2025 it will also provide 3 other non-official languages.
- The aim of the external publication of KS is to provide access and understanding of the Convention to external actors (i.e. domestic authorities of member States). In line with the principles of subsidiarity, now enshrined in the preamble of the Convention, domestic authorities are at the forefront of the protection of human rights safeguarded under the Convention.

#### **- eComms**

eComms is a service initiated by the Court for communicating electronically. Representatives receive an email from the Court to access an ECHR Services account in order to have access to eComms.



Especially representatives of countries that have difficulty with postal services – for example Ukraine – can continue to receive correspondence. The service ensures better respect of deadlines as well as cutting down on expenses and saving time.

### **- Government Sites**

In 2004, the Court established a platform to facilitate the electronic communication of documents relating to its case files between government agents and the Court. Each government have access to two secure Internet Sites: a) The Download Site where the Government connect to the Site and can download documents that the Court has published; and b) The Upload Site where the Government connect to the Site and then upload documents to the Court. Multiple documents can be uploaded via a simple drag and drop operation.

The system provides real savings since both parties no longer have to send hard copies of documents via conventional post (saving the cost of postage) or use a fax machine to transmit documents (saving the cost of fax line and calls).

Each government have secure access to their own Site and the only requirements are a reliable internet connection and a scanner. These sites offer several advantages over traditional means of exchanging documents such as fax, e-mail and post: They are speedy, easy to use, secure, and they support large documents (up to 50 MB in size). They also allow the Court to save uploaded documents directly to the Document Management System.

### **- HUDOC**

The Court's HUDOC database, launched in 1999 and accessible through its website, serves as the primary public platform for accessing the Court's case-law and other resources, such as statements of facts in communicated cases, press releases, and case-law information notes. The dissemination of case-law is crucial for supporting the national implementation of the Convention, and to enhance this role, efforts have been made to include translations of significant judgments into various non-official languages in HUDOC, either directly or via links to other websites. This initiative is ongoing and will continue to expand.



The Court's case-law data-base (HUDOC) – [www.hudoc.echr.coe.int](http://www.hudoc.echr.coe.int) – contains all the Court's case-law (decisions and judgments by Committees, Chambers or the Grand Chamber of the Court, reports and decisions of the European Commission of Human Rights (up to 1 November 1999) and resolutions of the Committee of Ministers). Judgments are published in HUDOC on the day of their delivery via the Court's publishing software. It also provides access to other collections (statement of facts in communicated cases, press releases and advisory opinions).

HUDOC offers users many advanced features including the ability to drill down easily to the judgments they are looking for via result list filters. New content has been added such as legal summaries of more significant cases. An additional importance category has been created to enable users to focus their search on cases selected for the Court's official reports.

The HUDOC platform currently exists in 9 languages. The platform was updated in July 2023 with a new search engine. This was a major step as the previous last major update was ten years ago.

### **- Document Sharing - Future**

At the IT Department, the staff are constantly looking at ways how they can improve the existing service as well as to introduce new tools to make the processing of cases even more efficient. They also look at how they can provide new IT services for the governments and the public. For example, they are in the process of researching an external file sharing platform and an online application form. This is a complex project with many different factors to consider (multilingualism, identification, signatures, etc.).

## **2. COURT'S CURRENT WORK ON ONLINE APPLICATION FORM, THE GUIDELINES ON THE USE OF AI TOOLS AND THE COUNCIL OF EUROPE'S WORK ON AI**

### **2.1. Online Application Form and Possible Use of AI**

#### **- Online Application Form**

As a part of the e-Justice policy, on 23 February 2009, the Court introduced an online service on a trial basis, allowing applicants to



complete the application form directly through its website. This initiative followed a recommendation outlined in Lord Woolf's December 2005 Report, Review of Working Methods of the European Court of Human Rights.

Currently, the Court is working on a generalised Online Application Form in order to create a tool to help the Court deal with its ever-increasing case load and to ensure that only complete applications are submitted to the Court for examination.

As for the objectives of the online application form, they can be listed as follows:

- Increase productivity by speeding up the registration and processing of new applications and limiting early on the number of invalid/incomplete application forms. On this point, as the Court receives applications in 46 (36 for online application) languages, an important envisaged feature is the introduction of an automatic summary and translation tool.
- Increase usability by making communication with applicants, NGOs and third parties simpler. In cases which have not been communicated to the respondent government, communication is mostly on paper. The online application form would change that to electronic communication.
- Improve maintainability by making it easier to maintain and update application forms.
- Decrease costs related to paper applications for both applicants and the Court.

As for the main features of the online application form, in an initial phase, it will mirror the structure and content of the paper application form. What concerns the interface on which the online application form will be accessible, users will be able to access it via the web. A first-time user would be prompted to create an account by using an email address and creating a password. The application form will only be accessible only when an account has been created and validated. The application form will display the relevant application boxes on the screen and the form will not be submitted until all relevant sections have been completed.





Concerning the project timeline, the Court's internal projection is to test an English prototype internally as soon as it is ready. In coming years, the intention is to have the application form available in more languages and to undertake a first public test.

As to the classic application form, the Court will continue to receive paper application forms as usual so that individuals who are digitally excluded are not prevented from accessing the Court.

### **- Possible Use of Artificial Intelligence**

In the future, Online Application Form is likely to radically change the European system of human rights protection from the terms of efficiency. In addition, to ensure that applications and observations are drafted in the best conditions, it will be possible to use not only other IT tools but also AI, in particular to allow applicants, but also all users, to have access to all information, documents, case-law, and analyses.

At first, and as long as the use of online applications is not fully generalised, it seems unlikely that artificial intelligence will be used to assist applicants. However, once online applications become the standard, and if the Court's competent authorities decide accordingly, it will be possible to provide artificial intelligence tools to help applicants draft their applications more effectively. AI usage could be eventually done in following ways:

- AI tools could accompany or guide applicants in completing the OAF, with options such as chatbots integrated into the process.
- Voice input functionality, supported by a voice AI virtual assistant, could enable applicants to fill in the OAF verbally.
- Features like AI-powered automatic translation and optical character recognition (OCR) could be incorporated into the OAF, enabling staff to read and process forms completed in unfamiliar languages.
- AI tools could summarise facts and complaints, extract keywords and relevant metadata, tag documents for easier retrieval and organisation, identify relevant case-law, conduct legal assessments, and propose solutions.
- Workflow processes could be partially automated by AI tools, saving staff time and promoting sustainability. Routine tasks,



such as assigning reference numbers, allocating applications to Registry staff based on predefined criteria, and updating case statuses, could be automated. Notifications on the platform or ECHR account could replace letters and emails.

- Public access to case-law and pending applications could be streamlined through AI tools. Upon request, non-confidential versions of documents could be made easily accessible.
- AI tools should generate accurate, detailed, and timely case reports for applications lodged with the Court.

## **2.2. Guidelines on the Use and Risks of Online Available Generative Artificial Intelligence Tools**

At the Court, the Working Group on Artificial Intelligence has outlined five Key Principles for the use of AI sites and services. Staff members are expected to adhere to these principles when engaging with AI platforms and tools:

- Security, Privacy & Data Protection

Court documents or data not already publicly available (any private, confidential or sensitive information) must not be used with Copilot, ChatGPT or other, similar AI services.

- Always Fact Check

One must be aware that responses from AI's may be inaccurate or biased. They should never be copied and pasted into official documents. At a minimum, any results should be double-checked against another source and be carefully reviewed.

- Use Discretion

AI is a tool, but it is not always the right tool. 'One should consider carefully whether it is right for the purpose to which one is planning to apply it.

- Quality and Accuracy

Staff members are ultimately responsible for the quality and accuracy of everything they do.



There is also a separate Council of Europe working group on AI which the Court's IT Department is a member of. In this working group, the main areas of research are the following: content generation, summarisation, semantic search and enterprise chat, transcription and cybersecurity.

### **3. COUNCIL OF EUROPE'S WORK ON ARTIFICIAL INTELLIGENCE**

#### **- Council of Europe Framework Convention on artificial intelligence and human rights, democracy, and the rule of law**

The Council of Europe has adopted the world's first international legally binding treaty designed to protect human rights, democracy, and the rule of law in the context of artificial intelligence (AI) systems, namely Council of Europe Framework Convention on artificial intelligence and human rights, democracy, and the rule of law. Open to countries beyond Europe, the treaty establishes a legal framework covering the entire AI lifecycle, addressing potential risks while encouraging responsible innovation. By adopting a risk-based approach, the convention emphasises the careful assessment of possible adverse impacts at every stage, from the design and development to the use and decommissioning of AI systems.

The convention is the result of two years of work by the intergovernmental Committee on Artificial Intelligence (CAI), which brought together all Council of Europe member States, the European Union, and 11 non-member States (Argentina, Australia, Canada, Costa Rica, the Holy See, Israel, Japan, Mexico, Peru, the United States, and Uruguay) to draft the treaty. Additionally, representatives from the private sector, civil society, and academia participated as observers.

According to its site, the characteristics of the Convention can be summarised as follow:

*"The treaty covers the use of AI systems in the public sector – including companies acting on its behalf – and in the private sector. The convention offers parties two ways of complying with its principles and obligations when regulating the private sector: parties may opt to be directly obliged by the relevant convention provisions or, as an alternative, take other measures to comply with the treaty's provisions while fully respecting their international*

*obligations regarding human rights, democracy and the rule of law. This approach is necessary because of the differences in legal systems around the world.*

*The convention establishes transparency and oversight requirements tailored to specific contexts and risks, including identifying content generated by AI systems. Parties will have to adopt measures to identify, assess, prevent, and mitigate possible risks and assess the need for a moratorium, a ban or other appropriate measures concerning uses of AI systems where their risks may be incompatible with human rights standards.*

*They will also have to ensure accountability and responsibility for adverse impacts and that AI systems respect equality, including gender equality, the prohibition of discrimination, and privacy rights. Moreover, parties to the treaty will have to ensure the availability of legal remedies for victims of human rights violations related to the use of AI systems and procedural safeguards, including notifying any persons interacting with AI systems that they are interacting with such systems."*

### **- Cyberjustice and artificial intelligence used in the field of justice**

Advancements in digital justice present genuine opportunities to enhance the quality and efficiency of the judicial process. However, they also pose new challenges to upholding fundamental trial principles that are crucial to our legal systems, including the supremacy of the rule of law, judicial independence and impartiality, the right to adversarial proceedings, and the protection of fundamental freedoms.

The Working Group on Cyberjustice and Artificial Intelligence (CEPEJ-GT-CYBERJUST), set up by the CEPEJ at its 33rd plenary meeting in December 2019, is entrusted by the CEPEJ with the task of "developing tools with a view to offering a framework and guarantees to member States and legal professionals wishing to create or use information and communication technologies and/or artificial intelligence mechanisms in judicial systems in order to improve the efficiency and quality of justice". This work should be implemented in co-ordination with the work of other Council of Europe bodies in this field, in particular the European Committee on Legal Co-operation (CDCJ) and the Committee on Artificial Intelligence (CAI).

The tools developed by the Working Group concern topics as varied



as quality criteria for video-conferencing, artificial intelligence used in alternative methods of dispute resolution or enforcement of court decisions or court proceedings in a digital context.

The group's work is guided by the 2022- 2025 CEPEJ Action Plan: "Digitalisation for a better justice", emphasizing the CEPEJ's commitment to accompany states and courts in a successful transition towards digitalisation of justice in line with European standards and in particular Article 6 of the European Convention of Human Rights.

### CONCLUSION

Given the workload, it will not be prophetic to say that the Court will have to constantly develop these information technology tools in order to improve its capacity to make justice even more accessible to the citizens of 46 countries. The question is rather to know to what extent it will use artificial intelligence for the efficiency of justice while avoiding possible risks? The long-lasting future will tell us more...

*THE USE OF INFORMATION  
TECHNOLOGIES AND  
ARTIFICIAL INTELLIGENCE  
IN THE HIGHER JUDICIARY  
THE STATE OF PLAY IN  
THE TURKISH CONSTITUTIONAL  
COURT*

*Mehmet Sadık Yamalı*

*CONSTITUTIONAL COURT OF THE  
REPUBLIC OF TÜRKİYE*





## THE USE OF INFORMATION TECHNOLOGIES AND ARTIFICIAL INTELLIGENCE IN THE HIGHER JUDICIARY THE STATE OF PLAY IN THE TURKISH CONSTITUTIONAL COURT

*Mehmet Sadık Yamli\**

In an era where digital technology is transforming every facet of life at an unprecedented pace, the legal system has inevitably been drawn into this wave of transformation. We can say that judicial bodies, particularly the higher courts, are increasingly expected to leverage artificial intelligence, especially after the multifaceted introduction of artificial intelligence into our lives both conceptually and in daily practical application. In this context, I take great satisfaction in the theme of this year's summer school, "The Use of Information Technologies and Artificial Intelligence in the Higher Judiciary", since it facilitates the demonstration of the current state of this transformative process, as well as the discussion of its implications, both present and future. I am confident that the exchange of knowledge and experience by and among the esteemed participants, contributing to the event through their presentations covering examples of national and international practices, will make the summer school event useful and productive.

In my presentation, I aim to reflect practice, rather than theory, and focuses on the use of technology by the Turkish Constitutional Court in the context of individual applications. I strive to provide an overview of the current practice, as well as give a brief insight into the aspects requiring improvement and explore the potential fields where artificial intelligence can be effectively used.

First of all, I would like to note that the Turkish Constitutional Court is entrusted with, *inter alia*, receiving and examining individual applications, which constitutes a significant part of the Court's

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workload. The individual application procedure is an extraordinary remedy introduced to reduce the number of applications before the European Court of Human Rights against Türkiye. This procedure, which can be resorted only after the exhaustion of the ordinary judicial remedies, has become very popular in a short time. Over the past three years, more than 100,000 individual applications have been filed annually on average. Considering that individual application procedure, as an extraordinary remedy, requires an examination over the case-file and that approximately 80% of the applications are found inadmissible, it can be said that digital automation systems can be used in the examination of individual applications. As a matter of fact, in order to record, examine and adjudicate the enormous number of applications within a reasonable time, the Court has already been utilising information technologies continually striving to enhance these capabilities.

UYAP (National Judiciary Informatics System) is the main information system that the Court currently employs. UYAP was developed by the IT Department of the Ministry of Justice so as to improve the functioning and efficiency of all judicial bodies across the country and to create an effective and less bureaucratic judicial system for relevant institutions and individuals. It covers all judicial institutions and other public offices as a centralised information system. All judicial units are equipped with computers, case management software, and other up-to-date hardware. Each judicial unit is connected to the others through a secure network, and all acts and actions performed by these units have been transferred to the electronic environment.

An UYAP module has been developed specifically for the Court to facilitate the examination of individual applications. The Court's UYAP module, which is managed by the Court's own IT Department, enables the electronic processing of individual applications. In the early years of the individual application procedure, the files were stored both physically and in digital format. However, over the past three years, physical files have been no longer in use, and all documents related to the applications have been scanned and recorded in digital form. While the system lacks an online digital application form, the physical application documents are transferred to the digital environment through scanning.



After the applications are scanned into the system, the forms are examined by the officials, who classify the applicant's complaints and identify the constitutional rights implicated by the grievances, on the relevant UYAP screen. For instance, in cases where an applicant alleges that a criminal sanction imposed on him/her for a social media post infringes his/her constitutional right to freedom of expression, the application is classified and marked as a complaint on freedom of expression. It is then automatically allocated, via the system, to the rapporteur-judges unit responsible for handling applications related to this specific constitutional right.

The rapporteur-judges conduct their examinations entirely in digital environment on UYAP screens. No physical file is assigned to them. Along with the other individual applications already lodged by the applicant, if any, the judicial stages that the applicant exhausted before lodging his application can also be displayed and reviewed on the system. Instant access to information and documents facilitates the rendering of more accurate decisions in a faster and more efficient manner.

The rapporteur-judges begin their evaluation and then start drafting their decisions by examining the application forms scanned into the system, the accompanying documents and the processes leading up to the application via the system.

UYAP has screens designed for ensuring the practical and swift formulation of draft decisions. While there are many templates proposed as draft decisions on these screens, rapporteur-judges may create new templates for themselves. These templates not only ensure standardisation especially in decisions related to similar complaints, but also expedite the drafting process. In addition, UYAP provides access to the decisions and judgments rendered by the supreme courts, particularly those of the Constitutional Court, as well as decisions of the inferior courts. Hundreds of thousands of decisions can be accessed within seconds by using keywords on the decision search screen. This feature enables them to be aware of, and follow up, the case-law of the supreme courts, which enhances legal predictability and ensure consistency and stability in decisions. Ultimately, this contributes to reinforcing public confidence in the law and the rule of law.



After the conclusion of the initial examinations by the rapporteur-judges, the drafts prepared on the basis of certain templates are communicated to a senior rapporteur-judge through the system for the necessary reviews and revisions, if required.

The entire workflow, consisting of the classification of the applications by the subject-matter and their assignment to the relevant rapporteur-judge, their examination by the rapporteur-judges, the preparation of the draft decision, and the review of the draft by another rapporteur-judge, is carried out electronically. Electronic signatures are used in these processes. In addition, log records are kept, and all processes and changes with respect to the application can be tracked within the system.

As for the finalised applications, the decisions are notified, in a digital format, to the lawyers via UYAP. Digital notification reduces the use of paper, as well as eliminates postal delays and costs. There is no obligation to hire a lawyer when lodging applications with the Constitutional Court. Therefore, decisions are still physically served on the applicants who are not represented by a lawyer. It is considered appropriate to extend electronic notification feature also to the applicants without legal representation.

Applicants can monitor the status of their applications and decisions also via the e-government portal.

In addition to UYAP, there is also a website called “Decisions/Judgments Database”, whereby the decisions/judgments of the Constitutional Court are published. is freely accessible to the public and is primarily utilized by external stakeholders, that is to say, by persons and organisations outside the Constitutional Court, judges and prosecutors, lawyers, academics and applicants. With approximately 20,000 decisions and judgments available, users can search the database using various criteria and keywords such as the subject-matter, the constitutional right to which it relates, and the outcome of the examination. Furthermore, a Council of Europe-funded project is also underway to make the database more effective and efficient, thus establishing a user-friendly system.



Artificial intelligence is among the most prominent topics of discussion today and will surely steer the future. It is premature to say that artificial intelligence technologies are used in the Turkish Constitutional Court, both for UYAP and for the Decisions/Judgments Database. However, the relevant units of the Court are well aware that artificial intelligence can be potentially used at various stages, especially for the swift and fair adjudication of individual applications. In this sense, the Constitutional Court has made substantial efforts to make use of artificial intelligence through internal and external resources.

Accordingly, the main areas that need to be considered in the future are the possibility of receiving digital application forms, leveraging artificial intelligence to summarize the digital forms, preparing a preliminary draft for the rapporteur-judges upon artificial intelligence-generated preliminary assessment, and using this draft by the rapporteur-judges. For instance, artificial intelligence may enhance equality and justice by promoting consistency in decisions in respect of those who are in a relatively similar situation. However, as will be discussed during the symposium, it is widely considered that artificial intelligence cannot be expected, at this stage, to replace judges due to some of its complications. In other words, I would like to express that artificial intelligence should not substitute the judge but should be employed as an assistant to the judge. Therefore, it would be appropriate to focus on achieving this objective.

In conclusion, I sincerely hope that technology will contribute to fostering peace and tranquillity to the innocent people across the globe, particularly for the Palestinian people, rather than exacerbating more violence and death.



***APPLICATION OF ARTIFICIAL  
INTELLIGENCE AND  
INFORMATION TECHNOLOGY  
TO IMPLEMENT A MODERN AND  
TRUSTED JUDICIARY  
IN THE CONSTITUTIONAL  
COURT OF THE REPUBLIC OF  
INDONESIA***

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REPUBLIC OF INDONESIA***





## APPLICATION OF ARTIFICIAL INTELLIGENCE AND INFORMATION TECHNOLOGY TO IMPLEMENT A MODERN AND TRUSTED JUDICIARY IN THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA

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AI, has increasingly become an integral part of our daily lives, both in terms of personal and professional aspects. As for the Constitutional Court of the Republic of Indonesia (hereinafter referred to as “the Court”), the implementation of AI is also in line with its vision that is “Upholding the Constitution through a Modern and Reliable Judiciary”. The term “Modern” brings an implication that the Court must keep up to date with the developments in society, including developments in the field of Information Technology (or IT).

In the 21 years since its establishment, the Court has continuously endeavoured to apply technology in every stage of the proceedings. Starting from the use of technology that facilitates the preparation of court minutes, the Court then implemented video conference technology that allows justice seekers to take part in sessions without having to be present at the Court. This is inseparable from the fact that the territory of the Unitary State of the Republic of Indonesia is vast from west to east; in addition to that, the 1945 Constitution of the Republic of Indonesia stipulates that the Constitutional Court is a single judicial institution which means that the Court has no branches in any other provinces and only located in the Capital of the State.

Although the Court has long provided the opportunity to register cases and conduct court sessions online, some parties prefer attending

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sessions at the Court building as it also provides them a reason to come to Jakarta as a part of their official duties. In brief, the process of case application registration at the Indonesian Constitutional Court is similar to that of most Constitutional Courts in other countries. Parties can submit a case request either in person at the Court building or through the web-based application [www.simpel.mkri.id](http://www.simpel.mkri.id). Once the application is recorded in the Constitutional Case Registration Book, the application officially formally recognized as a case.

The adjudication process begins with a preliminary examination during which the substance of the petition and the completeness of the required documents are assessed. In this preliminary examination session, a panel composing of three Constitutional Justices is obliged to provide an advice to the petitioner regarding the submitted petition. Afterwards, the petitioner is given time to revise the petition within 14 days. If the Constitutional Court Justices feel that the case merits the conduct of proceedings, then the next stage is evidentiary hearing sessions. At this stage, the Panel will hear information from the parties related to the case. In a case of judicial review of a law, for example, information from the Government representing the President and one from the House of Representatives will be heard. They are not participating as opposing parties to the petitioner, but they are at the sessions as the testifiers. Testimony from relevant experts is also heard, whether presented by the parties or directly presented by the Court.

After the required information is deemed sufficient by the Court, the Constitutional Court Justices will hold a Consultative Meeting of Justices to discuss the case and render a decision by deliberation and consensus which is then outlined in the Constitutional Court Decision. When the decision is read out, the decision immediately acquires permanent legal force which is final and binding. Currently, the entire process from the registration of a case application to the delivery of a copy of the decision to the parties and its publication on the State Gazette can be conducted entirely online.

Apart from the possibility of conducting online hearing process that has been implemented by the Court, a more critical advancement in realizing a modern and reliable judiciary is how the Court's efforts to integrate the use of Artificial Intelligence (AI) in the process of



examining, adjudicating and deciding cases received. There are several key AI capabilities that will be implemented to support various legal processes in the Constitutional Court. Each of these AI capabilities is designed to speed up and improve the efficiency of case management and assist justices in making more informed decisions.

In adjudicating constitutional cases, it is very important for Constitutional Justices to have broad knowledge of the relevant case-law. This also requires access to extensive list of legal documents stored both within the Court and from external sources for references. This is the reason why the Court are preparing **Intelligent Legal Search** feature. The AI here will be utilized to search and display relevant legal documents; thus, it will be very useful for justices and rapporteurs to find the right document quickly, without having to go through a time-consuming manual process. This feature will also be complemented by **Automatic Case Summarization** and **Key Facts Extraction** features which will provide an automatic summary of lengthy legal documents as well as identifying the most important and relevant information within. This will make it easier for Constitutional Justices to understand the essential elements of a complex document in a short period of time. It will be very helpful when dealing with a large number of cases that must be processed.

Likewise, in the decision-making process and the preparation of court decisions, the role of AI is also needed to ensure that the decisions produced will be of high quality and fulfil the public's sense of justice. In this framework, The Court seeks to apply the use of AI in several specific features, such as **Legal Recommendation** and **Decision Prediction** which can provide input or recommendations for decisions based on precedents or similar cases that have been decided previously either by the Court or other judicial institutions. With this capability, AI can assist so that Constitutional Justices will have a range of verdict options, referring to relevant legal history. AI will also be used to track the development of jurisprudence over time using the **Jurisprudence Tracking** feature. With this feature, justices can monitor how the law is evolving and reference it as a basis for judgement in their decisions.

Given that the Court's decisions are final and binding, and it is said that the Court's decisions are the crown of the Court, good quality



decisions will reflect a fair and dignified decision-making process. The Court's decisions should illustrate the breadth of insight possessed by the Constitutional Justices as well as the ability to accurately analyse the law. Therefore, there is a need for AI's **External Data Integration** features to integrate relevant external data so that each decision can provide a broader context for each of the cases. Furthermore, AI is also can be used to provide an analysis of the social impact that will result. By applying **Risk and Impact Analysis** feature, AI will help analysing the risks and impacts of the various possible decisions a judge could make. With this information, justices can consider the consequences of their decisions more thoroughly, helping to reduce the risk of potential errors and this is one of the key capabilities the Court needs from AI.

Finally, there is a need for a mechanism to efficiently manage all legal documents, including rendered judgements, from storage, retrieval, to document categorisation. The AI-based Document Management feature is specifically designed and will be implemented by the Court to help maintain order and accessibility of legal data for a very long period of time. With these various AI capabilities, the Indonesian Constitutional Court will have a more sophisticated, modern and efficient system in handling various cases. AI will not only help speed up the legal process, but also ensure quality and accuracy in every stage of decision-making.

The process of implementing AI in the Court has been carried out and will continue to be developed so that it can cover the entire case settlement process. In the initial stage, the Court started using AI to assist in the preparation of court minutes. Since its establishment, the Court has paid more attention to the preparation of court's session minutes. All remarks made during each hearing session are recorded and then transcribed into written form. Exaggeratingly, it is said that even every mumble or coughing sound will be transcribed. These minutes will be used when drafting the judgement to avoid any ambiguity in what was said by the parties. With these minutes, the parties will not be able to deny what they have said in court.

Prior to the use of AI, the process of finalizing the minutes of these proceedings was done by minutes officers working in teams. In these teams, someone oversaw audio recording the court sessions. Then, the



recordings were converted into written form by 3 or 4 transcribers. The transcription must go through an editing process and then passed the proofreading process. So, it took at least 7 officers to complete 1 court brief and the whole process could take 1 day for a 2-hour court session. The process can be even longer considering the possibility of holding 4 court sessions within the same day.

In order to speed up the process, the Court endeavours to utilize information technology that can automatically convert voice into text. However, this is hampered by factors such as accent and speech style that are very different for each speaker in the session. With this in mind, the Court decided to apply AI to the process of drafting hearing minutes. AI proved to be able to break through several barriers that could not be done by technologies simply converting voice into text. Currently, the use of AI in the preparation of minutes has been used and so far, the use of AI has succeeded in cutting the time needed to complete the process of completing the minutes. The Court expects that the minutes of hearings will be made available shortly after the session concludes. This prompt availability will assist Constitutional Justices in drafting their judgments and enable the parties involved to efficiently prepare their written conclusions.

Realizing how important and how useful the application of AI is in the process of examining, adjudicating and deciding constitutional cases, in its development the Court also plans to apply AI to the decision-making process and the preparation of decisions. The use of AI will be executed, first of all, in the form of Interactive Judiciary Dashboard. This Dashboard is an executive dashboard that combines past constitutional decision literature, books, journals, articles, and other constitutional reading sources related to the issues of cases or laws that will be heard or have been previously adjudicated. It will be equipped with the generative interactive feature. Following a touch or click on the application, it will automatically display detailed explanations, including descriptions, analyses, and decision recommendations based on the content of the literature deck and references such as books, journals, and articles. The dashboard also facilitates Constitutional Justices, Court's Substitute Registrars, and Judicial Assistants to input commands into ALAN through direct typing and voice commands.



It is designed for devices with wide screen specifications but remains responsive for all devices, both mobile and desktop.

Another form of AI application in the Court is the Generative Chatbot Version which allows users to get substantial information in a lighter form. In simple terms, this Generative Chatbot resembles ChatGPT which is currently in use. In the previously mentioned format, the information generated by the Interactive Dashboard will be presented in the form of a document or important facts contained in a document. Whereas in Generative Chatbot, information is obtained through “talking” with AI.

In conclusion, although arguably late in implementing AI, the Indonesian Constitutional Court has realized the importance of integrating information technology and artificial intelligence in the hearing process. However, this does not diminish the Court's intention and efforts to continue developing AI in every aspect of examining, adjudicating and deciding cases to realize a modern and trusted judicial institution in order to uphold the constitution and provide a sense of justice to the public and justice seekers.

*USE OF INFORMATION  
TECHNOLOGIES  
AND ARTIFICIAL INTELLIGENCE  
IN THE HIGHER JUDICIARY*

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## USE OF INFORMATION TECHNOLOGIES AND ARTIFICIAL INTELLIGENCE IN THE HIGHER JUDICIARY

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### INTRODUCTION

This paper aims to shed light on how these advanced technologies are revolutionizing judicial practices, drawing from our experiences and innovations at the Constitutional Court of Korea.

#### 1. OVERVIEW

The following paper will present a detailed analysis of four key areas.

Firstly, an overview of AI technology will be provided.

Secondly, the current state of AI-related legislation will be examined.

Next, the current status of AI practices at the Constitutional Court will be discussed. This will offer insights into how our court system is integrating and utilizing AI technologies

Lastly, related constitutional issues will be briefly explored, considering the key constitutional questions and implications associated with AI.

#### 2. THE MEANING OF ARTIFICIAL INTELLIGENCE TECHNOLOGY

In the modern society, where new technologies emerge every day, defining artificial intelligence (AI) can be challenging. However, AI can be defined as the ability to learn and understand or adapt to new situations. AI's problem-solving process is different from human thinking process. AI recognizes a given problem, analyzes data, and

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draws reasonable judgments through rapid computation, big data, and deep learning. AI replicates and implements human intellectual activities through machines. Article 2, Sub-Item (a) of the Framework Act on Intelligent Informatization defines the term “intelligent information technology” as technology that electronically realizes learning, reasoning and decision-making.

### **3. THE CURRENT STATE OF AI-RELATED LEGISLATION OF KOREA**

#### **3.1. Bill on Fostering the AI Industry and Establishing a Foundation for Trustworthy AI**

Today, AI is more than just a technology; it is becoming a key driving force that shapes national economic growth and the quality of life for citizens. On June 17, 2024, the 22<sup>nd</sup> National Assembly of the Republic of Korea proposed an AI-related bill as its first piece of legislation. The bill requires the Minister of Science and ICT to establish and implement a master plan for AI every three years. It also establishes the Presidential National Artificial Intelligence Committee to deliberate on and resolve issues related to realizing an AI society and building trust in the AI industry. Additionally, it mandates the operation of the AI Safety Research Institute as a specialized institution. This bill outlines fundamental aspects necessary for supporting the healthy development of AI and creating a foundation for trust in the AI society.

#### **3.2. Framework Act on Intelligent Informatization**

The purpose of the Framework Act on Intelligent Informatization, wholly amended on June 9, 2020 is to contribute to realizing an intelligent information society, securing national competitiveness, and improving the quality of life for citizens, by prescribing matters necessary to establish and promote policies related to intelligent informatization. Main provisions of the Act include requiring the Government to establish a master plan every three years for the systematic implementation of intelligent information society policies; mandating the heads of central administrative agencies and the heads of local governments to establish and operate the Consultative Council of Intelligent Informatization Officers; and requiring the Government to establish and incorporate an intelligent informatization

plan for implementing related projects. The Act also provides for the establishment of the National Information Society Agency. Notably, on June 10, 2024 a prior announcement was made regarding proposed amendments to subordinate legislation, aimed at improving information access for the digitally disadvantaged groups, such as individuals with disabilities and senior citizens.

### **3.3. General Act on Public Administration**

Article 20 of the General Act on Public Administration stipulates that “an administrative authority may impose a disposition using a fully-automated system (including systems in which artificial intelligent technologies are employed); provided that the same shall not apply to dispositions imposed at its discretion.” This provision is significant because it specified in the Act that AI technologies can be utilized in automating administrative acts. Just as Otto Mayer’s concept of administrative act was about to take hold, the field of administration faced innovative changes due to unforeseen circumstances.

### **3.4. Supplementary discussions: AI judges**

As will be discussed later, AI technology is currently being actively used in the higher judiciary for drafting legal documents, searching for judgments and decisions, and providing automatic translation services. However, there is considerable skepticism about whether AI judges can be recognized beyond their role in supporting human-led processes, considering the current level of technology, operational principles, economic considerations, and constitutional issues.

If a law grants AI the authority to serve as a judge and allow it to make adjudication as a judge, it raises the question of whether an AI judge can be considered as ‘a judge qualified under the Constitution.’ Article 27 of the Constitution provides that “all citizens shall have the right to be tried in conformity with the Act by judges qualified under the Constitution and the Act.” Recognizing adjudication by AI would require future amendments to the Constitution and relevant laws.

## **4. THE STATUS OF AI PRACTICES AT THE CONSTITUTIONAL COURT OF KOREA**

Recently, thanks to remarkable advances in computing power, the



accumulation of big data, and the emergence of machine learning, AI is increasingly being employed in various areas of the legal field. These include drafting legal documents, providing legal advice, managing litigation processes, predicting case outcomes, recommending and introducing suitable law firms, and conducting machine learning tasks. The Constitutional Court of Korea actively utilizes legal tech in its judicial practice. However, AI is still in its early stages of application and has not yet reached the level of creative and flexible analysis required to replace human decision-making by judges.

#### **4.1. Internal operations**

First, the Constitutional Court utilizes generative AI from a legal tech firm to draft certain documents. However, since it is not the Court's own program, for security reasons it is not used for drafting content directly related to cases. AI is primarily used to find precedents as a prerequisite for resolving cases, to summarize specific issues, and to create administrative documents.

Second, when rapporteur judges at the Constitutional Court handle constitutional cases, they search for similar precedents and research reports. To enhance the relevance of search results, efforts are being made to improve search rankings so that important cases are prioritized at the top of the results. By incorporating AI technology, the search process has been refined to include detailed categories such as case number, case name, provisions at issue, keywords selected by the rapporteur judge, main issues, the summary of the decision, the presiding judge, and the main text, and the parties to the case. Particularly, higher weights are given to case number, provisions at issue, main issues, and the summary of the decision to increase the accuracy of search results.

Third, the Constitutional Court has developed and utilizes an automated translation service. By entering text or uploading documents, they provide two-way translations between Korean and English, as well as between Korean and other languages such as German, French and Japanese. Notably, users can select a specialized legal translation between Korean and English, which is optimized for the legal field based on training data from about 250,000 cases.



Fourth, the Court is developing an automated audio transcription system. Rapporteur judges discuss ongoing cases and write reports based on these discussions. So far, they have had to manually summarize their discussions. In the future, minutes generated through real-time speech recognition will facilitate the preparation of drafts, reducing the time required to summarize discussions.

#### **4.2. Public service operations**

First, to maintain security regarding cases, the Constitutional Court's website is divided into two separate platforms: one for internal use, where rapporteur judges can search research reports and decisions, and another for public access. The official public website has been improved to follow the same search ranking methods mentioned earlier, enhancing the accuracy of search results.

Second, the Court plans to introduce an electronic braille conversion service to ensure that the visually impaired have equal access to the Constitutional Court's resources as people without disabilities. Publications available on the Court's homepage, such as the Court's decisions, the Korean Constitutional Court Gazette, and the Collection of Precedents, will be converted into electronic braille. The visually impaired will be able to upload these converted files to their braille information terminals or print them using braille printers to access the information.

Third, the Court is making a number of functional improvements to its e-Court website. The e-Court of the Constitutional Court of Korea is a website that enables users to file documents, such as a written request for adjudication on constitutional complaints, without needing to visit the Court. It also allows users to check the served documents and access case records. Currently, the e-Court is optimized for PC access. However, it is building a responsive web design that will automatically adjust the screen size for all devices, including PCs, tablets, and smartphones, regardless of the device used to access the site.

In addition, for user convenience, the website has enhanced its membership management features by expanding the methods available for verification during the registration process. It now supports bulk



registration of multiple petitioners and has improved the overall response speed of the website, including functions such as the inbox for delivered documents.

#### **4.3. Other: AI literacy training and participation in the Legal Tech AI Forum**

The Court is providing AI literacy training for rapporteur judges and staff from the Secretariat to help them better understand AI and use it in their work and daily lives. Participants in the training learned about the concepts of artificial intelligence, big data, cloud and other relevant technologies, and examples of AI applications in the public sector. They also received training on using generative AI, including ChatGPT, with a focus on efficient prompt-writing techniques. Additionally, they explored anticipated changes in the legal market due to legal tech and learned current trends in domestic legal tech, and examples of AI applications in the legal field.

The Legal Tech AI Forum was held in Seoul for three days from June 26 to 28, 2024. Some of the rapporteur judges from the Court participated in the event. The Forum was joined by representatives from various sectors, including the judiciary, such as courts, the prosecution and the Ministry of Justice, the government, academia and the legal tech industry. They discussed how legal tech can transform the lives of legal professionals and legal service consumers, as well as the current regulatory status and development plans for legal tech at both national and global levels. The topics of the presentations included 'the economic implications from legal tech with a focus on international data,' 'legal tech regulations and related legislation in the United States,' and 'the potential of domestic legal tech and future legislative policy directions.'

### **5. CONSTITUTIONAL ISSUES ASSOCIATED WITH AI**

As discussed above, the Constitutional Court of Korea is actively devising ways to utilize IT and AI as a supplementary tool for its adjudication and research activities.

Furthermore, AI judges or rapporteur judges performing at the same level of humans can be positively discussed in terms of enhancing work efficiency and ensuring consistent and fair adjudication. However,



this is not free from constitutional issues, including the rule of law, democracy, the right to a trial (which encompasses the right to be tried by a judge, the right to open trial, the right to be tried by law, and the right to a fair trial), and the independence of the judiciary.

Particularly in constitutional adjudication, which involves the entire legal order and requires advanced value judgments, careful attention should be paid to the use of judgments produced by AI algorithms. This is because assessing constitutionality requires not only reflecting on precedents and legal texts, but also considering the context of the times. It is questionable whether AI can fulfill this role. Since AI relies on inductive judgment, its use will be supplementary or limited in cases where there are no precedents or when new issues arise.

## CONCLUSION

So far, the definition of AI technologies and AI related legislations in Korea has been examined. AI refers to technologies that possess the ability to learn, understand and adapt. It solves problems through computing power, big data and deep learning and analyzes data. In Korea, efforts are underway to enact laws that support AI development and build a foundation for trust. For instance, the Bill on Fostering the AI Industry and Establishing a Foundation for Trustworthy AI, and the Framework Act on Intelligent informatization address AI regulations and policies.

The Constitutional Court is utilizing AI for tasks such as drafting documents, searching case law, and providing automatic translation services. The Court also plans to introduce an automated audio transcription system. However, there are constitutional issues as to whether AI can perform constitutional adjudication at the same level as human Justices or rapporteur judges. While AI is useful for drafting legal documents and searching cases, a cautious approach should be taken with cases which require advanced value judgments.



***THE EVOLUTION OF  
DIGITAL JUSTICE IN ALGERIA:  
ACHIEVEMENTS AND  
PROSPECTS***

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## THE EVOLUTION OF DIGITAL JUSTICE IN ALGERIA: ACHIEVEMENTS AND PROSPECTS

*Fatiha Kirane\**

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The justice sector in Algeria has made significant progress through the justice reform project on the one hand, and the digital justice project, which is an integral part of it, on the other.

In this context, the justice sector has undergone significant shifts towards the digital world by utilizing information and communication technology, introducing modern electronic tools and digital applications, and implementing numerous projects to achieve modern justice with international standards. This effort focuses on facilitating access to the judiciary for all segments of society, simplifying and improving judicial procedures, enhancing judicial and administrative management methods, and providing and developing remote judicial services for the benefit of citizens, litigants, and legal assistants.

Similarly, constitutional justice in Algeria has seen significant developments with the establishment of a Constitutional Court endowed with broad and distinctive powers, following the constitutional amendment of November 2020. Among the projects that the Constitutional Court relies on is the introduction of information technology in handling cases brought before it.

The highest authorities in Algeria give vital priority to digitalization. To complete the e-administration project in Algeria, a High Commission for Digitalization was established. This commission has been entrusted with the task of designing the national digitalization strategy, in consultation with the relevant sectors, institutions, the economic sector, and civil society.

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## SECTION ONE

### Mechanisms for Modernizing the Justice Sector in Algeria

The state has aimed to dedicate itself to modernizing and digitizing the sector within the framework of the justice reform program, which the highest authorities in the country prioritize to achieve a modern level of electronic justice and to facilitate access to the judiciary.

#### 1- Modernizing the Justice Sector in Algeria: Achievements

- Providing the justice sector with advanced tools for internet access, specifically for the sector, which contributes to facilitating information access for all those dealing with justice.
- Launching the ministry's website to spread legal culture. This website serves as a specialized information platform dedicated to citizens.
- Establishing the sectoral network of the Ministry of Justice, which is a technical base that can expand with the continuously developed information applications.
- **The National Center for Criminal Records:** This project is a genuine reference for reform, with its main goal being to provide an essential public service under conditions characterized by speed and accuracy.
- **The Analytical Table:** it is considered a decision-making aid, it is a tool for organizing information and providing analytical indicators on the sector's developments and various data related to the judicial sector, material, and financial resources.
- **The Judicial Map:** This aims to develop a tool that assists in decision-making regarding the preparation of a new judicial map and monitoring its developments, enhancing a rational vision in policies for establishing new judicial entities, based on objective criteria for decision-making through the use of modern technologies.
- **Connecting all judicial bodies and correctional institutions through high-speed fiber optics:** It aims at enhancing network flow to accommodate various public services available remotely to citizens, litigants, and legal assistants.

- **Establishing an integrated information system for automated data processing:** This system includes processing data related to the activities of the Ministry of Justice and its affiliated institutions, as well as the activities of judicial bodies at all levels.
- **Introduction of electronic certification and signature technology in the judicial sector:** Law No. 15-04 specifying the general rules related to electronic signature and certification defines electronic signature in Article 2 as follows: "**Data in electronic form attached or logically associated with other electronic data used as a means of authentication.**" As for electronic certification, Algerian legislation provides a comprehensive definition in Article 4 of Law No. 15-03 dated February 1, 2015, related to the Modernization of Justice, which states: "**Documents and judicial records issued by the Ministry of Justice, its affiliated institutions, and judicial authorities may be authenticated with an electronic signature whose connection to the original document is guaranteed by a reliable verification method.**"

## **2- Enhancing Judicial Administration Management Methods:**

Adopting an electronic management system for administrative and judicial documents as well as civil status records held at the level of judicial councils, aiming for optimal utilization of the sector's archive and contributing to the implementation of electronic administration principle.

- Sending documents and exchanging information using the sector's internal e-mail system.

- Implementing the mechanism for sending electronically signed expert reports and exchanging documents electronically between judicial bodies and the scientific services of the judicial police.

- Adopting the mechanism for sending documents and judicial procedures electronically, enabling judicial bodies to send summonses electronically instead of using traditional legal methods, and informing the litigant about the status of their case and other relevant information through simple text messages.



### 3- Strengthening Individual Rights and Freedoms:

- Establishing a central service for genetic fingerprints, overseeing the creation and management of the national genetic fingerprint database in accordance with Law No. 16-03, dated June 19, 2016, concerning the use of genetic fingerprints in judicial procedures and identifying individuals, to ensure legal protection of the genetic data stored within it.

- **Creating a biometric information:** It is a system based on the use of biometric fingerprint characteristics and a national biometric database encompassing all fingerprints of individuals under judicial scrutiny and inmates of correctional institutions, aiming to add flexibility and speed to judicial procedures.

- **Adopting modern technologies in administration:** Modern technologies have been introduced and utilized in the management of penal institutions through the establishment of a national information network linking correctional institutions, judicial bodies, and the Ministry.

- **Adopting electronic bracelet technology:** This electronic monitoring mechanism is a new procedure within the framework of preventive control obligations, as an alternative to imprisonment. It involves installing an electronic bracelet on the convicted person, allowing for monitoring their presence in designated locations as determined by the monitoring order issued by the judge responsible for executing the sentence.

- **Adopting visual monitoring mechanisms for correctional institutions:** These mechanisms aim at enhancing monitoring and security mechanisms, developing transparency, and improving the management methods of correctional institutions, the Ministry of Justice has adopted a project to equip the national network with visual monitoring technology.

## SECTION TWO

### Modernizing the Justice Sector in Algeria: Electronic Judiciary

Algeria has sought to facilitate the process of judicial procedures for litigants by implementing electronic administration, with the goal of



saving time and effort. The justice sector has made significant progress in the use of information and communication technologies, focusing on digital transformation to achieve a modern justice system that aligns with international standards.

### **1- New Judicial Procedures:**

These procedures aim to upgrade judicial and administrative management methods and enhance remote judicial services. We will highlight some of these procedures as examples:

- Providing the ability to withdraw standard copies of judgments and judicial decisions, electronically signed by the judicial councils, without the need to move to the issuing judicial body.
- Offering an electronic correction service for errors in civil status records, allowing citizens to submit correction requests and supporting documents.
- Digitizing the judicial file at all stages, including electronic submission of petitions outside of sessions, tracking the status of cases, and accessing the judgment's content.
- Improving collection methods by adopting an automated system for collecting fines and court costs, based on a national database.
- Allowing individuals or legal entities to submit complaints or petitions to the public prosecution remotely.
- Designing official electronic spaces to receive citizens' opinions and expectations remotely regarding various justice services, as well as collecting their suggestions and contributions.

### **2 - Electronic Litigation (E-Litigation):**

As part of modernizing litigation methods and judicial management, and to provide the best services at the level of the justice system, the Ministry of Justice has introduced modern technologies, represented by electronic litigation, which refers to the use of remote video conferencing in judicial procedures whenever distance or the proper administration of justice requires it. This is applied during judicial investigations, during trials to hear witnesses and civil parties remotely, and to receive statements remotely from detainees in misdemeanour cases.



This technology was effectively implemented during the COVID-19 pandemic, speeding up procedures and protecting individuals from the spread of the virus, reducing the burden on judges, decreasing the number of cases presented, expediting proceedings, and saving time.

### **SECTION THREE**

#### **Use of Information Technology at the Level of the Supreme Court and the Council of State**

An automated information system has been established for managing and administering judicial files and procedures governing the course of litigation across all judicial bodies, through:

- Creating an internal communication network between the judicial councils, administrative courts, and higher judicial bodies to digitize the cassation appeal file and track its status.

- Providing a service for obtaining standard copies of decisions issued by the Supreme Court and the Council of State, electronically signed, starting from the judicial councils, without the need to move to the issuing judicial body.

- Litigants and lawyers can access the online services of the Supreme Court and the Council of State remotely to inquire about their cases throughout the country.

### **SECTION FOUR**

#### **Use of Information Technology at the Level of the Constitutional Court**

The Constitutional Court was established under the constitutional amendment of 2020. Since its inauguration in November 2021, the Constitutional Court has prioritized the project of digitization of files and cases processing and the use of information and communication technology as part of a policy to engage with citizens and bring constitutional justice closer to them. In this context:

- Designing and launching an electronic portal for raising the exception of unconstitutionality on the Constitutional Court's website.

- Designing and launching electronic applications for handling election files and related appeals. These were used during the



presidential elections on September 7, 2024, ensuring accuracy, speed, effectiveness, and transparency in monitoring the integrity of all types of elections.

- Moving towards digitizing the processing of constitutional complaints, linking the Constitutional Court with the Supreme Court and the Council of State as referral bodies, and connecting the Constitutional Court with the litigant or their lawyer with the exception of unconstitutionality.

## CONCLUSION

Like many other sectors and fields, the justice sector in Algeria has undergone significant transformations towards the complete digitization of judicial procedures, enhancing flexibility and speed in judicial services to benefit citizens, litigants, and judicial assistants. The judiciary has experienced major legal and institutional reforms to improve judicial performance and enhance effectiveness in all aspects of judicial organization, including simplifying procedures, updating administrative management methods, and developing remote judicial services.

Algeria continuously seeks to achieve a modern justice system according to the requirements of speed, accuracy, and efficiency, considering the judiciary as the backbone of the state and its modernization as necessary to achieve justice in society and promote individual rights and freedoms. Conversely, Algeria has worked to secure the use of information and communication technology in judicial procedures and services from risks of violating citizens' and litigants' rights and freedoms, such as protecting personal data and ensuring guarantees of a fair trial.





## KEY RELEVANT LAWS

- **Law No. 15-03:** Addresses the "Remote Trials" project adopted by Algeria in 2015.
- **Ordinance 20-04:** pertains to amending the Code of Criminal Procedure to implement remote trial technologies.
- **Law No. 15-04:** Concerns electronic signatures and certification, specifying how to handle electronic signatures and authenticate documents and judicial records in a reliable manner.
- **Law No. 16-03:** Regulates the use of genetic fingerprinting in judicial procedures and personal identification, aiming to ensure the legal protection of genetic data.

***USE OF INFORMATION  
TECHNOLOGIES  
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IN THE HIGHER JUDICIARY***

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## USE OF INFORMATION TECHNOLOGIES AND ARTIFICIAL INTELLIGENCE IN THE HIGHER JUDICIARY

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*Jamila Aslan\*\**

Artificial Intelligence (AI) is becoming an important part of judicial systems worldwide, including in Azerbaijan. The goal of using AI in Azerbaijani courts is to make them more efficient, improve case management, and ensure consistent judicial outcomes. While Azerbaijan is still in the early stages of AI integration in its judicial processes, there are notable developments and future plans that show how AI could benefit our legal system.

Now I would like to give you an overview of the Use of Information Technologies and AI in Azerbaijan's Judiciary.

Azerbaijan is working on a digital transformation journey within its judiciary by implementing the "Electronic Court" information system. This system digitizes court records, facilitates the electronic submission of documents, and allows for the online management of cases. This portal provides the public with easy access to court decisions, legal databases, and other relevant information. This fosters a culture of transparency and accountability in our legal system, empowering citizens with knowledge of their rights, and the functioning of the judiciary.

Currently, the electronic document circulation system is being implemented in the Constitutional Court of the Republic of Azerbaijan. The implementation of this system automates the management of documents, speeds up the work process, and ensures transparency in the activities of the Court. This approach also reduces the workload of employees and prevents time loss. Additionally, a special platform is

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\*\* Senior Adviser of the General Department of the Constitutional Court.



available on the official website of the Court ([www.constcourt.gov.az](http://www.constcourt.gov.az)) for the submission and processing of citizens' electronic applications, allowing for more efficient and faster management of applications. As part of the electronic court system, the use of electronic signatures is also applied in courts, including the Constitutional Court.

Although not directly powered by AI, this digital foundation is essential for future AI applications.

Complete guidelines for using AI in our judicial systems are still being developed. There are ongoing challenges in applying AI, and we need to ensure that these technologies are used ethically and legally.

Azerbaijani legal institutions are exploring various AI applications to assist in the administrative processes of courts. The Supreme Court of the Republic of Azerbaijan is the first judicial body to investigate the use of artificial intelligence technologies. Here, work is being done on the use of artificial intelligence in legal research and analysis. These early projects are still in the pilot phase but represent a step toward more extensive AI adoption.

There is a potential for applying AI in predictive analytics to assist judges in decision-making processes. AI can efficiently analyze large amounts of legal texts, identify relevant case law, and suggest potential precedents, thereby aiding judges and legal professionals in adopting more well-grounded decisions. This application not only saves time but also ensures that decisions are based on comprehensive research and a thorough understanding of legal contexts. However, it is crucial to make sure that such technologies do not affect judicial independence or impartiality.

AI could revolutionize case management by automatically categorizing and prioritizing cases, identifying similar cases, and suggesting relevant legal provisions or precedents. This could significantly reduce the administrative burden on judges and court staff, leading to faster case resolution.

For sure, this can save time and provide more comprehensive insights, ultimately improving the quality of judgments. While there are many potential benefits, the implementation of AI in the Azerbaijani judicial system can face challenges. These include concerns about data



privacy, the need for clear legal frameworks to govern AI use, the requirement for extensive training of judges and legal professionals on AI tools, and the risk of over-dependance on technology.

Looking beyond Azerbaijan, several countries have set noteworthy precedents in this domain. For instance, Estonia has been a pioneer in e-justice systems, integrating AI for simpler judicial tasks, such as traffic fines adjudication. Similarly, the United Kingdom has implemented AI tools to assist in document review and preliminary legal analysis.

We also recognize the importance of learning from international best practices while tailoring solutions to our unique legal and cultural context.

In conclusion, I would like to note that the integration of Artificial Intelligence in Azerbaijani courts presents a promising future for improving the efficiency and transparency of the judicial process. However, it is important to carefully address ethical, legal, and practical challenges. As Azerbaijan continues to develop its digital infrastructure and explore AI applications, it will be essential to balance technological innovation with the fundamental principles of justice to ensure fair and equitable outcomes for everyone.



***USE OF INFORMATION  
TECHNOLOGIES  
AND ARTIFICIAL INTELLIGENCE  
IN THE HIGHER JUDICIARY***

***Kenad Osmanović***

***Dino Jahić***

***CONSTITUTIONAL COURT OF  
BOSNIA AND HERZEGOVINA***







## USE OF INFORMATION TECHNOLOGIES AND ARTIFICIAL INTELLIGENCE IN THE HIGHER JUDICIARY

*Kenad Osmanović\**

*Dino Jahić\*\**

### INTRODUCTION

In an era where technology is rapidly transforming every aspect of society, our judiciary is no exception. The integration of IT and AI into judicial systems holds immense potential to enhance efficiency, transparency, and access to justice.

We will start our paper by discussing how Information Technologies are currently shaping our Court. We will cover our System for Case Management, online filing system and the technological infrastructure that supports our judicial proceedings. Then, we will share our projections for the future integration of AI in our judicial processes. Our goal is to highlight both the opportunities and challenges we face as we adopt these technologies to improve our legal system.

### 1. CURRENT USE OF IT IN THE CONSTITUTIONAL COURT OF BOSNIA AND HERZEGOVINA

#### 1.1. System for case management

The Constitutional Court of Bosnia and Herzegovina uses a System for Case Management since 2006, and the new version was implemented in 2014. This system has revolutionized the way we handle cases by fully digitizing all aspects of case management.

Every document related to a case is scanned and stored within the system, ensuring that all work, including drafting and communicating with registrar and judges, is done digitally. This setup streamlines the entire process from beginning to end, including the use of digital

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signatures and certificates. This system is integrated with the case managementsystemsusedbyregularcourts,allowingtheConstitutional Court to have real-time insight into cases and proceedings before these courts. This integration is crucial for maintaining a cohesive and efficient judicial process across different levels of the judiciary.

The system proved to be invaluable during the COVID-19 pandemic, as it enabled remote work through a secure VPN connection. Judges and court staff could access their court PCs from any location, ensuring that judicial work continued uninterrupted during lockdowns. Furthermore, the system also supports online court sessions via video conference, enabling judges to access and vote on any case on the agenda.

Additionally, the system is linked to the Court's website, where all decisions are published and accessible to the public. The website offers a smart search feature, similar to that of the European Court of Human Rights, making it easier for users to find specific rulings and legal precedents.

Overall, this system not only enhances the efficiency and transparency of our judicial processes but also ensures that our courts can operate effectively, even in challenging circumstances.

## **1.2. Online filing system**

Starting January 1, 2020, appellants and lawyers can communicate electronically with the Constitutional Court under specific conditions. Electronic communication with the Court occurs in two ways:

1. Limited Scope Communication is achieved via e-mail by providing an e-mail address to the Court. This method allows for general communication but excludes filing appeals, submitting powers of attorney, or waiving appeals.

2. Full-Scale Electronic Communication is reserved only for lawyers. This method involves no procedural restrictions and allows for the submission of all types of documents through a dedicated web application. Lawyers can access this service by signing an access form, which grants them access to a user-friendly application that helps systematize and archive all case communications.



### **1.3. Data security and privacy**

To ensure the security and privacy of data, the Constitutional Court of Bosnia and Herzegovina employs several measures:

1. Data Backup. The Court performs backups of data every day, which are securely stored outside of the building.

2. Uninterruptible Power Supply (UPS). The Court utilizes a UPS system to protect against power outages. This system allows for the preservation of work and orderly shutdown of computers in case of electricity issues.

3. Cybersecurity Measures. The Court maintains a robust cybersecurity system that operates 24/7. This system includes a firewall that defends against attacks and filters incoming traffic. An additional firewall, managed by a telecommunications service provider, is positioned outside the building to repel external threats.

4. Privacy Protection. The privacy of appellants is safeguarded through these security measures. Appellants can request additional protection by having their data processed under initials in the database, as the Constitutional Court prioritizes transparency and public access while maintaining strict privacy standards.

## **2. PROJECTIONS FOR THE FUTURE**

### **2.1. The role of AI in improving efficiency and transparency in the judicial process**

AI can streamline case management by automating routine tasks such as document review, scheduling, and case tracking. This could reduce the administrative burden on court staff and accelerate case processing.

In addition, AI tools could analyze historical case data to predict outcomes, identify trends, and assist judges in making decisions. This can lead to more consistent and timely rulings.

Also, AI can facilitate public access to judicial data and decisions, making it easier for citizens to understand and engage with the judicial process. For example, AI can enhance search functionality on court websites, making it easier to find relevant case information.



Finally, AI-powered translation services can assist non-native speakers and individuals with limited proficiency by translating legal documents and proceedings in real-time.

## **2.2. Potential challenges and strategies**

AI systems must be designed to avoid biases that could affect fairness in judicial decisions. Ensuring that AI algorithms are transparent and regularly audited for bias is crucial. Establishing clear guidelines for the accountability of AI decisions is important. Courts must ensure that human oversight is maintained to address any issues or errors in AI-generated recommendations. Legal professionals must receive training on how to use AI tools. This includes understanding the capabilities and limitations of AI systems and possibilities of integration them into their workflows. AI systems must be designed with robust security measures to protect sensitive legal data. This includes encryption, access controls, and regular security audits.

By addressing these challenges and leveraging AI's potential, the judiciary can enhance its efficiency, transparency, and accessibility, ultimately improving the overall effectiveness of the legal system.

## **CONCLUSION**

In summary, integrating IT and AI into the judiciary brings significant benefits, including increased efficiency through automation, enhanced transparency with advanced document analysis, and greater accessibility through innovative technologies. However, we must navigate challenges such as ethical considerations, ensuring fair AI practices, and providing comprehensive training for effective use.

***USE OF INFORMATION  
TECHNOLOGIES  
IN THE CONSTITUTIONAL  
COURT OF  
THE REPUBLIC OF BULGARIA***

***Kristiana Rangelova  
Aleksandar Tsekov***

***CONSTITUTIONAL COURT OF THE  
REPUBLIC OF BULGARIA***





## USE OF INFORMATION TECHNOLOGIES IN THE CONSTITUTIONAL COURT OF THE REPUBLIC OF BULGARIA

*Kristiana Rangelova\**

*Aleksandar Tsekov\*\**

The Constitutional Court of the Republic of Bulgaria is a specialized body established by the 1991 Constitution. Its competences are provided for in Art 149, par. 1 of the Constitution. It is most often seised with requests to give binding interpretations of the Constitution, and to rule on a request to declare laws and other acts of the National Assembly unconstitutional. The only entities entitled to refer cases to the Constitutional Court are the state bodies mentioned in Article 150 of the Constitution. The so-called individual constitutional complaint, whereby citizens are granted direct access to the Constitutional Court, has not been introduced in Bulgaria. This explains to some extent the fact that the Constitutional Court is not forced to use many different Information Technologies (IT).

The use of new information technologies undoubtedly improves the administration of justice. It also increases the level of efficiency in the Court's work, as well as facilitating access, speeding up deadlines, ensuring transparency, allowing the Court to be open to the public, providing information about its work. The Bulgarian Constitutional Court, to the extent necessary for the exercise of its competences, is open to the use of Information Technologies (1.), and is actively working for their development, especially for better visibility of its work, both in Bulgaria and abroad (2.).

### 1. AN OVERVIEW OF THE CURRENT USE OF IT IN THE THE CONSTITUTIONAL COURT OF THE REPUBLIC OF BULGARIA

The Bulgarian Constitutional Court does not hesitate to use Information Technology, both inside the organisation itself, including

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\*\* Legal expert at the Constitutional Court of the Republic of Bulgaria.





when circumstances require it and for the purpose of conducting deliberations (1.2.), and externally, providing general information on its structure and activities, but also for the purpose of information on procedural matters related to cases (1.2).

### **1.1. IT within the Court**

The Constitutional Court of Republic of Bulgaria uses on a daily basis basic technologies such as desktop and laptop computers, incoming and outgoing mail, access to the internal Sharepoint network for both judges and administrative staff.

In 2020, in the context of the crisis triggered by Covid-19, the Constitutional Court found it necessary to adapt its working methods to the new circumstances and the need for physical distance. To this end, the Court amended its Rules of Procedure. It now provides that the Constitutional Court may, exceptionally, also hold its sittings and adopt decisions in absentia, by means of videoconference, which ensures the secrecy of the deliberations (art. 30b).

The Constitutional Court is also open to the use of Information Technology to hold meetings by other state bodies. It had to rule on the constitutionality of the possibility for the National Assembly to deliberate by videoconference. On November 6, 2020, the National Assembly passed a resolution providing that the members of Parliament placed in isolation or under mandatory quarantine due to Covid-19 have the right to participate remotely by electronic means in plenary sessions of the National Assembly. Remote participation by electronic means in plenary sittings shall be carried out through an Internet videoconferencing platform that allows direct and virtual participation. According to the Court, the rules adopted by the Parliament constitute adequate and proportionate measures to ensure the regular activities of the National Assembly and the performance of its core functions of legislative activity and parliamentary scrutiny. In the Court's view, the decision of 6 November 2020 must be regarded as an addition to the Rules of Procedure of the National Assembly as regards the venue of plenary sittings and the technical means at the disposal of the National Assembly.<sup>1</sup>

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<sup>1</sup> Decision no. 2 of 16 March 2021 const. case n° 13/2020.



In the internal Sharepoint network of the Constitutional Court, information is created with all documents related to each case. These include both official documents received from the referring entity or interested parties, as well as research on the subject of the case that has been done by legal experts on various legal issues. This allows the case file to be quickly reviewed and anyone working on the case to have access to the relevant documents.

Various applications are also used within the Court to support the work of the administration and judges. The Constitutional Court has access to all Bulgarian case law electronic libraries. In addition to access to the case law libraries, an online library of information about the books and journals available at the Constitutional Court is created on the Court's internal Sharepoint network. This is useful in the daily work of both the judges and the legal experts who work with them on various cases.

### **1.2. The use of IT in order to communicate with parties and general public**

Most of the communication with the parties, apart from being communicated in person via email, then becomes public because it is uploaded on the website of the Constitutional Court.

The Rules of Organization and Procedure of the Constitutional Court state that it is permissible to submit an application to the Court both at the Court's Registry and by post, together with the annexes thereto (Article 18 para 7). Requests received are published on the Court's website once the case has been opened. Communication relating to the work of the Court is often by e-mail. All documents relating to the procedure in each case are uploaded on the website of the Constitutional Court, which include the application to the Constitutional Court, the orders that the Court may make, the order admitting or not admitting the case and the judgment on the merits. The expert reports, if any, shall be published after the conclusion of the case.

Information on the dates on which the Constitutional Court will sit can also be found on the website. Since, as noted at the outset, citizens do not have the right to appeal directly to the Constitutional Court, the



Court generally holds its sittings in camera, without the participation of the body that submitted the request and of the other interested parties. Information with them takes place in writing, including by email.

By the order granting the request for review on the merits, the Constitutional Court constituted the institutions concerned and gave them a period to submit a written statement. The Court may also invite non-governmental, professional, trade union and other organisations interested in the subject-matter of the case, as well as eminent specialists in science and practice, to submit a written legal opinion on the subject-matter of the case (Article 20 bis of the Rules of Procedure of the Constitutional Court). Interested institutions, invited organisations and specialists designated by the Court are often notified by e-mail. Legal opinions are published on the website of the Constitutional Court once they have been received. Legal opinions are not published if the author has expressly disagreed.

Specifically, the website of the Constitutional Court provides information on the Court's activities and organisation. This includes data on the composition of the Court, its administration, the yearbook of the Court, which contains statistical information on the main acts handed down in the relevant year. There is also legal information on the website, which includes general statutory documents, including the Rules of Procedure, case reports, a search engine on the acts delivered by the Court. The case law information provides access to all decisions and rulings of the Constitutional Court.

The notices of the cases shall announce the dates of the hearings and information on the judgments rendered. News items also include vacancies in the administration of the Constitutional Court.

## **2. UPCOMING PROJECTS, PLANS, OR ONGOING WORK WITHIN THE CONSTITUTIONAL COURT OF THE REPUBLIC OF BULGARIA REGARDING THE FUTURE USE OF IT**

The development and future plans are in two directions. The aspiration is to open the work of the Constitutional Court to the outside in order to communicate better both with the specialised lawyers interested in the Court's work and with the general public, including those outside Bulgaria. This would improve the publicity of the Court's work.



On the one hand, the Constitutional Court is working on improving the functionality of its website. The improvements are mainly related to optimizing the search engine. The aim is to expand the options for searching and organising the Court's work. This would be of benefit both to lawyers closely interested in the Court's work and to the wider public. The need for such an improvement in the functionality of the Constitutional Court's website is particularly relevant in view of the recent amendment to the Constitution of 2023, whereby any court, at the request of a litigant or on its own initiative, may refer a case to the Constitutional Court for a declaration of inconsistency between a law applicable to a particular case and the Constitution (Article 150 para. 2). The Constitution and the case-law of the Constitutional Court thus become even more vividly applicable law in the daily lives of citizens. This requires good functionalities on the website, so that everyone has quick and complete access to the case law of the Constitutional Court.

On the other hand, the Constitutional Court plans to translate a large part of its decisions uploaded on the website. The translation will initially be in English. The aim is to make the Court's decisions available to a wider audience, including outside Bulgaria. In this way, it will be a more active participant in the judicial dialogue between the supreme and constitutional courts. A dialogue to which meetings such as this summer school make a definite contribution.



***THE USE OF IT TECHNOLOGIES  
AND ARTIFICIAL INTELLIGENCE  
AT THE CONSTITUTIONAL  
COURT OF THE REPUBLIC OF  
CROATIA***

***Helena Olivari***

***CONSTITUTIONAL COURT OF THE  
REPUBLIC OF CROATIA***





## THE USE OF IT TECHNOLOGIES AND ARTIFICIAL INTELLIGENCE AT THE CONSTITUTIONAL COURT OF THE REPUBLIC OF CROATIA

*Helena Olivari\**

### 1. GENERAL PROVISIONS ON SUBMISSION OF APPLICATIONS, PUBLICATION AND DELIVERY OF THE COURT'S DECISIONS, RULINGS AND SUMMONS

The fundamental legal base of the use of Information Technologies and Artificial Intelligence at the Constitutional Court of the Republic of Croatia is the Constitution of the Republic of Croatia, the Constitutional Act on the Constitutional Court (hereinafter referred to as the Act) and the Rules of Procedure of the Constitutional Court (hereinafter referred to as the Rules).

Article 1 of the Act regulates, *inter alia*, conditions and terms for initiating proceedings for the review of constitutionality and legality, procedure and legal effects of its decisions, protection of human rights and fundamental freedoms guaranteed by the Constitution and other issues of importance for the performance of duties and functions of the Constitutional Court.

Article 17 of the Act provides:

#### "III. PROCEEDINGS OF THE CONSTITUTIONAL COURT - GENERAL PROVISIONS

##### Article 17

(1) Proceedings of the Constitutional Court shall be initiated by a written request, a proposal or a constitutional complaint (hereinafter referred to as applications).

(2) All applications sent to the Constitutional Court must be signed.

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\* Senior Legal Adviser-Mentor of the Constitutional Court of the Republic of Croatia.





(3) The application is to be submitted to the Constitutional Court directly or sent *via* mail. The day the application has been sent as registered mail shall be considered the day of submission to the Constitutional Court.

(4) If the application has not been submitted to the Constitutional Court but to another body and has been received by the Constitutional Court after the expiration of the term for submission of the application, it shall be considered as being submitted within the term if the applicant has submitted the application to that body because of ignorance or an apparent mistake."

In other words, proceedings before the Constitutional Court are initiated by a written request, a proposal or a constitutional complaint which are to be submitted to the Court directly or sent by post.

Article 29/1 of the Act and Article 55a of the Rules provide that decisions and important rulings of the Court shall be published in the Official Gazette of the Republic of Croatia, named "*Narodne novine*". According to Article 29/2 of the Act, the Court's Session may decide on the publication of other acts of the Constitutional Court. In exceptional cases, if there is a need to inform state authorities and the public about the Court's decision or ruling, the Court can publish a special communication about the rendered decision or ruling, where it will only state the content of its operative part (Article 55b/1 of the Rules).

Copies of decisions, rulings and summons not published in the Official Gazette nor posted on the official Court's Website, shall be available to all, based on a written request (Article 57 of the Rules).

Certified transcript of its decisions and rulings shall be delivered by the Court to the participants in the proceedings by post. If such delivery is not possible for any reasons (death of the applicant or applicant changed address and the Court was not notified of such change, or on any similar ground), the Court's summons, decisions and rulings shall be posted on the Court's notice board, and the delivery shall be considered done after the expiration of eight days from the day of posting them on board (Article 30 of the Act).

In conclusion, there is no possibility to initiate the Court's proceedings by submitting the application by any other means (e-mail or other IT

application) but - in written, directly to the Court or sent by post. The only exception was during the pandemic of coronavirus (COVID-19) period. Namely, at that time it was possible to submit applications *via* e-mail, which required the submission of the applications of the same nature sent by post or delivered to the Court in person once the circumstances allowed it. During the COVID-19 period it was possible to work remotely using the Court's IT system in full and hold online sessions and meetings utilising the Microsoft Teams Application.

## 2. THE IT DEPARTMENT

The Court has its own IT Department which is a part of Court General Administration. Its competence and tasks are regulated by Article 90b of the Rules which provides:

### "SERVICE FOR IT

#### Article 90b

(1) The Service for IT shall directly perform tasks related to the information technologies and internetisation of the Constitutional Court, the planning, building and maintenance of the IT infrastructure, the upgrading of the IT system in conformity with legal amendments and users' needs, the management and coordination of projects with an IT component, and the provision of direct assistance to users and of IT training to Constitutional Court civil servants and employees.

(2) The Service referred to in paragraph 1 of this Article shall be administered by the Head of the in his capacity as the superior Constitutional Court civil servant with special authorities and responsibilities, who shall be directly accountable to the Secretary General for his or her work, and for the legal, orderly, efficient and cost-effective work of the Service.

(3) Within the framework of his/her authorities, the Head of the Service referred to in paragraph 2 of this Article shall perform the tasks delegated to him or her by the Secretary General of the Constitutional Court."

In other words, IT Department directly perform tasks related to informatisation and internetisation of the Court, including planning, building and maintenance of the IT infrastructure. The IT Department



also takes care to upgrade the IT system, coordinates projects with an IT component, and provides direct assistance and training to Court's civil servants and employees.

The Court's IT Department consists of two people whose efforts ensure court staff to continue their work without major disruptions, showcasing their resourcefulness and expertise in handling both routine issues and unexpected challenges.

### **3. THE COURT'S IT SYSTEM**

The Court's IT system is based on the IBM Lotus Notes/Domino platform. This system was introduced in 1997 and, at that time, was an extremely advanced solution. The system enables the simultaneous group work of employees on documents - electronic files.

The current model remains modern and effective, though there is potential to incorporate new and more advanced technical solutions. Updating these aspects could enhance functionality and future-proof the system, ensuring it continues to meet evolving standards and needs.

The Court's IT system is structured by several database applications. The fundamental ones are those intended to process the Court's files. Namely those are so called "Files", "Case Law" and "Case Law-Internet". The IT system also includes additional database applications such as "Library", "Templates", "Rules" (rules of how to write Court's decisions and rulings and other technicalities of writing), "Usud's Directory" (the list of all people working at the Court and their contacts), "Mail Records" (records of all applications lodged to the Court) and "ECtHR practice" (the European Court of Human Rights Case Law in regard to the Republic of Croatia), and some others. IT system also includes database applications intended to process other files, such as communication with regular courts, ECtHR, state authorities and applicants. Lastly, IT system includes an electronic mail system (e-mail).

The system operation scheme can be described as follows:

- the applicant lodges the application;
- the application goes to database application "Files";
- designated judge and legal adviser process the application



and the draft of the decision/ruling goes to designated Court's session;

- after decision/ruling is rendered, the decision/ruling goes to database application "Case-law" where a summary of the decision/ruling is made; and

finally, decision/ruling goes to database application "Court case-law Internet" and it is available for public to see and to use.

The IT system also enables to search files and case-law through various browsers. For instance by: articles of the Constitution, articles of European Convention on Human Rights, constitutional court keywords (asylum, democracy, discrimination, fair trial, gender equality, presumption of innocence, protection of family life, reputation and honor, rule of law, social state, etc.), general keywords (accused, appeal, copyright, domestic violence, elections, employment, family, investigation, legal person, real estate, working hours, etc.), legal index (decisions of ministries Croatian parliament and Croatian Government, international agreements, laws, other regulations, rules of procedure, statutes, etc.), date of decision/ruling and kinds/types of decision.

#### **4. AI AND FUTURE USE OF AI**

Currently, the Court does not use, nor consider future use of its own Artificial Intelligence (AI).

The Court has recently been invited to join the project "Digital by default", which is one of the projects of the National Recovery and Resilience Plan for the development of the judicial system, co-financed by the Technical Support Instrument (TSI) and the Council of Europe. This project is the continuation of the previous project called "Supporting the implementation of e-Communication in the Croatian judiciary." It will help to provide more efficient and transparent services to end-users of the justice system by introducing a new wave of IT tools that will optimize the way (regular) court decisions are anonymized and published. Online publication of court decisions, in accordance with national law and EU standards, and in accordance with international human rights standards, will increase the transparency of court decisions in Croatia and ultimately increase public trust in the judiciary.



An e-Communication service enables communication with the regular courts in electronic form, i.e. sending and receiving electronically signed documents to the court and viewing the status of the case.

Since the Constitutional Court is not part of the judiciary (the judicial power in the Republic of Croatia is exercised by ordinary and specialized courts) the Court is not part of the e-communication system yet, and, therefore, does not have access to the recorded status of the court proceedings. Most likely, in near future, that will change and the Court will become part of e-communication system.

***USE OF INFORMATION  
TECHNOLOGIES AND  
PERSPECTIVES ON ARTIFICIAL  
INTELLIGENCE  
IN THE CONSTITUTIONAL  
COURT OF GEORGIA***

***Marina Kentchadze***

***Levan Chiokadze***

***CONSTITUTIONAL COURT OF  
GEORGIA***





## USE OF INFORMATION TECHNOLOGIES AND PERSPECTIVES ON ARTIFICIAL INTELLIGENCE IN THE CONSTITUTIONAL COURT OF GEORGIA

Marina Kentchadze\*

Levan Chiokadze\*\*

### 1. LEGAL BASIS FOR THE USE OF INFORMATION TECHNOLOGIES IN THE CONSTITUTIONAL COURT OF GEORGIA

In the XXI century, with the rapid developments in information technologies and artificial intelligence (AI), technologies became effective means to enhance access to information provided by public institution, and to ensure better and effective communication with case parties, and with the public overall. Information technologies play pivotal role in establishing an effective judiciary.

To fully assess the impact and legal basis of information technologies in the judiciary, we should begin with the legislation, which aim to use such technologies for the public good. Article 18 of the Constitution of Georgia states: *"Everyone has the right to be familiarized with information about him/her, or other information, or an official document held by public institutions in accordance with the procedures established by law"*<sup>1</sup>. The Organic Law of Georgia on the Constitutional Court governs the use of information technologies within the judiciary. Article 43 of this law stipulates that the full texts of all judgments, rulings, notices, and conclusions of the Constitutional Court, including any dissenting or concurring opinions, shall be published on the Constitutional Court's website.<sup>2</sup> Consequently, all acts of the Constitutional Court of Georgia are accessible via its website - constcourt.ge. Additionally, these acts

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\*\* Legal assistant to judge of the Constitutional Court of Georgia.

1 See, Article 18 of the Constitution Georgia at: <https://www.matsne.gov.ge/>

2 See, Article 43 of the Organic Law of Georgia "on the Constitutional Court of Georgia" at: <https://www.matsne.gov.ge/>





are also forwarded and published in the Legislative Herald of Georgia (Matsne.gov.ge). These measures are intended to ensure public accessibility to the Constitutional Court's judgments.

To assess public's right to access information about hearings, judgments, and court activities, we should discuss the Judgment of the Constitutional Court of Georgia on the case of "(N)LE Media Development Foundation and N(N)LE Institute for Development of Freedom of Information v. the Parliament of Georgia"<sup>3</sup>. In this case, the constitutionality of several provisions of the Administrative Code of Georgia and the Law of Georgia on "Personal Data Protection" was challenged. The complainants argued that these provisions prevented them from obtaining full texts of judicial acts issued by common courts of Georgia after public hearings.

The contested provisions regulated the granting of freedom of information requests related to public information containing personal data. These provisions restricted the disclosure of any personal data in response to freedom of information requests. Specifically, the disclosure of personal data falling into special categories was prohibited without the data subject's consent.

The Constitutional Court of Georgia recognized that Article 18(2) of the Constitution safeguards the public's right to be informed about matters of public importance and to actively participate in related discussions and implementation processes. This right aims to ensure public access to information held by public institutions, thereby facilitating public oversight and participation in decision-making process. The Court found that the disputed provisions infringed upon this right by restricting access to judicial acts containing personal data, particularly when depersonalization was not feasible.

The Court held that judicial transparency is integral to the right to a fair trial and legal safety. It emphasized the importance of public access to full texts of judicial acts to ensure that judgments are rendered impartially and without bias. The Court also acknowledged that there may be certain circumstances where the protection of personal data outweighs the public's right to access information, especially when

<sup>3</sup> Judgement no. N1/4/693,857 of the Constitutional Court of Georgia dated June 19, 2019, on the case of "(N)LE "Media Development Foundation" and N(N)LE "Institute for Development of Freedom of Information" v. The Parliament of Georgia".

disclosure has a significant negative impact on privacy.

Ultimately, the Constitutional Court ruled that the contested provisions failed to balance the aim of protecting personal data against the right to access information held by public institutions in line with the Constitution. Thereby, the contested provision was found to violate Article 18(2) of the Constitution.

In this case, the Constitutional Court of Georgia emphasized the critical importance of providing access to court decisions. Accordingly, the use of information technologies is the most effective way to guarantee such access in the modern era. For example, Constitutional Courts website serves as the main mechanism for publishing judicial acts and providing information to the public. Similarly, the Supreme Court of Georgia also maintains a website<sup>4</sup> where its decisions are published and regional courts of Georgia publish decisions on the website - [ecd.court.ge](http://ecd.court.ge).

## **2. IMPACT OF COVID-19 ON THE CONSTITUTIONAL COURT OF GEORGIA**

During the COVID-19 pandemic, the Constitutional Court of Georgia utilized technological means to conduct oral hearings. With the country under lockdown, public attendance at hearings deemed unsafe, there was an urgent need for digitalization. As a result, hearings were conducted by technical tools, specifically using Zoom, which enables real-time audio and video communication. The obligation to conduct live-streamed hearings was reinforced in the Rules of Procedure of the Constitutional Court of Georgia. Article 20<sup>5</sup> of the Rules of Procedure of the Constitutional Court of Georgia stipulates, that the remote court session is open and direct and it will be broadcast to the public.<sup>5</sup>

Following COVID-19 pandemic, the Court continued live broadcasting of oral hearings via its Youtube Channel. This was also due to the fact that the parliament, administrative and other governmental bodies are located in the capital of the country, and according to the organic law, the seat of the Constitutional Court is the city of Batumi.<sup>6</sup>

<sup>4</sup> See, the website of Supreme Court of Georgia.

<sup>5</sup> See, Article 20<sup>5</sup> of the Rules of Procedure of the Constitutional Court of Georgia, at: <https://constcourt.ge/en>

<sup>6</sup> See, Article 53, Par.2 of the Organic Law of Georgia “on the Constitutional Court of Georgia”



Therefore, access to court hearings is ensured by live-streaming of court hearings for all interested parties, and society as a whole.

Simultaneously, all oral hearings are being live-streamed on the Court's YouTube channel<sup>7</sup>. Live-streaming of courts sessions is crucial as courts should be remain open and freely accessible to the public. Access is important not just to those who are directly involved in court cases, but also for the public overall. At the same time, given that the court's hearing hall has limited capacity, live streaming has become a crucial means for providing access to proceedings, especially for cases of high public interest. For example, in a recent case<sup>8</sup>, the courtroom accommodated around 100 people, while approximately 7,900 individuals followed the hearing via live stream.

### 3. THE WEBSITE AND INFORMATION SYSTEM OF CONSTITUTIONAL COURT OF GEORGIA

The website of the Constitutional Court of Georgia<sup>9</sup> is highly informative and user-friendly. It allows users to search for news about court proceedings and judgments and provides guidelines for requesting public information<sup>10</sup>. Each judgment and decision is promptly published on the website, which features a comprehensive search engine. Users can search for decisions by title, by the constitutional right affected, or by keywords mentioned in the act. The website includes several search bars tailored for different purposes, all aimed at ensuring immediate public access to court decisions. To ensure users have a positive experience while navigating the court's website, the court has published the Constitutional Proceedings Portal Guide<sup>11</sup>. This comprehensive guide is designed to assist users in utilizing the portal effectively. It addresses a variety of potential issues that users

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at: <https://www.matsne.gov.ge/>

7 See, the channel of Constitutional Court of Georgia, at: <https://www.youtube.com/@constitutionalcourtofgeorg4757>

8 See, the public hearing of the case of "President of Georgia, members of the Parliament of Georgia: Tamar Kordzaia, Ana Natsvlishvili, Levan Bezhashvili and others (38 MPs in total), "Institute for the Development of Freedom of Information", "Rights Georgia", "Rights Georgia" "Civil Society Foundation" and others (122 plaintiffs in total), LLC "Network of Information Centers" and JSC "Studio Monitor" v. the Parliament of Georgia, at: <https://www.youtube.com/@constitutionalcourtofgeorg4757>.

9 See, website of Constitutional Court of Georgia, at: <https://constcourt.ge/en/home>

10 See, Manual for FOI requests, at: <https://constcourt.ge/ka/foi/manual-foi>

11 See, Portal for Constitutional Litigation, at: <https://constcourt.ge/ka/ccog-litigation/intranet-ccog>



may encounter and offers practical solutions to enhance their overall experience. The creation of this system and the publication of updates enhance the court's transparency and public accessibility. The system is designed to simplify the statistical analysis, provide easy access to archives, and ensure that all historical decisions and activities are searchable within the system.

In addition to judgments and acts, the court's website access to the *Journal of Constitutional Law*, a periodic international refereed and peer-reviewed publication aimed at fostering in-depth academic discussions on constitutional law<sup>12</sup>. The website also includes information about current and former justices and their biographies, details on court hearings, news updates, and guidelines for requesting public information. Moreover, the website has a login feature that directs users to a communication system for interacting with the parties involved in cases.

Additionally, the website offers parties involved in cases their own login credentials<sup>13</sup>. Each party has a unique username that grants access to case files, related documents, and notifications about court activities and hearings. This system facilitates remote communication between parties and the court. Parties involved in a case can electronically file petitions. The system offers real-time access to all case-related documents, court orders, and other pertinent information. Additionally, parties will remain informed of any updates or changes to the case, including scheduled hearings.

The integration of electronic information technology into the court system offers numerous advantages. Previously, judgments were only available in written paper format, but now they are centralized in a digital system, enhancing both security and institutional memory. The website stores all previous judgments, even those issued before the site's creation, ensuring that data is centralized for improved safety and ease of access.

The Constitutional Court of Georgia also utilizes the eDocument system, a comprehensive platform enabling seamless communication

12 See, Editions of *Journal of Constitutional Law*, at: [https://constcourt.ge/en/journal/journal\\_editions](https://constcourt.ge/en/journal/journal_editions)

13 See, *System of Constitutional Proceedings*, at: <https://intranet.constcourt.ge/>



across government organizations. This system incorporates a built-in electronic signature feature, which allows for secure file uploads and the ability to grant consent for document transmission. Employees of the court, as well as Justices, have their own login credentials for signing and approving the transmission of documents. Each document generated within the eDocument system is electronically signed and stored on a server. Furthermore, eDocument is employed for official communication with external parties, making it an efficient and reliable tool for formal interactions with administrative bodies, the government, parliament, and other courts.

#### **4. PERSPECTIVES ON AI IN THE JUDICIARY OF THE CONSTITUTIONAL COURT OF GEORGIA**

Artificial Intelligence has enormous potential to contribute to social good and advance the Sustainable Development Goals. Even as it is being used to address many of humanity's most critical social issues, its use is also raising concerns about infringement of human rights like the right to freedom of expression, right to privacy, data protection, and the prohibition of discrimination.<sup>14</sup> AI is a strategic technology that offers many benefits for citizens, companies and society as a whole, provided it remains human-centric, ethical, sustainable and respects fundamental rights and values. AI enhance efficiency and productivity that can strengthen the competitiveness of European industry and improve the wellbeing of citizens. AI should work for people and act as a force for good in society.

Today, AI stands as one of the most advanced technologies, significantly enhancing user experience with technology and enabling rapid access to relevant information. Currently, AI systems are not used in the judiciary, but we have vision how it can be integrated.

AI can be integrated into court websites to revolutionize various aspects of legal information management:

1. AI can raise efficiency in case management and ensure consistency in rulings. AI will be great help to ease the registration procedure, classification and prioritization of cases based on factors like urgency or complexity. By identifying patterns in past decisions, AI can help

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<sup>14</sup> See Article, AI and the Rule of Law: Capacity Building for Judicial Systems, at: <https://www.unesco.org/>



ensure similar cases are treated consistently, thereby promoting fairness and legal predictability.

2. **Enhanced Search Functionality:** AI can improve search engines on court websites, making them smarter and faster. By improving the searchability of legal acts and rulings, AI ensures that users can easily find relevant information with greater precision. AI tools enable rapid analysis of legal texts, precedents, and judgments, assisting judges in making well-informed decisions.

3. **Accessibility:** AI-powered platforms can provide citizens with easier access to information about constitutional provisions, rights, and court rulings. Chatbots or virtual assistants can also guide individuals in filing complaints or petitions.

4. **Intelligent Suggestions:** AI can analyze user queries and behavior to suggest pertinent topics and related content. This feature improves the user experience by providing contextual and relevant information during searches. AI can analyze data from previous cases to identify trends, systemic challenges, or areas in need of legislative reform. By automating repetitive tasks such as document review, AI allows judges and staff to focus on more critical and substantive legal matters.

5. **Improved Technical Accuracy:** AI can assist in ensuring the technical accuracy of legal acts and documentation by minimizing errors and inconsistencies. This not only enhances the quality of legal information but also helps to conserve resources by reducing the need for manual corrections.

6. **In future AI algorithms can help courts by considering a variety of elements, including the severity of the offence, the background of the defendant, and precedent cases. AI can analyze legal data to identify patterns and insights that can help with policymaking, judicial procedures, and overall justice system efficiency.**

7. **AI could be highly beneficial for translation in the field of justice, particularly in the European Union, which has 24 official languages. In cross-border legal cases, translating foreign-language texts into the court's language is often required, leading to substantial costs. AI could help reduce these expenses by providing efficient and accurate translations.**



8. AI can also be applied to natural language processing (NLP), which often involves machine learning techniques to recognize, process, and analyze languages. It can convert one form of language into another, such as converting audio into text. In essence, since language is context-dependent, statistical methods are used to determine the likelihood of certain words appearing together in a given text.

9. AI can be employed to anonymize court judgments more effectively. Simply redacting personal names may not always be sufficient to prevent de-anonymization. By analyzing the context, AI could identify additional information that needs to be anonymized, ensuring greater privacy protection.

In our opinion, by integrating AI into court systems, the judiciary can achieve greater efficiency, accuracy, and user satisfaction, ultimately leading to a more effective and accessible legal process. It should be noted that, it is important to assess whether law can be enforced adequately to address the risks stemming from AI systems, or whether adjustments are needed for specific legal instruments. A key aspect for developing a future regulatory framework on AI is to determine the scope of its application as well as addressing issues related to data protection.

The incorporation of AI into the Higher Courts, however, brings forward critical issues that require thorough consideration. These include ensuring that AI systems uphold fundamental legal principles such as fairness, impartiality, and justice. Moreover, mechanisms for transparency, accountability, and oversight must be established to prevent bias, safeguard public confidence, and protect individual rights. AI should not erode judicial independence or substitute human judgment but rather serve as a tool to assist the Court in a way that is consistent with constitutional principles.

This concern becomes even more critical in courts handling a high volume of cases. In such environments, the potential for AI to influence judicial processes—whether positively or negatively—becomes amplified. The need for robust safeguards, transparency, and careful oversight is even greater, as the stakes of ensuring fairness, impartiality, and the protection of rights are heightened when dealing with large caseloads.





John Roberts, the US Supreme Court's Chief Justice stated that AI has the potential to significantly improve access to the courts, particularly for individuals with limited financial resources. By reducing the costs and complexities associated with legal processes, AI could help make the judicial system more accessible to those who might otherwise struggle to afford legal representation. *"These tools have the welcome potential to smooth out any mismatch between available resources and urgent needs in our court system,"* but he also acknowledged that at many tennis tournaments, optical technology, rather than human line judges, now determines *"whether 130 miles per hour serves are in or out. These decisions involve precision to the millimeter. And there is no discretion; the ball either did or did not hit the line. By contrast, legal determinations often involve gray areas that still require application of human judgment"*.<sup>15</sup>

However, the integration of AI into the practices of the Constitutional Court raises important concerns that must be carefully addressed. These include ensuring that AI systems respect legal principles such as fairness, impartiality, and justice. Additionally, transparency, accountability, and oversight mechanisms must be in place to prevent bias, maintain public trust, and protect the rights of individuals. The use of AI should not undermine judicial independence or replace human judgment, but rather support the work of the Court in a manner that aligns with constitutional values.

## CONCLUSION

In conclusion, we strongly agree that use of information technologies is bettering judiciary and society as whole. It provides better access to courts judgments, acts, news, and ensures fast and effective communication of the public. Communication with the society, fosters trust in the justice system and supports the delivery of effective justice, which is essential to the right of access to court documents and the protection of the right to a fair trial. Effective delivery of courts judgments to the public is critical. The principle of publicity of court documents requires that the right of public access to information is ensured. As long as information technologies are developing, the judiciary will become more effective.

<sup>15</sup> See, Article "Chief Justice Roberts casts a wary eye on artificial intelligence in the courts", 2024, by the Associated Press, at: [www.npr.org/](http://www.npr.org/)





As for the introduction of AI into the higher justice system, it has the potential to greatly improve efficiency and accessibility, yet it also brings with it notable risks. These risks encompass issues such as bias, accountability, privacy, manipulation, and the weakening of human judgment. As AI could play a larger role in the judiciary, it is critical to address these concerns through effective regulation, transparency, ongoing monitoring, and a strong commitment to maintaining fairness, equity, and human oversight in the decision-making process.

It should be considered that AI can enhance the user experience of information technologies, it can make websites navigation easier, minimize technical mistakes and develop technical side of the judiciary, but there are risks, and threats that need to be addressed, AI requires high prudence, caution and strict regulation. We strongly hope that AI will be used for good in the judiciary and we hope that we will create appropriate mechanism and standards to prevent threats stemming from the use of AI.

***USE OF INFORMATION  
TECHNOLOGIES  
AND ARTIFICIAL INTELLIGENCE  
IN THE HIGHER JUDICIARY***

***Aparna Ajitsaria  
Mahesh T. Patankar***

***SUPREME COURT OF INDIA***





## USE OF INFORMATION TECHNOLOGIES AND ARTIFICIAL INTELLIGENCE IN THE HIGHER JUDICIARY

Aparna Ajitsaria\*

Mahesh T. Patankar\*\*

### ABSTRACT

*Judiciaries worldwide are progressively adopting Information Technologies (IT) and Artificial Intelligence (AI) to optimize their processes, augment operational efficiency, and facilitate greater access to justice. The Indian judiciary, especially the Supreme Court, has been at the forefront of implementing digital tools, such as e-filing systems, hybrid hearings, blockchain technology, and AI-driven initiatives for legal research and case management. Chief Justice Dr. D.Y. Chandrachud praised AI as a "game-changer" for its efficiency and precision in legal research, yet it also raises ethical, privacy, and fairness concerns. This paper examines the integration of IT and AI within the Indian judiciary, their short-term and long-term effects, and the challenges of reconciling these technologies with legal and ethical considerations.*

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\* Judge, the Supreme Court of India.

\*\* Officer, the Supreme Court of India.



## INTRODUCTION

The Indian judiciary confronts considerable challenges, such as an increasing backlog of cases, intricate legal processes, and the imperative to provide timely access to justice for more than 1.4 billion individuals. The judiciary has made considerable progress in integrating modern technologies, including Information Technology (IT) and Artificial Intelligence (AI), to address these issues. Chief Justice Dr. D.Y. Chandrachud remarked that AI had emerged as a "game-changer" in legal research, significantly diminishing the time and effort required to analyze extensive legal data.

The Supreme Court of India has spearheaded this transformation. India's extensive geography and linguistic diversity have facilitated technological adoption, allowing the judiciary to surmount obstacles to justice and improve accessibility for all. The judiciary is enhancing efficiency while fostering transparency and security in judicial processes through e-filing systems, hybrid hearings, AI-powered tools, and blockchain-secured methods. Nonetheless, as technology advances, ethical and legal challenges must be confronted to guarantee that the integration of AI into the judicial process does not result in bias or privacy violations.

### **1. HYBRID HEARING SYSTEM: A GAME-CHANGER FOR ACCESS TO JUSTICE**

A significant advancement in the Indian judiciary is the implementation of the hybrid hearing system, enabling cases to be adjudicated both in person and online. This system, which gained considerable prominence during the COVID-19 pandemic, was crucial in sustaining judicial operations despite limitations on physical interactions. By July 2024, the Supreme Court of India had effectively heard more than 800,000 cases online. The hybrid hearing system provides significant advantages by enabling litigants, attorneys, and judges to engage in court proceedings remotely. This has been especially beneficial for litigants in remote regions, where access to physical courts is frequently impeded by geographic and financial limitations.

The judiciary has utilized IT infrastructure to enable virtual hearings, thereby preventing delays in justice, even in difficult situations. The



hybrid system alleviates the burden on courts by diminishing the necessity for conducting physical hearings, thus enhancing judicial efficiency. The Supreme Court anticipates enhancing this system by integrating AI-driven scheduling tools and automated notifications, thereby streamlining the process for all stakeholders.

## **2. VIDEO CONFERENCING AND LIVE STREAMING: A STEP TOWARD JUDICIAL TRANSPARENCY**

Video conferencing technology has become essential to the daily operations of Indian courts, facilitating seamless proceedings in cases when in-person hearings are unfeasible. The Supreme Court of India has implemented advanced video conferencing systems that guarantee seamless proceedings, irrespective of the participants' locations. These systems not only guarantee continuity of the courts' work during emergencies but also enhance efficiency by minimizing travel requirements, thus conserving time for both the judiciary and litigants.

A significant advancement in ensuring transparency has been the adoption of live streaming of constitutional bench hearings, facilitating real-time access to court proceedings. This initiative, consistent with the principle of open courts, enables the public to observe the judicial process directly, thereby enhancing trust in the system. The live streaming of cases offers law students, researchers, and citizens direct access to intricate legal arguments and judicial rulings, thereby enhancing the accessibility of legal education. This initiative may eventually encompass AI-generated summaries of live-streamed cases, further providing concise versions of proceedings to enhance public access to legal information.

## **3. E-FILING AND ESEWA KENDRAS: DIGITAL EMPOWERMENT**

The shift from paper-based submissions to electronic filing systems represents a pivotal achievement for the Indian judiciary in recent years. From May 2023 to September 2024, over 43,000 cases were submitted electronically to the Supreme Court. The transition to a paperless judiciary has optimized court operations, decreased the time allocated to manual documentation, and diminished errors. Moreover, e-filing has enhanced environmental sustainability by reducing the necessity for physical documents.



To guarantee that the advantages of digitization permeate all segments of society, the judiciary has instituted eSewa Kendras, which offer support to individuals lacking proficiency in digital technology. These centers assist citizens in filing cases, remitting court fees, and addressing other court-related inquiries. From May 2023 to August 2024, eSewa Kendras addressed more than 8,039 inquiries, offering essential assistance to individuals potentially challenged by the digital transition. In the future, AI-powered self-service kiosks may be implemented at eSewa Kendras, providing users with detailed instructions and enhancing the accessibility of legal procedures.

#### **4. BLOCKCHAIN TECHNOLOGY AND FASTER 2.0: SECURING JUDICIAL PROCESSES**

The implementation of blockchain technology in the Indian judiciary via the Fast and Secure Transmission of Electronic Records (FASTER) 2.0 system signifies a substantial advancement in the security of judicial procedures. Initiated in March 2022, FASTER 2.0 utilizes blockchain technology to guarantee the security, integrity, and digital authentication of judicial records, encompassing bail and release orders. By 2024, more than 7,030 bail and release orders have been securely transmitted via this system.

The immutable nature of blockchain guarantees that once a record is entered into the system, it cannot be modified, thereby preserving the integrity of judicial data. This ensures that essential court orders are reliably communicated to the appropriate parties without the possibility of alteration or delay. The judiciary intends to enhance the utilization of blockchain technology for the management of all court records, thereby safeguarding judicial documents from unauthorized modifications. This action will enhance the transparency and security of the judiciary's digital framework.

#### **5. AI-BASED INITIATIVES: RE-IMAGINING JUDICIAL OPERATIONS**

Artificial Intelligence has emerged as a transformative instrument within the Indian judiciary, with numerous AI-driven initiatives already producing remarkable outcomes. SUVAS (Supreme Court Vidhik Anuvaad Software) is an AI-driven translation tool that renders judgments available in various regional languages. By 2024, more than 36,298 judgments are accessible in Hindi, Tamil, Punjabi,



Marathi, Odia, Gujarati, and various other languages. This initiative has markedly enhanced access to justice for non-English speakers, fostering inclusivity within the judicial system.

Another notable AI-driven initiative is SUPACE (Supreme Court Portal for Assistance in Court Efficiency), a case management tool that aids judges in organizing case files, performing legal research, and managing case-related information. Through the automation of administrative tasks, SUPACE has liberated significant time for judges, enabling them to concentrate on substantive legal matters. The judiciary plans to enhance SUPACE by incorporating predictive legal analytics to aid judges in swiftly identifying pertinent precedents and legal issues.

The advent of AI transcription systems has transformed the documentation of court proceedings. These systems produce instantaneous transcriptions of oral arguments, enhancing the precision and efficiency of case documentation. The judiciary seeks to implement this technology in all courts, guaranteeing real-time documentation for every proceeding.

## **6. ETHICAL AND LEGAL CHALLENGES**

The incorporation of IT and AI into the Indian judiciary offers numerous advantages, yet it also poses considerable ethical and legal dilemmas. AI systems, especially those utilized for legal research and case management, must exhibit transparency and impartiality. It is essential to ensure that AI does not jeopardize judicial independence or compromise the integrity of court proceedings. Furthermore, the increasing utilization of digital technologies necessitates stringent data protection protocols to secure sensitive legal information.

The judiciary must establish ethical guidelines and perform regular AI audits as it integrates AI and IT, ensuring that the systems remain impartial, secure, and reliable. The judiciary's future vision encompasses the utilization of AI as a means to augment justice while preserving human decision-making in the courtroom.

## **7. E-COURTS MISSION MODE PROJECT: A MILESTONE IN DISTRICT JUDICIARY MODERNIZATION**

The eCourts Mission Mode Project is one of the most transformative





initiatives in the history of the Indian judiciary. This initiative was implemented to digitize court records and procedures, significantly modernizing judicial operations in all courts, including High Courts and District Courts. In the last 11 years, the eCourts platform has been accessed over 18 billion times, indicating its extensive utilization and pivotal role in the administration of justice.

This platform offers citizens immediate access to case statuses, judgments, and other court-related information, fostering transparency and accountability. The platform has mitigated the risk of errors and delays commonly linked to manual processes by digitizing judicial records. It has also expedited case resolution, allowing courts to process cases with greater efficiency. Moreover, with over 1.5 crore judgments searchable on the Judgment Search Portal, the judiciary has facilitated public access to legal precedents, thereby enhancing the transparency of judicial decisions.

In the future, the eCourts platform will be furnished by AI-driven tools that automate case management processes and offer predictive analytics to aid judges in managing their dockets. These tools will streamline case flow and predict potential bottlenecks, enabling the judiciary to allocate resources more effectively and expedite case resolutions.

## CONCLUSION

The Indian judiciary has made significant advancements in incorporating IT and AI into its operations, reaching notable milestones such as 18 billion transactions on the eCourts platform and the accessibility of 1.5 crore searchable judgments. These innovations have improved efficiency, transparency, and accessibility to justice. As technology advances, the judiciary must confront the ethical dilemmas posed by AI and guarantee that its systems are both inclusive and secure.

The Indian judiciary intends to completely digitize its operations and enhance the integration of AI and blockchain technologies to optimize case management, alleviate backlogs, and secure judicial records. By adopting these innovations, the Indian judiciary is positioned to spearhead the global initiative for a contemporary, transparent, and efficient judicial system.

**Использование информационных  
технологий  
и искусственного интеллекта в  
обеспечении правосудия в Казахстане**

*Zhanna Nazarova  
Ainur Akhmetova  
Maxat Bissenov*

**CONSTITUTIONAL COURT OF THE  
REPUBLIC OF KAZAKHSTAN**





## Использование информационных технологий и искусственного интеллекта в обеспечении правосудия в Казахстане

*Zhanna Nazarova\**

*Ainur Akhmetova\*\**

*Maxat Bissenov\*\*\**

Казахстанская делегация приветствует всех участников 12-ой Летней школы. Выражаем благодарность Конституционному Суду Турецкой Республики за организацию и проведение данного мероприятия, которое позволит обменяться ценным опытом и полезными идеями по использованию и внедрению информационных технологий и искусственного интеллекта в органах высшей судебной системы, и тем самым внести определенный вклад в работу по этому направлению.

Искусственный интеллект уже сегодня меняет мир, улучшает точность прогнозов в экономических, политических и общественных процессах, повышает прозрачность системы государственного управления. Казахстан находится на пороге новой эры, где лидеры в области искусственного интеллекта смогут получить стратегическое преимущество.

На сегодняшний день Казахстан укрепляет свою позицию в мировом рейтинге цифровизации. Цифровизация и искусственный интеллект стали в стране ключевым началом трансформации различных сфер деятельности, включая судебную систему.

Согласно сведениям UN E-Government Survey-2024, по состоянию на сентябрь месяц текущего года Казахстан находится на 24-ом месте из 193 стран в мировом рейтинге развития «электронного правительства».

Кроме того, по результатам исследований Европейской комиссии по

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\* Head of the Organisational Work and Translation Department.

\*\* Deputy Head of the Organisational Work and Translation Department.

\*\*\* Chief Consultant of the Organisational Work and Translation Department.



эффективности правосудия (СЕРЕJ) Казахстан находится 4 месте среди 47 стран по внедрению IT-технологий в судах. Применение IT-инструментов в электронном правосудии повлияло на работу казахстанских судов:

- 1) более прозрачным стало судопроизводство;
- 2) вырос объем обработки больших данных, налажена бесперебойная коммуникация участников судебных процессов;
- 3) минимизированы судебные ошибки, что привело к росту доверия к суду.

Глава государства Касым-Жомарт Токаев в своем Послании народу Казахстана «Справедливый Казахстан: закон и порядок, экономический рост, общественный оптимизм» отметил необходимость активного внедрения технологии искусственного интеллекта в платформу «электронного правительства». Казахстан должен стать страной, где широко применяется искусственный интеллект и развиваются цифровые технологии. Это приоритетная задача Правительства, поскольку комплексное развитие сферы искусственного интеллекта способствует ускорению экономического роста и достижению технологического суверенитета.

В настоящее время в Казахстане действует портал «электронного правительства» (egov.kz), который позволяет сделать работу государственных органов власти более эффективной, открытой и доступной для граждан. «Электронное правительство» – это единый механизм взаимодействия государства и граждан, а также государственных органов между собой, обеспечивающий их согласованность при помощи информационных технологий. Именно применение этого механизма позволило сократить очереди в государственных органах, упростить и ускорить получение справок, свидетельств, разрешительных и других документов.

В деятельности Конституционного Суда Республики Казахстан используются такие информационные системы, как «**e-otinish**» - сервис, через который каждый может официально обратиться онлайн во все госорганы, а также «**DOCUMENTOLOG**», обеспечивающий электронный оборот документов с государственными органами, физическими и юридическими лицами.

Основным вектором цифровой модернизации **в судебной системе** Конституционного Суда Республики Казахстан является разработка информационной системы «е-Ата Заң». Внедрение информационной системы повлияет на автоматизацию и максимальную прозрачность процессов подачи заявлений гражданами и субъектами государственного управления в орган конституционного контроля Республики Казахстан для дальнейшего приема/регистрации и рассмотрения заявлений, публикации итоговых решений и других материалов.

Назначение информационной системы «е-Ата Заң» заключается в рассмотрении поступивших обращений, в рамках конституционного производства и принятии решений по вопросам, относящимся к компетенции Конституционного Суда.

### **ИИ в судебной системе**

Внедрение ИИ в деятельность судебной системы требует не только технической подготовки, но и глубокого понимания правовых и этических аспектов.

Так, ИИ в сфере судебной системы представляется целесообразным с учетом нижеприведенных обстоятельств:

- 1) необходимость применения цифровых технологий и инновационных решений в деятельности Конституционного Суда;
- 2) расширение рамок нетворкинга в индустрии IT и искусственного интеллекта;
- 3) использование возможности вовлечения ресурсов ИИ в деятельность Конституционного Суда в рамках предварительного рассмотрения, изучения обращений и прилагаемых документов к ним, конституционного производства включая процесс подготовки соответствующих аналитических материалов и справок.

Надеемся, что наше совместное обсуждение будет продуктивным, а проводимое мероприятие станет первым из многих последующих и будет способствовать созданию сообщества единомышленников, готовых планировать и внедрять инновационные идеи и решения.



***USE OF INFORMATION  
TECHNOLOGIES  
AND  
ARTIFICIAL INTELLIGENCE  
IN HIGHER JUDICIARY***

***Adelina Nallbani  
Resmije Loshi***

***CONSTITUTIONAL COURT OF THE  
REPUBLIC OF KOSOVO***







## USE OF INFORMATION TECHNOLOGIES AND ARTIFICIAL INTELLIGENCE IN HIGHER JUDICIARY

*Adelina Nallbani\**

*Resmije Loshi\*\**

### INTRODUCTION

Use of information technologies and technology advancement has not only impacted the society as a whole, but also has had a great impact on the functioning of the Constitutional Court of the Republic of Kosovo (CCK), including the administration of cases and its decision-making.

CCK has been functional since January of 2009, and as such with the support of international donors and external IT experts, has benefited from technical assistance in establishing electronic database of administration of cases brought before the CCK.

The aim and purpose of the functioning of the CCK in the procedure of the review of cases and its decision-making was based on the concept of “*e-justice*”.

Thus, the CCK has strongly relied on digital technologies with the main aim to improve efficiency of case registration and administration, as well as to enable the applicant’s access to constitutional justice.

The main purpose of this presentation is to present the current use of the Information Technologies at the Constitutional Court of the Republic of Kosovo (CCK). Taking into the consideration that the CCK has become functional in January 2009<sup>1</sup>, in the first composition with the international staff, from the beginning, the CCK has benefited from technical assistance of external IT experts and organizations. In this regard, as one of the newest institutions, the function of CCK

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1 History - Constitutional Court (gjk-ks.org).



was based on the concept of “e-justice”. In other words, the Court has resorted to digital technologies with the main aim to improve efficiency of administration, as well as access to justice and the law for citizens, even that the Technology has been moving fast with changes since 2010 until now.

The focus will be on (i) current use of Information Technologies at the Constitutional Court of the Republic of Kosovo; (ii) the integration of Information Technologies by the CCK, accelerated by the COVID-19 pandemic; and (iii) upcoming strategy regarding advancing the IT infrastructure.

## **1. CURRENT USE OF INFORMATION TECHNOLOGIES AT THE CONSTITUTIONAL COURT OF THE REPUBLIC OF KOSOVO**

In 2009, the CCK has launched its official website [www.gjk-ks.org](http://www.gjk-ks.org), as an interactive and publicly available site, in four languages. On the website individuals and legal persons, as authorized parties, were able to upload Referral forms and had access to all decisions rendered by the CCK. The Court’s innovative website had contributed to increasing the transparency of Kosovo’s judicial system as an important step in building trust between Kosovo’s citizens and their governing institutions. This step is considered as the first step of use of Information Technologies in our Court.

In 2011, the Unit of Information Technology and Multimedia was established, competent for (i) implementing the projects of digitalization of the CCK, (ii) update of translation system, microphone and voicing in the courtroom, and (iii) maintenance of the server room based on standards of IT<sup>2</sup>.

In 2012, with the support of international projects and donors, the very first and initial “Case Data Management System (CDMS)” was established, share point server- and search server, which helps and sophisticates researchers.<sup>3</sup>

To this date, the CDMS has been improved and technically sophisticated in order to enable smooth and efficient flow of the

<sup>2</sup> Annual Report 2011 ([gjk-ks.org](http://gjk-ks.org)), page: 39.

<sup>3</sup> Annual Report 2012 ([gjk-ks.org](http://gjk-ks.org)), page 37.



process of registration and administration of case management within the CCK.

As such, currently, there is a dual process of case administration within the CCK, namely with physical and electronic case files.

However, the future goal of the CCK is to fully transfer the process of case management/ administration, including the deliberation of cases to an efficient electronic system. In order to achieve this, the current CDMS is continuously undergoing updates and improvements.

Given the functionality of the CDMS for the management of the CCK and IT Unit, it was one of the fundamental strategic goals on updating versions and needs, in order to increase the efficiency of its use. Main aim of the CDMS system was managing the cycle of case system within the CCK, in order to provide data of the cases, which pertained including but not limited to the:

- name of the applicant/s;
- date of registration;
- all the documents received;
- communication letters;
- preliminary reports;
- schedule of session;
- minutes of deliberations; and
- decisions and publications.

In addition to this, the CDMS (i) provides different statistics reports/data pertaining to periodical overview of case submission and decision-making; (ii) contains information on the procedural stage/ status of the case; and (iii) contains information on case assignment to Judge Rapporteur and Legal Advisor.

By 2016, the CCK has approved and published the electronically available Referral Form (for individual applicants and public authorities). In addition to this, the CCK on its website also published the Guide on how to use and fill in the electronic Referrals,<sup>4</sup> as well as

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<sup>4</sup> Guidelines - Constitutional Court.



the first newsletter was published, as part of transparency.<sup>5</sup>

Furthermore, the ability to refer a case online and file electronically all further the efficiency and accessibility of the Court, as shown by the trends reported by the Case Registration Unit, over the years, it ensures a fair judicial process at all level, as well as transparency and legal certainty for any interested member of the public, anywhere in the country, with access to internet.<sup>6</sup>

Actually, over the years, the Court in continuance has advanced the infrastructure of IT equipment as regard of security as well as promoting tools for internal research. In this regard, the Court for the aim of research and ensuring the consistency of jurisprudence, has integrated the system of:

- ***Electronic search engine*** – search and research platform, which enables access to all case file documents, laws and sub-legal acts; the internal library platform, and the HUDOC external search platform;
- ***Intranet*** – search and research platform by keywords and numbers for electronic decisions documents; automatic access to ECHR's HUDOC platform<sup>7</sup> and e-books owned by the CCK;
- ***e – library*** – electronic library for the registration of books owned by the Court (ProQuest E-book Central);
- Membership and subscription on prestigious international law journals<sup>8</sup> (i.a Westlaw, Max Planck Encyclopedia of International Law, ORIL -International Human Rights Law, ORIL - International Law in European Courts and Oxford Constitutions of the World).

In other words, the CCK from its establishment has invested in advancing the infrastructure of technology, of which we believe that this investment has been beneficiary for both the Court and the citizens.

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5 Newsletter (gjk-ks.org).

6 Administratin and Access to Justice through Technology: the Experience of the Constitutional Court of Kosovo, presented at the XVII World LAw Congress, 2023, New York City.

7 Annual Report 2021, page 21.

8 Annual Report 2019.pdf (gjk-ks.org), page 24.



## 2. THE IMPACT OF COVID-19 ON THE COURT'S INFORMATION TECHNOLOGIES

As a consequence of COVID-19 outbreak, the CCK decided to continue its work and enable the applicants' access to the Constitutional Court. Ultimately, the CCK started to work remotely through its available electronic and database system, by using e-files and remote communications, thus enabling its staff to continue their tasks by teleworking in order to comply with all COVID-19 measures regarding safety and health.

On the 16<sup>th</sup> of March 2020, the CCK made an emergency public announcement on its website whereby it committed itself to continue its work in reviewing and deciding cases brought before it during the COVID-19 through an online system. Thus, the CCK announced that it will continue to receive referrals by authorized parties physically during official hours, however it strongly encouraged the potential applicants to submit their referrals electronically.

The CCK, in March 2020 decided to continue with its deliberations of cases in sessions held through ZOOM platform.

Throughout the pandemic during a period between 2020-2022, there were held:

- total of 69 online sessions during 2020;
- total of 121 online sessions and meetings during 2021; and
- total of 44 online sessions and meetings during 2022.

In addition, in 2021, the Project Virtual Private Network (VPN) was established, which enabled the facilitation for the staff of the CCK to continue to work online from their homes. The project was funded by the Council of Europe in cooperation with a company engaged in the supply and configuration of technology equipment.

The most pressing challenges faced by the CCK during the pandemic pertained to ensuring an efficient and speedy constitutional adjudication of urgent cases, which included Referrals submitted by State institutions -KO cases concerning security and health measures during COVID-19 pandemic. There were three KO cases in particular, where the deliberations were held over the Zoom. Regarding case KO



95/20<sup>9</sup>, the CCK managed to organize and hold an online public hearing transmitted live through its website, where the entire public was able to openly access the session via the Zoom link. Thus, the democratic necessity for open and public deliberations was met.

In addition, all the preparative work for urgent cases, categorized by their sensitivity, was accomplished through teleworking with a secured system of online communications among judges and legal advisors.

Consequently, the decided cases during this period highlight the crucial role that the Information Technology played in enabling the CCK to ensure a transparent decision-making and enable effective constitutional justice to the citizens and institutions of the Republic.

The ultimate results of the CCK investments throughout the years on updating infrastructure of IT equipment and platforms enabled this urgent and utmost efficient switch.

Moreover, the COVID- 19 pandemic, has led the Court to reflect on innovative measures in order to implement and improve the overall e-justice system.

Differently from other judicial institutions, which during the COVID-19 lock down faced serious shortcomings in providing services for the parties, that was not the case for the CCK. In contrary, the work process during this period enabled the CCK to become a catalyst of reform and renewal, by improving its IT system and making its use efficient and productive.

Essentially, all measures implemented by the CCK during the pandemic, have demonstrated the CCK's capacity to adapt and adopt innovative approaches<sup>10</sup> in using Informative Technologies in enabling access to constitutional justice for the protection of human rights and liberties.

### **3. Upcoming Strategy Regarding Advancing the IT Infrastructure**

It is obvious that the COVID-19 was a catalyst for technological integration which altered the way of functioning and the work of

<sup>9</sup> Announcement on the public hearing to be held on 2 December 2020 - Constitutional Court.

<sup>10</sup> OECD report, 2020.

the Constitutional Court as well. Through lessons learned from this emergency situation, the Court immediately has started with setting goals to advance and continue technical skills and programs in order to ensure efficiency and access to justice.

The Strategic Plan of the Constitutional Court of Kosovo for the period 2021-2025<sup>11</sup>, contains specific strategic goals and objectives in:

- (2.3) further advancing the case management system through coordination, administrative simplification of procedures and further advancement of the Case Data Management System (CDMS); and
- (4.5) maintenance and advancement of IT infrastructures as per the needs of the CCK and in line with the growing developments of ICT<sup>12</sup> (Information and Communication Technology).

## CONCLUSION

The future is e-justice. The Constitutional Court of the Republic of Kosovo as its other sister courts is continuing to advance the use of information technologies for the benefit of access to constitutional justice for the citizens and institutions of the Republic.

The lessons learned from work performance under special circumstances, have only made the Court increasingly cautious towards her vision and mission, always in the service of protecting the fundamental rights and freedoms of citizens, and in defence of respect for constitutionality in the country.

However, use of *Artificial Intelligence* is still an uncovered subject within the CCK, since there is still no legal initiative or specific regulation on the use of AI in Republic of Kosovo. It remains to be seen if in the near future, the Kosovo legislation will comply with the newly adopted EU Artificial Intelligence Act, especially regarding the issue of ethical, responsible and safe use of AI.

Concerns that may arise in the future by using AI in the judiciary system may include potential risks to the rule of law and protection of human rights.

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<sup>11</sup> Strategic Plan 2021-2025, page 8 (gjk-ks.org) .

<sup>12</sup> Strategic Plan 2021-2025, page 11-12.





Obviously, there are challenges which require a legal framework to guide technological innovation in the right direction, especially regarding use of AI in judiciary as it is categorized with high risk. Especially there is a need for a legal framework which guarantees that AI-based technologies are designed, developed and operated in full compliance with, and in support of, the Council of Europe's standards on human rights, democracy and the rule of law.<sup>13</sup>

For sure, digital justice provides real opportunities to improve the quality and efficiency of justice, however, it also may constitute a potential risk to the rule of law and the protection of human rights.

Recently, on 5<sup>th</sup> of September, the Council of Europe opened for signature the "Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law" (CETS no.225), ensuring that the use of AI systems is to be fully consistent with human rights, democracy and the rule of law.

With recent developments, the CCK has already come to the conclusion that the need for digitalization of the judiciary system, including the constitutional system, has entered a new chapter.

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<sup>13</sup> See further the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law.

**Использование информационных  
технологий  
и искусственного интеллекта  
в высшей судебной системе**

*Aizada Makenovna Bokoeva  
Salima Dzholgokpaeva*

**CONSTITUTIONAL COURT OF THE  
KYRGYZ REPUBLIC**





## Использование информационных технологий и искусственного интеллекта в высшей судебной системе

*Aizada Makenovna Bokoeva\**

*Salima Dzholgokpaeva\*\**

Конституционный суд Кыргызской Республики приветствует участников 12-й Летней школы и желает всем эффективной и плодотворной работы. В последние годы Президент Кыргызской Республики уделяет большое внимание процессам цифровизации, ставя перед государственными органами задачу внедрения информационно-коммуникационных технологий.

Основная цель этих усилий — повысить эффективность работы государственных структур, улучшить качество предоставляемых услуг и обеспечить их доступность для граждан. Внедрение современных технологий также способствует повышению прозрачности, сокращению бюрократических процедур и ускорению процессов принятия решений.

В рамках реализации Концепции «Цифровой трансформации Кыргызской Республики на 2024-2028 годы» утверждена новая стратегия цифрового развития страны, которая позволит государственным органам запустить прорывные цифровые проекты с ощутимым для граждан результатом. Мы являемся свидетелями тектонических изменений в социальных процессах, вызванных использованием цифровых технологий. Новая цифровая реальность стремительно меняет страны и целые регионы, трансформируя модели управления и предоставления услуг во всех секторах.

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## **Стремительное технологическое развитие и его влияние на судебную систему**

Технологическое развитие меняет привычный нам мир, открывая перед государствами уникальные возможности для преодоления самых сложных вызовов. Особое внимание заслуживает опыт стран, которые в условиях пандемии COVID-19 показали, как цифровые технологии могут обеспечить устойчивость государственных институтов и непрерывность оказания государственных услуг. Технологии искусственного интеллекта (ИИ) становятся важным инструментом развития, способным многократно повысить производительность труда и изменить будущее профессий.

ИИ является одной из ключевых технологий цифровой трансформации. Его внедрение может существенно повысить эффективность государственных услуг и улучшить качество жизни населения. В судебной системе Кыргызской Республики использование ИИ активно развивается, и хотя его применение пока находится на начальном этапе, эта технология обладает огромным потенциалом для повышения эффективности правосудия.

### **Роль искусственного интеллекта в судебной системе**

ИИ способен значительно ускорить судебные процессы за счет автоматизации рутинных задач, таких как обработка документов, систематизация данных и предварительный анализ дел. Это позволяет разгрузить судей и сотрудников, сократить сроки рассмотрения дел и повысить доступность правосудия для граждан. ИИ может анализировать большие объемы правовой информации, выявляя ключевые закономерности, что помогает судьям точнее ориентироваться в сложных делах. Внедрение систем прогнозирования исходов дел повышает предсказуемость правоприменения, что важно для укрепления доверия к судебной системе.

Особое внимание необходимо уделять вопросам безопасности, конфиденциальности и ответственности при внедрении ИИ, что требует тщательной правовой регламентации. Однако потенциальные риски не должны сдерживать развитие ИИ в судебной системе, так как современные технологические решения могут обеспечить высокий уровень защиты данных.

Хотя ИИ не способен полностью заменить человека в вынесении судебных решений, его применение как мощного аналитического инструмента крайне необходимо. Технологии могут не только дополнить, но и существенно усилить возможности человека в судебной практике, что позволит судебной системе Кыргызской Республики выйти на качественно новый уровень. Интеграция ИИ в судебную систему является важным шагом на пути к повышению прозрачности, объективности и эффективности судопроизводства.

### **Внедрение информационных технологий в Конституционный суд**

Как отмечено в Национальной стратегии развития Кыргызской Республики на 2018-2040 годы, применение современных информационных технологий в деятельности судов является одним из приоритетных направлений оптимизации процесса отправления правосудия. Внедрение электронного правосудия позволит достичь максимальной прозрачности и повысить доступ граждан к правосудию, а также улучшить качество и открытость судебных процессов.

Согласно конституционному Закону «О Конституционном суде Кыргызской Республики», в отдельных случаях рассмотрение дел может проводиться в онлайн-режиме. Наличие такой правовой основы служит ступенькой к переходу на платформу «Электронное правосудие». Эта платформа позволит подачу обращений, движение документов, публикацию итоговых актов и информирование участников судопроизводства о заседаниях



проводить через информационно-коммуникационные технологии, что значительно повысит доступность правосудия.

Онлайн-режим рассмотрения дел способствует сокращению материальных и временных затрат, связанных с судебными разбирательствами. Конституционный суд Кыргызской Республики уверенно движется вперед в цифровом направлении и уже достиг некоторых успехов.

### **Достижения Конституционного суда в цифровизации**

Первым успешно внедренным программным продуктом стала система электронного документооборота (СЭД), созданная для автоматизации внутреннего взаимодействия в суде. Эта система значительно сократила время на обработку документов и минимизировала риски их потери, позволяя мониторить движение документов и контролировать их исполнение. СЭД включает «Рабочий кабинет» для отслеживания информации о заседаниях и нагрузке, а также предоставляет инструменты для статистического анализа и быстрой навигации по документам.

С 2022 года Конституционный суд присоединился к автоматизированной системе «Инфодокс», благодаря которой осуществляется документооборот с другими государственными органами в цифровом формате. Это позволило снизить сроки доставки корреспонденции, улучшить исполнительскую дисциплину и стандартизовать обработку документов. Также успешно функционирует информационный портал Конституционного суда, содержащий правовые позиции Конституционного суда, Европейского суда по правам человека, аналитические, а также информационно-справочные материалы.

Кроме того, суд оснащен новым комплексом инженерных сетей и систем, включая аудио- и видеоконференцсвязь, которая позволяет вести протоколирование заседаний и публиковать видео на официальном сайте и YouTube-канале суда. Официальный сайт предоставляет свободный доступ ко всей деятельности



суда, включая акты, обзоры исполнения решений и актуальную информацию о заседаниях. Портал регулярно обновляется, чтобы обеспечить максимальную прозрачность и доступность работы суда.

Конституционный суд активно работает над модернизацией и внедрением нового официального сайта в рамках реализации указа Президента Кыргызской Республики «О неотложных мерах по активизации внедрения цифровых технологий в государственном управлении». Новый сайт будет разработан с учетом требований Кабинета Министров по веб-сайтам государственных органов и органов местного самоуправления. В числе основных задач — обеспечение информационной прозрачности, удобства использования, языковой поддержки и защиты данных. Особое внимание будет уделено адаптации сайта для пользователей с ограниченными возможностями здоровья, что повысит доступность конституционного правосудия.





***DIGITAL COURT IN MALAYSIA***

***Muhamad Faizal Bin Ismail***

***Mohd Faizal Bin Ismail***

***FEDERAL COURT OF MALAYSIA***





## DIGITAL COURT IN MALAYSIA

*Muhamad Faizal Bin Ismail\**

*Mohd Faizal Bin Ismail\*\**

### INTRODUCTION

This paper shall illustrate the implementation and development of digital courts in Malaysia. It focuses on the various electronic systems and modules established in Courts for both West and East Malaysia. It also highlights how these technological advancements aim to improve the efficiency and accessibility of the judicial decision making and justice delivery system.

The discussion includes an analysis of the innovative tools and platforms employed to streamline legal processes, reduce paperwork, and facilitate remote hearings, particularly in light of recent global shifts towards digitalization.

### 1. THE MALAYSIAN JUDICIARY: THE CONVENTIONAL COURT SYSTEM & THE NEED OF DIGITAL COURT

The evolution of the Malaysian judiciary rooted in a conventional common law system that traditionally conducts hearings in open court and relies heavily on printed documentation. As the legal landscape became increasingly rigid, the complexity of cases surged, contributing to a backlog of cases in Courts.

#### 1.1 Increasing the rate of disposal

The Malaysian Judiciary began its venture on the digital transformation in the year of 2011, particularly through the introduction of electronic systems as the Malaysian Judiciary introduced its first electronic filing system involving civil cases only called the e-Filing System.

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The e-Filing system allowed court documents to be filed online and the records are kept digitally. This system has significantly contributed to ease off the courts' work process and eventually has increased the rate of disposal in due course.

Although in the early years it was only implemented in 8 court locations, it has marked a significant shift from the conventional common law framework to a more flexible and efficient system.

### 1.2 Advancement of technology

The advent innovation of technological advancements, particularly the invention of computers and the internet, has also contributed to revolutionized court operations. These technological advancements facilitated to streamline case management, enhanced access to legal resources, and made digital court processes such as e-filing and virtual hearings more feasible and efficient.

They also promote transparency and improve the overall efficiency of judicial systems, reducing delays and costs for all parties involved.

### 1.3 Increasing access to justice

Enhancing the digital experience in court process also contributes to improve the access to justice. By integrating technology, courts can overcome traditional barriers such as geographical limitations, lengthy procedural delays, and high litigation costs.

Digital platforms enable more inclusive participation, allowing individuals to file cases, attend hearings, and access legal resources remotely. This ensures that justice becomes more timely, affordable, and accessible, particularly for marginalized and underserved communities.

## **2. DIGITAL COURT IN WEST MALAYSIA**

The implementation of e-Court System was part of the judicial transformation to overcome backlog of cases and to ease access to justice. Being part of the digital court, the e-Court System was developed to focus on the following:

- a) to allow filing of cases and documents submitted online;



- b) to allow files of cases and courts recordings be kept digitally / online; and
- c) to ensure the safekeeping of data.

The e-Court System in West Malaysia was introduced in the year of 2011, limited to only 8 locations. Now the system has been extended to all Courts in Peninsular of Malaysia and it comprises of all digital platforms that can be used by lawyers, government agencies, the public along with the Court. The e-Court System includes the following components:

- a) Case Management System
- b) e-Filing System
- c) Queue Management System
- d) Court Recording System & Voice to Text
- e) Probate & Administration Management System
- f) e-Court Portal

### 2.1 The Case Management System

The Case Management System (CMS) is one of the main platforms that replaced the daily judicial works of judges, judicial officers and court staffs. It aims to improve the efficiency of the Courts' working process as well as to increase the disposal rates and reduce backlogs of cases.

It has modernized the management of cases where most of these cases are held online and proceedings are conducted paperless. Adding more value to it, the documents filed online are also processed digitally without having the need of printing and keeping the physical form of files.

Apart from that, to ensure that justice is timely served, CMS can be accessed at any time even when the judges, legal officers or court staffs are out of office. This is to overcome the limited operational hours as it gives users unlimited time to access their daily or monthly planner, the cause book, Courts' daily report and monthly statistics.



## 2.2 The e-Filing System

The e-Filing System (eFS) is a platform that allows filing and registration of court documents in legal proceedings online. It is a web-based platform which gives access to its users anywhere and anytime specifically to file papers into Courts as well as to attend Courts proceedings online.

With eFS, submissions of printed documents to Courts are no longer required and all parties including the Courts shall rely entirely on the digital copies of documents.

Besides online filing, users are also able to handle their cases efficiently as information on court proceedings, the information of assigned judges, the list of documents filed by other parties are also available online.

However, the eFS is limited to and can be used by lawyers and users from government agencies only. In West Malaysia, the eFS is not available to the unrepresented litigants. This group of litigants shall have no access to this system and need to be present at the Court's Registry Office to file documents using the service provided over the counter.

## 2.3 The Queue Management System

The Queue Management System (QMS) is a system available in the Court's premises to allow legal counsels and litigants to register their attendance to attend hearings physically in Courts.

With QMS, once a party is in the Court's premises, he may proceed to the nearest QMS kiosk to register his attendance without having to wait or queue for their turn. The attendance will be recorded based on the registration time and the Court will call in their cases once all parties are seen to be present in courts from the QMS interface.

## 2.4 The Court Recording System and Voice to Text

Court Recording System and Voice to Text (RVT) is the main recording system that is implemented in the court room. The recording system comprises of 2 versions. The first version is called the Court Recording and Transcribing System (CRT) meanwhile the latest



version is known as the Court Recording and Transcribing & Voice to Text System (RVT).

CRT was the first version of the recording system implemented in Courts where it allows proceedings to be recorded and saved in its database. The recordings are kept online and can be made available to the parties.

The latest recording system which is known as the RVT comprises of an enhanced version of recording technology. It is also equipped with voice to text technology that automatically transcribes the audio files into notes of proceedings.

As to date, 320 court rooms in Peninsular Malaysia has been equipped with RVT, leaving 114 remaining court rooms that are still using CRT. These remaining 114 court rooms recording system are expected to be replaced with RVT through the RVT Project Phase 2 by April 2026.

### 2.5 The Probate and Administration Management System

The Malaysian Rules of Court 2012 requires that the High Court of Malaya maintain a comprehensive registry for probate and administration matters. This registry is essential to maintain and keep all the records of application relating to probate and letters of administration matters filed at all jurisdictions available in West Malaysia.

To rationalize this process and to meet the idea of digital registry, the Probate and Administration Management System was built as an online repository, to secure storage and maintain efficient management of all related records for probate and administration matters. This system enhances accessibility, transparency, and accuracy in handling probate and estate administration cases at all levels of jurisdiction.

### 2.6 The e-Court Portal

The e-Court Portal is a platform that provides public services to the lawyers, government agencies as well as to the public. From this portal, users may conduct file search online and other services such as documents verification and cause list search.





### *2.6.1 Documents Verification & QR Code*

- 2.6.1.1 An improvement has been made to the documents filed through the e-Court system where each of the documents will be given a unique serial number and QR code for verification purposes.
- 2.6.1.2 These two verification codes are unique and will be embedded in each document and can be used to assist the public in verifying the documents they have in hand.
- 2.6.1.3 To complete the verification steps, users are required to scan the QR code or key in the serial number on the documents for online verification through the services provided in the e-Court Portal.

### *2.6.2 Cause List Search*

- 2.6.2.1 Cause list informs the status of daily cases and proceeding dates were previously posted on the courts' notice board for reference to all. However, it is limited to only the persons attending court sessions in person only.
- 2.6.2.2 In line with the digital development of the courts, every member of the society is now able to search the cause list online.
- 2.6.2.3 This free service is available in the e-Court Portal and the public is able to get certain information on cases fixed on a certain day for each court, eliminating the need to travel to court thus preventing time and costs incurred by the public.

### *2.6.3 Online File Search*

- 2.6.3.1 Previously, file search can only be done at the registry's office and were only permissible during office hours.
- 2.6.3.2 With the introduction of the e-Court system, an online file search feature has been introduced.



- 2.6.3.3 Now, members of the public are able to search for civil documents and courts' minutes online with payment of certain fees, payable online.
- 2.6.3.4 On top of that, these documents and courts' minutes are available anytime for search.
- 2.6.3.5 This gives the public instant access to court documents and records, eliminating the need for travelling to the respective courts, restricted by the courts' working hour.

### **3. SYSTEM INTEGRATION AND DATA SHARING**

System integration refers to the process of receiving data from and sending data to multiple sources across digital platforms or systems to provide a complete, accurate, and up-to-date dataset. The e-Court System in West Malaysia is built up with data integration process to facilitate filing of cases, document and information sharing.

Integration aims to accelerate data sharing process since it typically involves high volume of data, for instance the filing of traffic summons cases by the Royal Malaysia Police that could be up to hundreds of filing per day. There are 9 systems owned by different government agencies and institutions that are currently integrating with the e-Court System in West Malaysia.

When it involves massive data for sharing purposes, there are risk of human error which may interrupt and delay the courts proceedings. Therefore, system integration and data sharing process helps to eliminate or reduce the risk of human error and this may help to improve satisfaction of the stakeholders.

### **4. RECENT DEVELOPMENT OF DIGITAL COURT IN WEST MALAYSIA**

#### **4.1 e-Review Module**

E-Review is a module in the CMS and eFS that can be used by Court users, lawyers and government agencies officers to attend pre-trial case management session online. It facilitates the Court to conduct case management without the physical appearance of lawyers in Court to serve its main purpose i.e. to reduce the need for lawyers to attend



court, leading to cost and time savings. With e-Review, parties are able to communicate and exchange information online where the messages are visible to all parties within the session only, which will be converted into Notes of Proceeding.

#### 4.2 e-Denda Module

Previously, fine imposed by the Courts must be paid in cash either by using the Cash Deposit Machines installed in courts' premises, or by making payment over-the-counter in the court's premises.

These transactions have caused difficulties to accused persons, their relatives or representatives and members of the public, considering the queuing time for payment of fine at the court registry and the need of having cash in hand to meet the amount of fine ordered by the court.

To overcome these hitches, e-Denda module was introduced by the Malaysian Judiciary in December 2021. Through e-Denda, payment of fines now can be made online using the Financial Process Exchange (FPX) platform that is linked with the online banking services. With e-Denda, there will be no more queueing at court payment counters and payment of fines can be processed expeditiously resulting in the release of the accused efficiently.

#### 4.3 e-Plead Guilty Module

In normal circumstances, traffic offenders in Malaysia are required to be present in Court once they are summoned to answer the charges pressed against them. Due to the COVID-19 pandemic and Restriction of Movement Orders issued by the Malaysian government thereafter, Malaysian Judiciary has introduced the e-Plead Guilty (e-PG) module in December 2021.

E-PG is an adaptation of Section 137<sup>1</sup> of the Malaysian Criminal Procedure Code (CPC) which allows traffic offenders to plead guilty without having to come to Court. Traditionally, under Section 137 of

1 "In any case relating to an offence punishable by fine only or by imprisonment only of a term not exceeding three months or by both fine and imprisonment not exceeding three months and in which a Magistrate has issued a summons, an accused person desiring to plead guilty and be convicted and sentenced in his absence may appear by advocate, or may by letter addressed to the Magistrate plead guilty and submit to pay any fine which may be imposed in respect of that offence and the Magistrate may thereupon record a plea of guilty and convict him according to law, and may sentence him to a fine with or without a sentence of imprisonment in default of payment of the fine."



the CPC, an accused in a traffic summons case could submit a written plea of guilty to the Court. However, as a step towards modernizing the judicial process, this leeway has been transformed into online process. Offenders can now plead guilty online to ease the judicial process and reduce court's congestion. This system enhances accessibility and efficiency, especially for minor offenses where physical attendance may not be necessary.

#### 4.4 e-Appellate and e-Trial

Pursuant to paperless filing through e-Filing and digital court files in CMS, the Malaysian Judiciary marked another milestone by launching the e-Appellate and e-Trial solution. These solutions are used in the Appellate Courts and the High Courts of Malaya respectively, to enable the Courts conduct the proceedings paperless.

e-Appellate was launched in 2020 and has been widely used at the Federal Court and the Court of Appeal. With e-Appellate, the Courts and parties will henceforth need to refer to the digital copies of documents, instead of physical copies while submitting to the Court. This solution is applicable to both physical hearings in the Open Court and online hearings via Zoom.

In the Open Court, equipment and hardware are provided for the counsels to project the documents that they are referring to while submitting to the Court. Meanwhile for online hearing, the counsels are required to share their screen while zooming.

Similarly, e-Trial is the solution to be used in the High Courts of Malaya for paperless trial. However, this solution is not complete as it has been implemented to pilot locations i.e. the High Court of Malaya in Kuala Lumpur and Shah Alam only.

Despite its objective to conduct proceedings paperless, the current solutions of e-Appellate and e-Trial may be considered as not full solutions available to the parties and the Courts since online hearings will still be held via Zoom and the documents need to be downloaded from either the eFS or CMS beforehand. Therefore, the Malaysian Judiciary plans to come up with a better module in the next e-Court system project to cater end-to-end process of conducting hearings or trial paperless.



## 5. DIGITAL COURT IN EAST MALAYSIA

Digital Court in East Malaysia refers to the e-Court system for Sabah and Sarawak (e-KSS). It was introduced in 2009 and formally known as Integrated Court Solution (ICS). It is a user centric design which seamlessly integrates the business needs of the Judiciary, Advocates and Agencies in the state of Sabah and Sarawak.

The second phase development of the e-KSS started in year 2020 and the main objectives of the development are as follows:

- a) To upgrade the Integrated Court System (ICS) due to the outdated of technologies used over the years;
- b) To include more functions for Judiciary, Advocates, Agencies and Public for better access to Justice.

Generally, the components of e-KSS in East Malaysia are similar to the e-Court System in West Malaysia. However, there are a few components built in e-KSS that is not available to the users in West Malaysia.

### 5.1 The Video Conferencing System

Video conferencing (V-Coss) is a system that provides booking management of video conferencing service to the court officers and related agencies/parties such as Department of Prison. The main objective of this system is to get rid of geographical barriers by allowing Courts to conduct online proceedings from one station without the need of travelling to another station.

As V-Coss eliminates the need of travelling in between towns, it is time saving and costs effective. After the proceedings, judges and lawyers will be able to continue with their daily tasks in respective stations after the proceedings ended.

### 5.2 The Self Represented Litigant Module

The Self-Represented Litigant (SRL) module is designed to effectively assist individuals who navigate legal processes on their own. The SRL module allows users to register, update, and manage their account information submitted during the registration process. Once the SRL account is registered, users can register a case in the system and perform pre-filing activities on the registered case.



As mentioned earlier, this module is not available in the e-Court System of West Malaysia. While the public in Sabah and Sarawak is able to conduct filing activities on their own, the unrepresented litigants in West Malaysia is required to be physically present in Court to perform filing activities over the Court's counter.

## 6. REMOTE COMMUNICATION TECHNOLOGY

Remote Communication Technology (RCT) was introduced by the amendments of the Courts of Judicature Act 1964 (CJA 1964), the Subordinate Courts Act 1948 (SCA 1948) and the Subordinate Court Rules 1955 (SCR 1955).

It was defined under section 3 of the CJA 1964, section 2 of the SCA 1948 and SCR 1955 as a live video link, a live television link or any other electronic means of communication. Meanwhile, Section 15A of the CJA 1964 and Section 101B of the SCA 1948 were also introduced allowing Courts to conduct proceedings through the RCT.<sup>2</sup>

These amendments were also followed by the introduction of O.33A of the Rules of Courts 2012<sup>3</sup> prescribing on proceedings through remote communication technology that has come into force in 15 December 2020.

With the introduction of the RCT, external video conferencing platforms, for instance Zoom plays a very important role in this latest reformation of the Malaysian Judiciary due to the Covid-19 pandemic to maintain continuous access to justice. Other than Zoom, the judges began to use exchange of email and other electronic modes to conduct proceedings.

Along with this uprising, the Malaysian Judiciary has come up with a guideline that is used by the Courts and parties in using the RCT. The guideline is divided into three (3) parts where before

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2 "...the Court may, in the interest of justice, conduct the proceedings of any cause or matter, civil or criminal, through a remote communication technology."

3 O. 33A, r. 2 (1) The Court or Registrar may, subject to the practice direction issued in relation to such purpose, direct that any cause or matter under these Rules is to be heard or any proceeding is to be conducted through a remote communication technology as approved by the Court.

(2) The power conferred on the Court or Registrar in paragraph (1) may be exercised on its own motion or upon application made by any party to a proceeding.

(3) Where an application is made under paragraph (2), the Court or Registrar may give directions as to the further conduct of the proceedings in relation to the cause or matter.



proceedings, the Registrar is required to manage the case thoroughly to ensure the documents and all technical issues are taken care off. During proceedings, parties are expected to maintain legal ethics and courts decorum. The parties are not allowed to record the proceedings externally and should the parties need a copy of the proceedings subsequently, a request may be made to the Court to obtain for the same.

Earlier, the RCT was not common and were hardly used in Court proceedings. Having the laws amended and realising the need of modern technological advancements, the Malaysian Judiciary is looking forward to embark on the development of a more suitable and enhanced RCT as one of the new modules in the next e-Court system project.

## **7. BENEFITS OF DIGITAL COURT**

The implementation of digital court by the Malaysian Judiciary represents a significant advancement in the judicial system, offering numerous practical benefits that enhance both efficiency and accessibility.

One of the primary advantages is the elimination of the need for physical attendance, allowing parties to participate in proceedings remotely. This not only saves time but also removes the long queues that traditionally burden court operations as well as the stakeholders.

With the introduction of paperless proceedings, trials are conducted seamlessly, eliminating the tedious task of manually flipping through voluminous case files in court. Case management is similarly efficient, as parties can address pre-trial matters online without the need for physical appearances.

Digital courts also promote sustainability by reducing the use of papers, human resources and office areas. It also creates more organized and conducive workspace especially for the judges, legal officers and court staffs.

Furthermore, the requirement for limited in-person attendance ensures a more focused courtroom environment, reducing distractions and optimizing court operations. Collectively, these innovations



highlight the transformative potential of digital courts in modernizing judicial processes for a more efficient, sustainable, and accessible legal system.

## CONCLUSION

The Malaysian Judiciary has embraced the digital court system as early as from 2009. This is a significant milestone in modernizing its legal infrastructure and the working process. However, despite the progress, there remains considerable rooms for improvement to ensure better delivery of justice.

At present, several work processes and system modules within the judiciary are not fully digital, neither operational end-to-end in a digital format nor fully integrated with the stakeholders and this partial digitization limits the potential of the digital court framework. To address these gaps, there is a concerted effort to develop and implement more robust systems and comprehensive modules that can handle these shortcomings effectively.

Beyond enhancing current processes, the Malaysian Judiciary also aims to explore the cutting-edge technologies such as Artificial Intelligence (AI). The use of AI has the potential to revolutionize judicial decision-making by providing data-driven insights, improving case analysis, and streamlining procedural efficiency.

These advancements aim to not only expedite the resolution of cases but also enhance the accuracy and fairness of judicial outcomes. By continually refining its digital infrastructure and embracing technological innovations, the Malaysian Judiciary strives to set new benchmarks in delivering timely, transparent, and effective justice.





***USE OF INFORMATION  
TECHNOLOGIES  
AND ARTIFICIAL INTELLIGENCE  
IN THE HIGHER JUDICIARY***

***Mariyam Rauha  
Asfa Zahir***

***SUPREME COURT OF  
THE REPUBLIC OF MALDIVES***





## KEY AREAS OF IT AND AI IN THE JUDICIARY OF THE MALDIVES

*Mariyam Rauha\**

*Asfa Zahir\*\**

### 1. INTEGRATED CASE MANAGEMENT SYSTEM (ICMS): IMPROVING CASE MANAGEMENT AND COORDINATION

The judiciary introduced the Integrated Case Management System (ICMS) in April 2024, marking the first use of such a system within the Maldivian judiciary. ICMS facilitates efficient case management by enabling data sharing between relevant institutions, including the Prosecutor General's Office and the Maldives Police Service. This system supports case submissions, detention orders, hearing scheduling, and document exchanges. It also addresses scheduling conflicts among defense lawyers, which were previously a source of delays in criminal cases. The ICMS project includes a final phase in which a public portal will be launched for e-filing and online submissions, further streamlining court processes and enhancing overall efficiency.

### 2. DIGITIZATION OF COURT RECORDS

#### **Marriage [Kaiveni] Portal: Enhancing Access to Court Services**

The Marriage Portal [Kaiveni] ([kaiveni.judiciary.gov.mv](http://kaiveni.judiciary.gov.mv)) was launched in November 2023. This portal allows individuals residing on any island in the Maldives to conveniently submit marriage applications online to their preferred court. The portal significantly improves access to court services, facilitating the right to marry and form a family, and represents a key step in the judiciary's digital transformation.

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### **Case Reporter: Centralized Access to Court Judgments**

The Case Reporter is a digital platform that centralizes access to court judgments, making it easier for judges and judicial personnel to find key precedents and conduct legal research. Currently, judgments from the Supreme Court and High Court of the Maldives are available through this system. Accessible only to judicial personnel, it streamlines the retrieval of important legal decisions and aids in research by consolidating crucial judgments on one platform. Future expansions will include judgments from other courts, further enhancing the efficiency, transparency, and accessibility of judicial information.

### **Judiciary Gazette: Official Digital Platform for Judicial Announcements**

The Judiciary Gazette serves as the official gazette of the Maldives Judiciary, providing a digital platform for legal and administrative information. It publishes official announcements, including job advertisements, regulations, standard operating procedures, and legal notices. By centralizing all judicial communications in one platform, the Gazette ensures timely access to important updates for legal professionals, judiciary staff, and the public, enhancing transparency and ensuring all stakeholders are well-informed.

### **Keyli: Automating Transcriptions to Address Case Backlogs**

Identifying delays in transcription as a key factor contributing to case backlogs, the DJA developed 'Keyli,' a speech-to-text application, launched in March 2024. This software automates the transcription of court hearings, aiming to expedite trials and enhance case management by addressing previous delays caused by manual transcription processes.

### **Virtual Courts: Implementation of Video Conferencing for Hearings & Use of Online Platforms During Pandemics**

Implementation of remote court hearings in higher judicial courts following the closure of public offices in the Maldives due to the COVID-19 pandemic, a regulation was established on May 19, 2020, to facilitate remote Supreme Court hearings. Key developments include:



- June 1, 2020: Supreme Court hearings were conducted via video conference for the first time.
- June 2, 2020: The Supreme Court held its first live hearing, broadcast through the Supreme Court's YouTube channel.
- Similar to the Supreme Court, the High Court of the Maldives issued a regulation on August 24, 2020, to conduct remote hearings. As a result of this regulation, the High Court also commenced holding hearings online.

The introduction of video conferencing in 2020 resulted in the highest number of cases scheduled and hearings conducted in Supreme Court history. This arrangement continues to be in use today. Starting in November 2020, in-court hearings of the Supreme Court began being broadcast live using modern equipment. Over the past four years, significant efforts have been made to enhance these systems. The introduction of remote trials has been a crucial advancement for the Maldives judiciary. Looking ahead, the courts remain committed to exploring innovative methods for conducting trials and fulfilling their functions.

### **Establishment of Audio-Video Conferencing Systems; Enhancing Court Accessibility and Witness Participation**

In 2019, the Maldivian judiciary launched a project to establish audio and video conferencing systems in all courts. By 2020, this technology was fully implemented, allowing individuals to attend hearings remotely from their nearest court, regardless of the island's location. This system has expedited the process for witnesses, who can now participate remotely instead of being physically summoned.

2022: 45% of hearings conducted virtually.

2023: Virtual hearings increased to 56%.

Impact: Enhanced accessibility and efficiency by reducing the need for physical presence and speeding up the process for witnesses.

### **Digital Classroom**

In 2024, the Judicial Academy (DJA) established a Digital Classroom to facilitate future training sessions for judges and court staff. This modern, interactive platform enhances learning experiences and



supports ongoing professional development, ensuring the judiciary remains well-equipped to handle emerging challenges.

### **3. BENEFITS OF IT AND AI IN THE MALDIVES JUDICIARY**

#### **1. Accelerated Case Processing**

AI and IT tools have significantly enhanced the efficiency of case processing within the Maldives judiciary. By automating various stages of the judicial workflow—such as scheduling hearings, tracking deadlines, and managing court dockets—these systems reduce the time it takes for cases to progress. This leads to quicker resolutions, reduced backlogs, and a more streamlined judicial process.

#### **2. Automation of Routine Administrative Tasks**

Routine administrative functions, such as data entry, document generation, and case tracking, can now be automated through AI and IT systems. AI-powered tools assist in automating document review, reducing human errors, and minimizing the need for manual data entry. Automated scheduling systems further enhance workflow efficiency, ensuring timely management of court hearings and appointments.

#### **3. Improved Transparency and Real-Time Case Updates**

AI and IT systems enable real-time updates on the status of cases via online platforms and apps. This transparency allows all stakeholders, such as parties involved in cases, legal professionals, and the public, to track the progress of cases more easily. It enhances public trust in the judiciary by providing timely and accurate information on case developments.

#### **4. Minimized Human Error through Digitization**

The Maldives judiciary's efforts to digitize court records and implement automated systems help minimize human error by reducing reliance on manual data entry and physical record-keeping. Digital records are more secure, easier to access, and less prone to misplacement or tampering. This digitization ensures better accuracy and reliability in the maintenance of legal records.

#### **5. Enhanced Public Access to Legal Information**

Online databases and digital resources have made legal information



more accessible to the public. These platforms enable individuals to easily access relevant legal documents, case status updates, and general information about their rights. This accessibility helps the public better understand the legal system, navigate judicial processes, and make informed decisions.

#### 6. Increased Inclusivity Through Remote Participation

The use of video conferencing technology in the Maldives judiciary allows individuals to participate in court hearings remotely, improving access for those who may face challenges attending in person. This technology enhances the inclusivity and accessibility of the judiciary, particularly for witnesses and parties living on remote islands, ensuring they can engage in the legal process without the need for physical presence.

These technological advancements contribute significantly to the Maldives judiciary's ability to operate more efficiently, transparently, and inclusively, while ensuring better access to legal services and information for all stakeholders.

### 4. CHALLENGES AND CONCERNS IN THE MALDIVES JUDICIARY

#### 1. Ethical Issues

##### *The Need for Human Oversight*

While AI and IT systems can greatly enhance the efficiency of judicial processes, they cannot fully replace the nuanced judgment and ethical considerations that human judges provide. AI systems require human oversight to ensure that decisions are fair, unbiased, and ethically sound. This oversight is necessary to prevent errors, mitigate biases, and ensure that decisions align with the principles of justice.

##### *Data Security and Privacy*

Protecting sensitive legal data is a major concern. The use of AI systems in the judiciary increases the risk of unauthorized access to confidential legal information. Cybersecurity threats, such as cyber-attacks, are a real danger, and if AI systems are compromised, they can not only leak sensitive data but also disrupt the entire judicial process. It is essential to have robust security protocols and safeguards in place





to protect the integrity of legal data and ensure privacy.

## 2. Legal and Procedural Challenges

### *Adapting Existing Laws to Incorporate AI*

As AI becomes more integrated into judicial processes, existing legal frameworks in the Maldives need to be updated. The current laws may not fully address the complexities and challenges of incorporating AI, leading to potential gaps in regulation. Legal frameworks will need to evolve to accommodate new technologies, ensuring that they are compatible with established judicial principles and processes.

### *Adapting AI-Related Laws to a Shariah-Based System*

Given that the Maldivian legal system is based on Islamic law, AI systems and related legal frameworks must be carefully adapted to ensure they align with Shariah principles, where applicable. This adds another layer of complexity to the legal adaptation process, as AI systems need to function within the constraints of religious guidelines. Ensuring that AI systems respect Shariah laws while maintaining technological integrity is a crucial challenge for the Maldives judiciary.

These challenges highlight the need for careful consideration of the ethical, legal, and procedural implications of incorporating AI into the Maldives judiciary. Balancing the benefits of technological innovation with the need for human oversight, data security, and religious compatibility will be key to ensuring the effective and ethical use of AI in the judicial system.

## CONCLUSION

The Maldives judiciary has made significant strides in integrating technology, particularly IT and AI, into its judicial processes, enhancing efficiency, transparency, and accessibility. Key advancements like the Integrated Case Management System (ICMS), Marriage Portal, and Case Reporter have streamlined case management, legal research, and access to court services. Similarly, the Judiciary Gazette, Keyli transcription system, and virtual courts have improved communication, reduced backlogs, and made the judiciary more inclusive through remote participation.

These innovations contribute to faster case processing, reduced



administrative errors, and increased transparency, while also ensuring greater public access to legal information. The use of video conferencing and remote hearings further expands access to justice, especially for individuals in remote islands, thereby increasing the inclusivity of the judicial process.

However, the integration of AI and technology also presents challenges. These include the need for human oversight to ensure fairness, concerns around data security and privacy, and the adaptation of existing legal frameworks to incorporate AI while aligning with Shariah principles. Addressing these challenges will be crucial for the successful and ethical use of AI in the Maldives judiciary.

As the Maldives continues to embrace digital transformation, it remains committed to balancing technological innovation with ethical and legal considerations, ensuring that the judiciary operates efficiently while upholding the principles of justice and fairness. The future of the Maldives judiciary looks promising, with continued advancements in AI and IT playing a pivotal role in shaping a more accessible and effective legal system.



***USE OF INFORMATION  
TECHNOLOGIES AND  
ARTIFICIAL INTELLIGENCE IN  
THE HIGHER JUDICIARY***

***Dumitru Avornic  
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***CONSTITUTIONAL COURT OF  
THE REPUBLIC OF MOLDOVA***





## USE OF INFORMATION TECHNOLOGIES AND ARTIFICIAL INTELLIGENCE IN THE HIGHER JUDICIARY

*Dumitru Avornic\**

*Dorin Casapu\*\**

The Constitutional Court of the Republic of Moldova is undergoing a continuous modernization process, aiming to stay updated with new information technologies and the potential uses of artificial intelligence (AI). Although it currently does not use AI tools, the presentation explores how AI could be integrated into various stages of the Court's activities.

### 1. REGISTRATION AND FILE MANAGEMENT

Currently, petitions and files are registered manually, involving data entry into registers and electronic systems (for example: retrieving petitions from email, scanning paper-submitted petitions, assigning a unique registration number, distributing them to staff and judges, publishing them on the website [www.constcourt.md](http://www.constcourt.md), and entering data about these petitions on the internal website [www.sesizari.constcourt.md](http://www.sesizari.constcourt.md) for the subsequent management of these files). Also, managing the files requires constant monitoring of their status and deadlines.

Within these processes artificial intelligence can automatically extract relevant information from documents (for example: case numbers, dates, parties involved) and enters relevant information into the court's database, reducing the risk of human error and speeding up the registration process. AI-driven chatbots can assist court users in navigating the registration process, answering common questions, and providing updates on case status, thus making available human resources for more complex tasks. Also, Artificial Intelligence can monitor case progress and send alerts or reminders to court staff about

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approaching deadlines or necessary actions, reducing delays and improving case management. Artificial intelligence can help the court allocate resources more effectively, ensuring that staff and judges are available where they are most needed.

## **2. COMMUNICATION WITH PARTIES**

At the moment, correspondence is handled manually, through letters, emails and other means of correspondence, requiring time to draft, send and archive.

Artificial intelligence-powered tools can automatically generate personalized letters and emails, send notifications, and archive correspondence in a centralized database. Chatbots and virtual assistants can also handle initial correspondence with parties, answering frequently asked questions and directing relevant messages to Court staff. Also, artificial intelligence can be used to create user-friendly portals that allow the public and legal professionals to access case files, decisions, and legal precedents, enhancing transparency and accessibility.

## **3. PREPARATION AND DRAFTING OF COURT DECISIONS**

In the preparatory stage as to the complaints, the judges and the judicial assistants manually collect and analyze relevant information from various sources to prepare reports and studies, using different search engines. Law clerks need to constantly research and update their knowledge of case law and statutes. Incorporating accurate citations into decisions is critical but can be burdensome. Typing out decisions in Microsoft Word is labor-intensive and time-consuming. Law clerks must manually input legal citations, statutes, and precedents, which requires significant effort to ensure accuracy. Drafting decisions requires a high level of precision in legal language. Even minor errors in phrasing can lead to significant legal consequences, making it a meticulous task.

Due to the repetitive nature of the work, clerks may cause inconsistencies or errors. Ensuring that all citations, references, and arguments are correctly formatted and consistent can be challenging. Drafting decisions on complaints that are not founded or are repetitive can be particularly challenging. It can be difficult to craft responses that are legally sound while avoiding redundancy.

Presently, Court staff is using some IT tools to draft Court decisions. We are referring to, CCDOC – (Constitutional Court database on decisions, now is in upgrading process), e-LEX or Legis (state database of legislation and CC decisions), and other external open sources, like HUDOC, CURIA, CODICES etc.).

But Artificial Intelligence can quickly analyze large volumes of data and generate complex legal reports, identifying case-relevant precedents and laws. AI algorithms can predict the possible outcomes of referrals based on previous studies and statistical data. With AI, judges and judicial assistants can sift through thousands of documents faster and use specific search criteria to find relevant information from various documents. With support from AI, the judges are relieved of highly repetitive tasks and can concentrate on the complex issues.

In this way, AI can Help in Drafting Court Decisions. AI-powered tools like **Casetext** or **ROSS Intelligence** can assist clerks by automatically suggesting relevant case law, statutes, and legal precedents, reducing the time spent on legal research. These tools can also automatically generate accurate citations, minimizing the risk of human error.

Tools like **Juris.ai** or **LexisNexis Context** use NLP (Natural Language Processing) to assist in drafting legal documents by suggesting phrasing, correcting language, and ensuring the correct legal terminology is used. AI can help identify and correct inconsistencies in the language of the draft text, ensuring that the document is coherent and legally sound.

AI can be trained on previous decisions to recognize patterns in unfounded or repetitive complaints. This enables AI to draft preliminary responses that address the common elements of these complaints while ensuring legal accuracy. Tools like **BriefPoint** can automatically generate responses for routine cases, allowing law clerks to focus on more complex issues.

AI can assist in the bulk drafting of documents by automating the creation of templates or drafting initial versions of decisions based on input criteria. This reduces the clerk's workload and speeds up the decision-making process. **CoCounsel by Casetext** is a good example, as





it uses AI to generate high-quality drafts of legal documents, including court decisions.

AI tools can compare drafts with existing templates or previous decisions to ensure consistency in style, tone, and legal reasoning. This helps maintain a high standard of quality across all drafted decisions. **HyperDraft** is another AI tool that offers consistency checks, formatting, and legal reasoning suggestions, ensuring that the final document is error-free.

## CONCLUSION

Given the benefits of new information technologies and artificial intelligence, as well as the rapid evolution of socio-economic and legal realities, reflected in the increased number and complexity of cases being judged, it is evident that to keep pace with this rapid process and continue to ensure the fairness of proceedings. The highest-level judicial courts must adapt and incorporate new information technologies and artificial intelligence into their activities.

At the same time, we must consider that alongside the vast benefits of artificial intelligence, numerous known and unknown challenges also arise. In this regard, we believe that the implementation of new technologies should go hand in hand with the development of a well-defined legal framework. This legal framework aims to keep new technologies within the bounds of legality, ensuring sufficient safeguards for the protection of fundamental human rights and the exclusion of arbitrariness and potential abuses.

***ENVISIONING THE FUTURE  
TRENDS OF DIGITALIZATION  
AND AI TECHNOLOGY IN  
THE JUDICIAL SECTOR OF  
MONGOLIA***

***Bolortungalag Narangerel  
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## ENVISIONING THE FUTURE TRENDS OF DIGITALIZATION AND AI TECHNOLOGY IN THE JUDICIAL SECTOR OF MONGOLIA

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### INTRODUCTION

The rapid development of technology is no longer just a topic for highly developed countries but has become a global phenomenon, bringing changes and innovations to our daily lives. In recent years, unpredictable situations such as widespread pandemics, ecological changes (global warming and climate change), and the resulting economic and political conditions have accelerated technological advancement. Previously measured in months or years, technological progress is now advancing by the hour and minute. As a result, information technology and digitalization have permeated all sectors, and AI technology, once a distant concept, has already integrated into our lives.

This development in information technology has a bearing on every sector of the society. Its influence is being felt in the legal field, including the judicial sector, driving significant reforms within the judiciary. Since the operations of both ordinary and constitutional courts must be conducted according to the law, this wave of digitalization is not only prompting technical, technological, and system upgrades but also serving as the foundation for legislative reforms and changes.

Digitalization in the judicial sector is an essential and undeniable process. However, it is crucial that citizens using the court system

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remain the central focus when implementing these changes. Specifically, the digitalization of the judiciary should aim to be simple and hassle-free for citizens, ensuring stronger protection of human rights, improving court efficiency, and enhancing the overall effectiveness of the judiciary. At the same time, it should be beneficial for judges by providing practical tools, minimizing potential risks and difficulties, and saving time. If these objectives are not prioritized, the process of digitalization could infringe on citizens' rights, increase the workload for judges and court staff, and complicate procedures.

In recent years, the issue of using information technology, particularly artificial intelligence, in judicial operations has become a pressing topic, and questions of ethics and understanding have yet to be fully resolved. As a result, international organizations such as the UN and the Council of Europe have issued recommendations and guidelines regarding the digitalization of the judiciary. Approaches to this vary from country to country. Nevertheless, the legal and judicial sectors should not shy away from utilizing the advancements in information technology that other sectors are enjoying. It is essential to keep pace with these developments.

## **1. DIGITALIZATION OF THE JUDICIAL SECTOR OF MONGOLIA**

1. The judicial system of Mongolia began implementing information technology in 2000, and in the first phase, activities such as creating a registry database and storing original documents in electronic form started to be carried out individually for each court.

However, the comprehensive system for case management was initiated in 2010, with relevant research and development beginning at that time. Initially, a unified system called “Citizen-2014” was implemented, which defined the information flow of civil court cases and other procedural outlines. The main significance of this system is that it introduced electronic management of case movements, and it has since evolved into a comprehensive system that ensures the coherence of operations at all levels of the judiciary. Following this, the “Unified System for Registration and Control of Administrative Cases” and the “Unified System for Registration and Control of Criminal Cases” were



implemented. The registration and control systems for prosecutorial offenses and criminal cases were separate, but starting in 2024, efforts to integrate them with the criminal court system have begun.

Thus, the infrastructure for the electronic systems of civil, administrative, and criminal case movements and registrations has developed to a certain extent and has been implemented in practice. In recent years, software has been developed to randomly assign claims, cases, and disputes brought to the court to judges, integrating it into the case movement system. However, the issue of determining the composition of court hearings through random assignment remains unresolved, and each court appears to have its own approach to this matter.

In addition to the above, courts have input their information into several platforms, including the electronic database of court decisions at [www.shuukh.mn](http://www.shuukh.mn) and the electronic system for reporting court proceedings, schedules, and summaries at [www.live.shuukh.mn](http://www.live.shuukh.mn). Currently, there are more than 20 systems and software applications being used by the courts in Mongolia.

During the heightened state of readiness due to the COVID-19 pandemic in 2020-2021, the courts transitioned to accepting cases, claims, and complaints electronically, allowing participants to join court hearings online and obtaining and exchanging certain pieces of evidence from authorized state bodies. This enabled them to shift specific parts of their operations online while continuously conducting judicial proceedings without interruption. According to statistical data from the past five years, approximately 18% of all criminal cases and about 6% of civil cases nationwide have been appealed, with about 50% of these appellate court hearings being conducted electronically. Furthermore, the courts have launched the “Electronic Inquiry System,” which allows them to obtain necessary references, certificates, and information from the “HUR” state information exchange system. This system can retrieve 18 types of information across six categories. By implementing these systems in the civil and administrative courts, they have saved time and costs associated with obtaining references and certificates from other state agencies. The system was rolled out to all courts starting from 1 June 2020.



This indicates that there is a practical requirement for conducting judicial proceedings in both paper and electronic formats. Citizens now have the option to access court services electronically if they wish, including the ability to file cases online, participate in court hearings, and submit documents electronically.

In order to further improve the transparency and openness of the operations of the judiciary and to make court services more efficient and accessible, the law on the budget of Mongolia for 2024 has addressed the funding for the necessary software and technology required to implement electronic judicial proceedings at all levels of court. However, the introduction of digitalization in judicial processes brings a legitimate need for enhancing judges' knowledge and skills, adapting to new technologies, and improving work productivity, which requires specialized training for judges.

2. The Constitutional Court of Mongolia began its digitalization efforts in 2008, implementing a registration and monitoring system in 2010. This system is a comprehensive system for inquiries, registrations, and case movements. Specific extensions and developments have been made every two to five years. However, the lack of direct access and receipt functionalities in this system is a shortcoming, and related developments are underway with plans for implementation in 2025. Additionally, a subsystem for randomly determining cases, disputes, and the composition of hearings has been introduced this year, with plans to further refine it and integrate it into the main case movement system. There is also a subsystem that allows for the creation of electronic archives for documents related to cases, enabling searches and inquiries.

At the same time, the unified legal information system of Mongolia, legalinfo.mn, publishes all decisions with binding effects made by the Constitutional Court within five days of their issuance. This provides citizens, researchers, scholars, law practitioners, and users with extensive opportunities for inquiries, information, and research.

Our Constitutional Court is developing a medium-term plan for digitalization starting in 2024, with multiple objectives. These include integrating several separate subsystems into a comprehensive system,

receiving applications and information submitted electronically through a web-based platform, and enabling the direct registration of cases in the movement system.

Thus, while digitalization has been implemented to a certain extent in our court operations, the legislation regulating judicial processes does not fully align with the stages of court digitalization and has not evolved adequately. For example, in response to the COVID-19 pandemic, our courts began accepting applications and information electronically; however, although legislative changes were made in 2023 regarding this, the principles related to procedural operations, the collection of evidence, and conducting online court hearings have not yet been incorporated into the procedural law of the Constitutional Court.

3. In Mongolia, the government developed and implemented the national programs “Digital Mongolia” in 2005 and “E-Government” in 2012. Starting in 2022, it has planned to implement the medium-term development plan for “Digital Nation” from 2022 to 2025, and specific tasks are being carried out.

As part of this program, there are many ongoing initiatives, and I will briefly introduce the Unified Government Service System and 'E-Mongolia.' The Unified Government Service System, 'E-Mongolia,' was first introduced to the public on October 1, 2020, allowing 181 services from 23 government agencies to be accessed electronically. As of now, 1,233 services from 86 agencies have been integrated into the E-Mongolia system, which has also gained 1.8 million users, accounting for over 70% of the adult population in Mongolia. Furthermore, citizens have successfully accessed a total of 46 million services through the E-Mongolia system over the past four years.

Most recently, the 'E-Mongolia' version 4.0 was introduced to the public and implemented for use. This version presents smart features based on artificial intelligence that protect citizens. With the changes to the interface of the Unified Government Service System, all information related to vehicles, movable and immovable property, and enterprises with ownership has been placed in a special section of the profile area. Additionally, services have been offered in bundled forms based on





citizens' needs, including necessary references and documents for obtaining loans, applying for visas, and ordering paperwork. The system has also created the option for users to search for services using their voice, thereby increasing accessibility. Last year, several notable features were added to the system, including E-Business, E-Kids, and E-Student, among others.

The e-Mongolia platform has implemented a dynamic solution based on AI (artificial intelligence) that monitors user access, network traffic, and load. This allows the platform to intelligently expand during peak loads and reduce itself when the load decreases, ensuring efficient operation. It not only enables various cost savings but also allows the platform to handle the simultaneous load of two million users at once without slowing down or freezing.

In addition, it is worth noting that, as part of the work to digitalize special permits, a total of 93 special permits from 12 organizations have been digitalized in cooperation with relevant government agencies and made available on 'e-business.mn' as well as in the unified database of special permits at 'license.mn'.

In this way, citizens receiving government services electronically has numerous direct and indirect positive effects. For example, it takes about five minutes to access services online, while using traditional methods, accounting for traffic congestion and waiting in service queues, takes an average of 2 hours and 30 minutes. Therefore, the Mongolian government can save time and money while becoming closer and more people-centered for its citizens. This can help reduce bureaucratic hurdles, eliminate redundancy in staffing, and decrease paperwork usage. As a result, over the past three years, it has been estimated that the state budget has saved 24 billion MNT per year, and citizens have saved a total of 746 billion MNT by accessing government services online.

## 2. ELECTRONIC COURTS AND THE LEGAL ENVIRONMENT

The concept of digitalizing the courts, or electronic courts, refers to the ability to file cases electronically, submit evidence, and gather documents in digital form. It also includes conducting online court hearings, delivering court decisions electronically to the parties, and



allowing electronic submission of appeals. Moreover, it encompasses the capability to obtain electronic references and information related to court decisions. In summary, it can be concluded that the court's 'case movement', 'filing claims and appeals, and gathering evidence', as well as 'court hearings and other procedures', need to be digitalized comprehensively.

The process of integrating information technology into the judiciary must be governed by laws that establish procedures for case management. This creates a necessity for legal amendments. Since our country has a civil law system, which is a continental system, any procedures related to case management must be formalized as laws. For this reason, it is essential to legislate the regulations necessary for implementing digitalization in case management.

In 2021, the State Great Khural of Mongolia passed laws on the Transparency of Public Information, the Protection of Personal Data, and Electronic Signatures, resulting in progress in creating a legal environment that ensures openness and transparency for all state organizations, safeguards personal information security, and strengthens e-governance. Additionally, in January 2024, amendments were made by the State Great Khural to 109 laws out of approximately 430 laws currently in force in Mongolia, which had previously hindered digital transformation. This allows for the utilization of technological advancements in various sectors, such as health, education, economy, banking, finance, as well as in all government services, including judiciary, customs, taxation, and state registration, reducing human involvement, minimizing bureaucratic hurdles, and saving costs and budgets.

In order to effectively implement digitalization and enhance the openness and transparency of court operations, regulations have been established in the court procedural laws, effective in 2024, allowing interested parties to access any complaints, claims, explanations, requests, court hearing records, and court decisions filed during the proceedings, unless specifically stipulated otherwise by law. This provision enables both in-person and electronic access to these documents.



The amendments specifically legislate the conduct of court hearings in an open manner, allowing for live broadcasts through the court's official website, media outlets, or public social networks within legal frameworks, as well as the dissemination of audio-visual recordings to the public. Specifically, criminal, civil, and administrative proceedings will be conducted electronically. This electronic judicial process encompasses all judicial activities, including receiving cases, claims, complaints, and requests; communicating with participants in the case, their representatives, and lawyers; receiving and evaluating evidence; conducting court hearings; and delivering decisions. To prepare for the electronic conduct of judicial proceedings and implement this in phases, the electronic processing of administrative cases in court is scheduled to begin on 22 June 2025, while electronic processing for criminal and civil cases will start on 21 December 2025.

The provisions aimed at developing electronic archives, systems, and platforms in the judiciary to ensure open and transparent court proceedings and to provide the public with equitable access to accurate information about judicial processes represent an advancement in the changes implemented in 2024.

To implement these laws, an electronic platform will be used for electronic judicial proceedings. For electronic communication in judicial processes, it is planned to utilize the official email of government agencies, citizens' email integrated with the 'E-Mongolia' extension, emails connected to the electronic system of the Mongolian Bar Association for lawyers, and electronic signatures with identification and verification settings for legal entities.

### **3. ISSUES OF IMPLEMENTING ARTIFICIAL INTELLIGENCE IN THE JUDICIAL SECTOR**

The global technological advancements, particularly the implementation and management of artificial intelligence, have also reached constitutional courts and have become a future development trend. The application of artificial intelligence across various fields, from everyday life to business and scientific advancements, has brought significant progress, easing labour and enhancing efficiency.



As indicated in the previous section, the legal environment for the complete digitization of regular court processes in Mongolia was reformed in 2024, and the efforts to digitize the judiciary have reached a certain level. Furthermore, as previously mentioned, a unified digital platform containing all court decisions, including those of the Constitutional Court and the regular court system (first instance, appeal, and review), has been developed, providing a centralized information-searching system. These platforms contain over 20,000 legal regulations and approximately 500,000 court decisions. Therefore, the challenge of utilizing these vast datasets and integrating them into research through an AI-based inquiry and search system has become a pressing issue for our country today.

Intelligence refers to the ability to utilize abstract logic to relate various concepts, identify relationships between phenomena, solve problems, and uncover patterns. It encompasses the capability to apply specific knowledge to address new challenges and coordinate responses independently of any given instructions. In terms of information management or the ability to categorize data, artificial intelligence can assist judicial operations by analyzing textual documents and files to extract general trends and distinguish similar features. For example, it can identify and locate similar cases through search systems and verify the sources of documents and evidence related to the resolution of disputes.

Thus, for artificial intelligence to function effectively, a large amount of data is required. In our country, there are currently over 500,000 electronic court decisions, necessitating an advancement of the existing inquiry and search systems to a new level. In this context, there is already an opportunity to use this database, along with previously issued court decisions and currently applicable laws and relevant regulations, to perform analyses and conduct preliminary legal assessments with the assistance of artificial intelligence.

Efforts to utilize AI for predicting court decisions have begun in various countries. In this context, artificial intelligence can generate preliminary forecasts on how cases and disputes are likely to be resolved based on previously issued court decisions. The ability to predict court decisions is significant for the parties involved as it can



save time and costs, making one of the roles of artificial intelligence in the legal field to provide advice. This has broad implications, as it can facilitate the work of professional participants in the judicial process and enhance information and understanding.

While AI is developing in a direction that alleviates human labour and could potentially replace human roles, there is currently no trend toward fully replacing judges or their functions. However, it is evolving to assist judges rather than replace them in resolving certain types of cases and disputes. In our country, AI can be utilized in civil proceedings, which primarily focus on the interests of the participants, to assist in mediation and conciliation efforts involving parties to the case.

The application of artificial intelligence in the judiciary is undoubtedly significant, but it is essential to adhere closely to ethical principles related to its use. In this regard, the Council of the European Union has established ethical principles and issued about 25 related documents that should be considered.

## CONCLUSION

The issue of how information technology impacts judicial operations has been one of the critical topics in the legal sector worldwide for the past twenty years. An international benchmark for measuring the accessibility of judicial services is the establishment of an effective mechanism for delivering judicial information to citizens using advancements in information technology, ensuring that individuals can access the judiciary regardless of space and time.

The establishment and management of effective IT infrastructure have also become pressing challenges and development priorities for constitutional courts. In this context, the Constitutional Court of Mongolia has initiated specific measures toward digitalization. However, the need to refine the legal framework and legislate new norms to support these efforts remains a critical issue. Such reforms are particularly vital for Mongolia, a nation characterized by vast territory and low population density, as they enable the resolution of disputes and judicial processes through electronic means, allowing citizens to participate without being restricted by time or location, facilitated by



smart devices.

Transitioning judicial proceedings to digital platforms offers significant advantages. It enables the swift resolution of certain cases and disputes, thereby protecting human rights and freedoms, enhancing the quality and accessibility of judicial services, and ensuring that citizens can receive timely and efficient services without procedural delays, regardless of their location or the time of access.

While the necessity of digitalization in the judicial sector is indisputable, its implementation must prioritize the interests of citizens as the primary stakeholders. Specifically, court digitalization efforts should ensure that judicial services remain simple, user-friendly, and free from unnecessary complexity or inconvenience. The process should strengthen the protection of human rights, enhance judicial efficiency, and provide judges with practical tools that minimize risks, reduce workloads, and save time. If these objectives are not central to the digitalization process, it risks infringing on citizens' rights, increasing the workload of judges and court staff, and complicating judicial procedures.

Finally, achieving effective e-governance and facilitating digital transformation requires more than technological solutions. It necessitates comprehensive legal reforms and active leadership by government institutions in this process. The success of such initiatives hinges on the proactive participation and collaboration of these institutions.



*USE OF INFORMATION  
TECHNOLOGIES  
AND ARTIFICIAL INTELLIGENCE  
IN THE HIGHER JUDICIARY*

*Isidora Pešić  
Marko Marković*

*CONSTITUTIONAL COURT OF  
MONTENEGRO*







## USE OF INFORMATION TECHNOLOGIES AND ARTIFICIAL INTELLIGENCE IN THE HIGHER JUDICIARY

*Isidora Pešić\**

*Marko Marković\*\**

The use of information technology in the judiciary and legal proceedings in Montenegro has been the subject of significant reforms and improvements in recent years. These reforms aim to enhance the efficiency of the judicial system, increase access to justice, and improve the quality of services provided by the courts to citizens. The information system in Montenegro's judiciary encompasses various technologies and tools designed to improve and streamline the judicial process. Key aspects of this system include:

1. **Electronic Case Registry:** This system facilitates electronic tracking of case statuses, aiding in the organization and efficient management of judicial proceedings.

2. **Judicial Portal:** This platform provides access to information about court proceedings and allows for the electronic submission and tracking of cases.

3. **Electronic Document Exchange:** This feature enables the rapid and secure exchange of documents between different judicial bodies and other relevant institutions.

4. **Case Management System:** This system supports the handling and management of cases, including scheduling and tracking cases through different stages of the process.

5. **Database of Judgments and Decisions:** This database contains information on previous judgments and decisions, assisting in legal research and decision-making.

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**6. Training and Support:** Judicial staff, including judges and lawyers, receive training on using the information systems, and technical support is provided to address any issues.

**7. Data Security and Protection:** This aspect involves safeguarding confidential information and data from unauthorized access and cyber threats.

When the COVID-19 pandemic hit, it highlighted significant deficiencies in our working processes due to the lack of modernization in electronic submissions of appeals, documents, as well as online scheduling and holding of hearings. In response, it is important to note that the Ministry of Justice of Montenegro, in collaboration with the IT departments of the Judicial Council Secretariat, the Supreme State Prosecutor's Office, and the Administration for the Execution of Criminal Sanctions, is committed to modernizing the Montenegrin judiciary system through the Justice Digitization Strategy 2024–2027 for Montenegro.

The Judicial Council Secretariat is continuously working to maintain and enhance the data center, adhering to the highest standards for centralized data storage and processing. Regular audits and data recovery plans have been implemented to ensure the stability and security of critical information systems. Ongoing efforts include developing a new version of the judicial information system, improving the reporting system, integrating misdemeanour courts, and enhancing connectivity with external systems.

Planned initiatives include the implementation of a highly secure digital evidence register and digital certification. Additionally, there are plans to enhance and expand the Enterprise Service Bus modular platform for secure and efficient data exchange between judicial bodies and other institutions. This will facilitate better coordination and collaboration with the Tax Administration, the Ministry of Internal Affairs, the Central Bank of Montenegro, and the Ministry of Justice.

Work on the digital archive system is ongoing, with efforts to expand the digitization process to encompass all court cases, particularly focusing on archival materials from the Judicial Council Secretariat from 2008 to 2023. We are currently in the pilot project



phase at the Administrative Court of Montenegro, the Supreme Court of Montenegro, the Commercial Court of Montenegro, and the Basic Court in Podgorica. These pilot projects involve user training to ensure the continuous implementation of digitization for court files.

In parallel, we are evaluating the digital archive system with the aim of enhancing it, including integrating it with the PRIS system for more efficient case review. The ultimate goal is to achieve full alignment of the information system with physical registers and case files, thereby improving access to and preservation of judicial documentation while simultaneously increasing the transparency and efficiency of the judicial system.

Efforts have been intensified to enhance multimedia support within courtrooms, including ongoing improvements to video conferencing systems, technological support for main hearings, international cooperation, and the processing and presentation of evidence. We are currently preparing documentation for feasibility studies to address the implementation of remote hearings and trials, considering existing spatial capacities. The goal is to identify best practices and technical solutions that will enable courts to efficiently conduct remote hearings and trials, thus improving access to justice and providing greater flexibility in court operations.

This strategy will be aligned with European Union regulations concerning the digitalization of judicial processes. However, it is important to highlight that the strategy faces certain challenges, such as the need for ongoing education, resistance to digitalization and change, a shortage of IT specialists, and insufficient financial resources.



***USE OF INFORMATION  
TECHNOLOGIES  
AND ARTIFICIAL INTELLIGENCE  
IN THE HIGHER JUDICIARY***

***Majlinda Ismaili***

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***CONSTITUTIONAL COURT OF THE  
REPUBLIC OF NORTH MACEDONIA***





## USE OF INFORMATION TECHNOLOGIES AND ARTIFICIAL INTELLIGENCE IN THE HIGHER JUDICIARY

*Majlinda Ismaili\**

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### INTRODUCTION

This paper covers the use of information technologies and artificial intelligence in the higher judiciary, i.e., in the Constitutional Court of the Republic of North Macedonia. The content of this presentation presents a brief overview of the current technological capabilities of the Constitutional Court and the future planned projects.

Transparency and the new website of the Court are aspects of the use of IT in the Court.

### 1. TRANSPARENCY AND NEW WEBSITE

The work of the Constitutional Court is public, the sessions are open to the public and the Court continuously reports its decisions after each session. Since December 2021, the Spokesperson and Advisor of the Court for Public Relations has been in charge of public communication and the management of website publications. Since then, the official Facebook profile of the Constitutional Court has been functioning, where all the activities of the Court are regularly shared. Announcements about the agendas are published on the website one week prior to the session. A reminder email is sent to the media one day before the session, and a post announcing the agenda is published on the official Facebook page of the Constitutional Court. After the session, a press release is issued to inform the public about the Court's decision-making process for the reviewed cases, as well as a weekly overview of received initiatives significantly valuable for the petitioners of initiatives or requests for the protection of freedoms

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and rights, including all interested citizens of the Republic of North Macedonia.

In the direction of increasing transparency through the new website, citizens can access all decisions of the Court from 1991 onward through the search tool which is simple and easy to use by keyword.

- Particularly significant novelty is the category of financial transparency which provides access to the Court's budget, final accounts, information on public procurement, and all concluded contracts.

- Citizens can directly address the President of the Constitutional Court.

- Due to the citizens' need for more thorough information about the Constitutional Court, as well as the numerous attacks over the past year, the Court intensively worked to relaunch the website.

- The new website was created by an advisor of the Court, in daily coordination with the President of the Court, and the Spokesperson.

In the forthcoming period, the website will be updated with a variety of content that is adapted to the quality and objectivity of the information that citizens and journalists require.

### **Information Technologies - Equipment**

The Constitutional Court currently possesses the requisite technical conditions to exercise its constitutional competence with regard to the information equipment and digitization of its work.

Each workplace in the Constitutional Court is equipped with a personal computer (case and monitor), a printer, a desk with a drawer, a chair with wheels, and storage cabinets for office supplies (objects and other documents).

Most computers run Windows 10 or 11 and are equipped with Microsoft Office tools (Word, Excel, PowerPoint) and IBM Lotus Notes 8.5.4, which includes applications for constitutional-judicial procedures, library management, mail database, financial operations, and archival management.

As mentioned above, Lotus Notes 8.5.4 is employed in addition to



the standard office tools: Word, Excel, and PowerPoint, and it contains the following applications:

Constitutional-judicial procedure – displays all active cases with the following categories:

- Register of all received cases,
- Cases – composed of resolved and unresolved cases. Abstracts, draft decisions, and final decisions are recorded as resolved cases.
- Acts - this section is organized in the following manner of systematization: by type of act, by U. number, Decisions and Resolutions.
- Sessions – this section contains the minutes of the sessions that were held.
- Constitutional-judicial case law – records all resolved cases that are part of the constitutional-judicial case law.
- Notebook
- Library
- Mail base
- Financial and material operations consist of internal documentation, human resources and fixed assets, Clients, and a special application for financial operations.
- Archival operations and procedures.

The employees of the Constitutional Court have access to the Electronic Database of Regulations in the “Official Gazette of RNM” ensuring access to all editions of the bulletin.

### **E-Official Gazette**

The Constitutional Court of the Republic of North Macedonia started working in 2015 on the Electronic Standardized Channel for the submission of legal acts for publication in the official gazette “Official Gazette of the Republic of North Macedonia.” This was implemented as a web service via the internet, following a predefined protocol for data exchange, to submit acts for publication. In 2023, following the new digitization trends and the guidelines of the "Roadmap for Digital



Transformation" adopted by the Government of the RNM, a new way of submitting materials for publication in the Official Gazette was introduced in such a way that all documents submitted through the portal of the "Official Gazette of RNM" must be electronically signed by the responsible person of the institution in order to be published, in our case, by the Secretary-General.

### **E-Government**

Since 2015, the Constitutional Court has been electronically submitting all requests for opinions on cases, alongside the initiative on which the Government of the RNM should give its opinion, thus, establishing an efficient, effective, operational, and coordinated correspondence of the Constitutional Court with the Government. After the governmental procedure, the opinion of the Government is submitted to the Constitutional Court on this portal, as well as by mail. All other documents and acts that the Constitutional Court sends to the Government in paper form are also submitted through this system, in order to make the correspondence more efficient and effective.

## **2. UPCOMING FUTURE PROJECTS**

**Act of the Constitutional Court of the Republic of North Macedonia ("Official Gazette of the Republic of North Macedonia" no. 115/2024 of 31.05.2024)**

In May 2024, the Constitutional Court adopted a new Act, the Act of the Constitutional Court of the Republic of North Macedonia ("Official Gazette of the Republic of North Macedonia" no. 115/2024 of 31.05.2024), which regulates aspects regarding modes of operation of the Constitutional Court. The Act entered into force on 1 September, 2024.

The Act of the Court introduced certain updates, the most relevant to our presentation being:

- The regulation of electronic submissions through a separate act of the Court;
- The Constitutional Court defines the conditions for the operation of its library and the information system, and the proposed budget request of the Court must include funds for the operation of the library and the information system.



The Constitutional Court of the Republic of North Macedonia, like many other judicial bodies, has been integrating information technologies (IT) to enhance its efficiency, transparency, and effectiveness.

An upcoming planned activity is the implementation of Electronic Filing and Documentation, enabling procedures to be initiated through electronic submissions.

A special regulation will outline the methods of operation, with its application set to begin on 1 January 2025.

This planned activity is outlined in the new Act of the Constitutional Court of the Republic of North Macedonia ("Official Gazette of the Republic of North Macedonia" no. 115/2024, from 31.05.2024).

According to Article 9 paragraph 6 of the Act, Electronic submission of applications are regulated by a special act of the Court.

Pursuant to Article 122, the Constitutional Court defines the conditions for the work of its library and information system. In the proposed budget request of the Court, Mandatory funds are provided for the work of the library and information system.

According to Article 125, the provisions of this act that refer to the procedure for the protection of freedoms and rights determined in Article 110 (3) of the Constitution, as well as Articles 10 and 11 (2) of this act, will be applied from 1 January, 2025. The electronic submission of initiatives also starts from 1 January 2025.

The Constitutional Court of our country has not yet implemented artificial intelligence; however, it is worth considering some of the potential benefits AI could offer Legal Research and Case Analysis: AI can assist in legal research by quickly sifting through large volumes of legal texts, precedents, and case law to identify relevant information. This can support judges and legal staff in making more informed decisions.

1. Predictive Analytics: AI algorithms can be used to predict outcomes of cases based on historical data and patterns. Although not definitive, these predictions can provide valuable insights into potential case outcomes and assist in case management.



2. Natural Language Processing (NLP): NLP technologies can process and interpret legal texts, allowing for more efficient extraction and categorization of information from documents and submissions.
3. Automated Document Review: AI tools can automate the review of legal documents by identifying relevant sections and flagging inconsistencies or errors, thus accelerating the process and reducing manual effort.
4. Enhanced Security: AI can also contribute to cybersecurity by protecting sensitive case information and ensuring the integrity of digital communication and records.

### **3. IMPLEMENTATION AND IMPACT**

The implementation of these technologies in the Constitutional Court of North Macedonia would aim to streamline operations, enhance access to justice, and improve the efficiency of handling constitutional matters. However, the integration of IT and AI must be approached carefully to address potential challenges, such as ensuring data privacy, maintaining the impartiality of AI systems, and training personnel to effectively use the new technologies.

Overall, the adoption of information technologies and AI in the Constitutional Court marks a significant step toward modernizing judicial processes and improving the overall effectiveness of the judiciary in North Macedonia.

### **4. CHALLENGES AND CONSIDERATIONS**

While the integration of IT and AI in the judiciary brings numerous benefits, there are also challenges to address:

- Data Security: Ensuring the protection of sensitive legal information is crucial.
- Digital Divide: Ensuring equitable access to technology is necessary to prevent disparities within the legal system.
- Training and Adaptation: Judges and court staff must receive proper training to effectively utilize new technologies.

Overall, the adoption of IT and AI in the higher judiciary of North



Macedonia marks a significant step towards modernizing the judicial system, making it more efficient, transparent, and accessible. However, continuous efforts are required to address challenges and ensure the effective and ethical implementation of these technologies.



*THE USE OF IT AND ARTIFICIAL  
INTELLIGENCE  
IN RUSSIAN JUDICIAL  
PROCEEDINGS*

*Ivan Kleimenov*

*CONSTITUTIONAL COURT OF  
THE RUSSIAN FEDERATION*







## THE USE OF IT AND ARTIFICIAL INTELLIGENCE IN RUSSIAN JUDICIAL PROCEEDINGS

*Ivan Kleimenov\**

### INTRODUCTION

It is impossible to imagine modern society without artificial intelligence and IT since they are involved in virtually all areas of social relations. Since these technologies make human life significantly easier, the desire to introduce them into every possible area of human activity is only natural. Judicial proceedings are no exception. In view of the large number of cases subject to courts' consideration (for example, in 2023 district courts alone heard 520,700 criminal cases and 3,926,000 civil and administrative cases)<sup>1</sup>, including those of particular complexity, and the time that citizens spend applying to the court, attending hearings, familiarising themselves with the case documents etc., the introduction of artificial intelligence and IT technologies into judicial process benefits all the parties involved. Judges are interested in optimising their work, even distribution of cases, quality information and analytical support, and citizens are interested in ensuring rapid and unhindered access to justice and the right to effective judicial protection.

### **The Limits and Aims of Artificial Intelligence Usage in Russia**

The introduction of artificial intelligence and IT into judicial process clearly has its limits, both legal (defined first and foremost by the Constitution of the Russian Federation) and ethical. Importantly, procedural convenience must not conflict with fairness, which is the essence of justice. No procedures should jeopardise the achievement of fairness in judicial proceedings.

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1 See: Review of judicial statistics on the activities of federal courts of general jurisdiction and justices of the peace.  
URL: [http://www.cdep.ru/userimages/sudebnaya\\_statistika/2023/Obzor\\_\\_sudebnoy\\_statistiki\\_SOYU\\_2023.pdf](http://www.cdep.ru/userimages/sudebnaya_statistika/2023/Obzor__sudebnoy_statistiki_SOYU_2023.pdf)



According to the Constitution of the Russian Federation, justice shall be administered only by courts on the basis of adversarial proceedings and equal rights of the parties. Judges shall be independent, irremovable and shall be subordinate only to the Constitution of the Russian Federation and federal law (Articles 118-123). In other words, it follows from the Constitution of the Russian Federation (Articles 46 and 118) that any decision which is called a judicial act and which is issued in the name of the court should be made by the court (a judge), which may use the help of information technology, but only in order to reduce time required to find, research and analyse the case materials, to rationalise its work, to develop a lawful and justified decision, and not to replace the function of the judiciary with the use of artificial intelligence.<sup>2</sup>

In view of the above the use of artificial intelligence and IT in the Russian Federation is **purely assistive**. Therefore, the Russian Federation law provides neither resolution of cases by a robot judge, nor delivering a judge's decision based on the ChatGPT's opinion.

IT and artificial intelligence are used in Russian judicial proceedings to:

- ensure unhindered access to justice for citizens;
- optimise the work of courts, including information-analytical and expert support of court activities.

### **Ensuring Access to Justice for Citizens**

Fulfilment of the first objective is ensured in the Russian Federation by the following: **1) the possibility of submitting (filling) applications (complaints, claims) to judicial bodies in electronic form; 2) the creation of algorithms to help citizens to formulate an application correctly; 3) the provision of online access to information and legal databases of court decisions; 4) the possibility of familiarising with the case file online and attending court hearings online.**

Of course, in different types of judicial proceedings, these methods' contents may be different, due to specificities of relevant proceedings. For example, Criminal proceedings are the most conservative i.e.

<sup>2</sup> Vagin O. The use of information technology in justice (necessity, feasibility and limits of admissibility). Journal of Constitutional Justice. No. 5 (71) 2019.



there are fewer opportunities to use online procedures, nevertheless to a certain extent such procedures are still provided by criminal and criminal procedure legislation.

The current legislation expressly provides for the possibility of submitting applications and other documents to the court in electronic form. In particular electronic submission is available for the following documents: 1) in constitutional proceedings – for the complaint and documents attached thereto (Article 37 (part 1) and Article 38 (part 4) of the Federal Constitutional Law “On the Constitutional Court of the Russian Federation”); 2) in administrative proceedings – administrative claim, application, appeal, prosecutor’s appeal, and other documents (Article 45 (part 2) of the Code of Administrative Judicial Procedure of the Russian Federation); appeal against a decision in a case concerning an administrative offence in case of fixation of this administrative offence by special technical means operating in automatic mode (Article 30.2 (part 3.1) of the Code of Administrative Offences of the Russian Federation); 3) in criminal proceedings – petitions, applications, complaints or prosecutor’s appeals that do not contain information classified as secret protected by law (Article 474.1 of the Criminal Procedure Code of the Russian Federation); 4) in civil proceedings – claims, applications, complaints, prosecutor’s appeals and other documents (Article 3 (part 1.1) of Civil Procedure Code of the Russian Federation); 5) in arbitration proceedings – claims and other documents (Article 41 (parts 1 and 1.1) of the Arbitration Procedure Code of the Russian Federation).

Thus, electronic filing of applications to the court is established for all types of judicial proceedings.

Documents in electronic form shall be submitted to court through a personal user account created in the “Electronic Justice” module of the software product “Internet Portal” GAS (government automated system) “Pravosudiye” (“Justice”) at [www.ej.sudrf.ru](http://www.ej.sudrf.ru), or through a personal account in the Unified Portal of State and Municipal Services (Order of the Judicial Department at the Supreme Court of the Russian Federation of 27 December 2016 No.251 “On Approval of the Procedure for Submitting of Documents to Federal Courts of General Jurisdiction in Electronic Form, including in the Form of



an Electronic Document”). According to the Supreme Court of the Russian Federation, approximately 9 million documents were filed in electronic form in courts of general jurisdiction in 2023.<sup>3</sup>

The website of the Constitutional Court of the Russian Federation (<https://ksrf.ru/ru>) also has an electronic system for submitting complaints. To submit a complaint in electronic form, the applicant must register in the document submission system “Appeal to the Constitutional Court of the Russian Federation” by creating his own account and profile. Submission of an electronic complaint shall be made by filling in the form in a special section of the official website of the Constitutional Court of the Russian Federation. After submitting a complaint, the applicant can track its processing before the Constitutional Court on the website.

The State recognises that in order to ensure a citizen’s access to justice and the right to judicial protection it is not enough to provide them with the opportunity to go to court; it is also important to ensure that they are able to effectively defend their rights before the court, which includes *inter alia* filing a competent application. IT and artificial intelligence capabilities can be used for this purpose.

For example, the Secretariat of the Constitutional Court of the Russian Federation has developed an **applicant self- test algorithm**, which is placed on the website of the Constitutional Court of the Russian Federation (<https://ksrf.ru/ru>). The purpose of the algorithm is to help a potential applicant assess the prospects of filing a complaint to the Constitutional Court regarding a violation of constitutional rights. The applicant self-test algorithm asks the applicant to select the option appropriate to their situation or answer the suggested questions by clicking on the “Yes” or “No” buttons. During the test, applicants can follow interactive links to the provisions of the Constitution of the Russian Federation and the Federal Constitutional Law “On the Constitutional Court of the Russian Federation”.

First of all, the applicant is asked to indicate the issue he intends to submit to the Constitutional Court of the Russian Federation. He is then offered the following options for an answer:

3 URL: <http://www.kremlin.ru/events/president/transcripts/deliberations/73390> (accessed on: 28.02.2024).



- Do you want a federal constitutional law, a federal law (including the Code), a law of the USSR, the RSFSR or the Russian Federation, or a law of a constituent entity of the Russian Federation (or separate provisions/articles of such a law) to be reviewed for conformity with the Constitution of the Russian Federation?

- Do you want a normative act (separate provisions/ articles) that is not a law to be reviewed for conformity with the Constitution of the Russian Federation?

- Do you want an international treaty concluded by the Russian Federation to be reviewed for conformity with the Constitution of the Russian Federation?

- Do you want the Constitutional Court to give an interpretation of the Constitution of the Russian Federation?

- Do you want the Constitutional Court to review conformity of certain provisions of the Constitution of the Russian Federation with the other provisions of the Constitution?

- Do you want the Constitutional Court to review constitutionality of ordinary court decisions?

- Do you want to submit a complaint about a specific decision, action or omission of an official or authority?

If the applicant chooses one of these options, he will either be informed that his complaint is not admissible (for example, the applicant states that he wants to review the constitutionality of a court decision, which does not fall within the jurisdiction of the Constitutional Court) or will be asked clarifying questions (for example, if an applicant states that he wants to challenge the law of the USSR he will be asked several questions: Is this law in force now? Has it been applied in a particular case? Has the applicant submitted a cassation or supervisory appeal to the Supreme Court of the Russian Federation? Was the last decision on this complaint more than a year ago?).

If the algorithm is successfully completed, the applicant is advised to follow the link and read **answers to the frequently asked questions arising in the preparation of a complaint to the Constitutional Court of the Russian Federation**, as well as **adopted rulings of the**



## **Constitutional Court of the Russian Federation and selection of “Frequently challenged articles of the Codes”<sup>4</sup>.**

In addition, the Constitutional Court publishes all its rulings on its website. These rulings are also available to the applicant.

Thus, the applicant has the opportunity not only to correctly formulate the complaint to the Constitutional Court, but also to find out whether the challenged provisions have been examined from the point of view specified in the complaint and what the Court has decided on similar issues. It should be noted that the appearance of the algorithm on the Court’s website, accompanied by a detailed explanation of the rules for submitting complaints and a compilation of the Court’s rulings, has allowed significant improvement of the quality of complaints.

Another example of the use of artificial intelligence and IT to ensure citizens’ access to justice is the Arbitration cases catalogue (<https://kad.arbitr.ru/>), which is successfully used by both Commercial (Arbitration) court judges and citizens applying to these courts. After registration, a citizen can appeal to commercial court. A virtual assistant – an arbitrator-bot is available on the cases catalogue to provide round-the-clock assistance to users.<sup>5</sup> Citizens can also familiarise themselves with the case files online using this catalogue.

As regards the possibility for citizens to participate in court hearings remotely, this is also provided for by the current legislation. The possibility of participating in a court session by videoconference was provided for in the Arbitration Procedure Code of the Russian Federation (Article 153.1) in 2010, in the Civil Procedure Code of the Russian Federation (Article 155.1) in 2013, in the Code of Administrative Judicial Procedure of the Russian Federation (Article 142) in 2015, and in the Code of Administrative Offences of the Russian Federation (Article 29.14) in 2018. Eventually, in 2022, the relevant provision appeared in the Criminal Procedure Code of the Russian Federation (Article 241.1). Under this Article, the court may decide, if technically

4 Website of the Constitutional Court of the Russian Federation. <https://ksrf.ru/ru/Petition/Pages/algo/default.aspx>

5 How to use the website of arbitration courts. Source: [https://journal.sovcombank.ru/glossarii/kak-polzovatsya-saitom-arbitrazhnih-sudov#h\\_44805077511685091692454](https://journal.sovcombank.ru/glossarii/kak-polzovatsya-saitom-arbitrazhnih-sudov#h_44805077511685091692454)



possible and at the request of the accused, to allow him to participate in the proceedings by means of videoconferencing (part 1). At the same time, the necessary criminal procedural guarantees, in particular the mandatory participation of the accused's lawyer, are of course ensured.

Specialists point to the obvious benefits of using videoconferencing in court. Thus, the use of videoconferencing in criminal proceedings makes it possible to reduce the costs of transporting convicts and persons under investigation to court, to reduce the number of offences against employees of the Federal Penitentiary Service and the Ministry of Internal Affairs during transportation, to reduce the risk of escape, the amount of court costs, the financial expenses of relatives of convicts and persons under investigation (which are not included in the costs), to reduce the duration of proceedings.<sup>6</sup> According to the Supreme Court of the Russian Federation, approximately 500,000 cases are annually heard with the use of videoconference.<sup>7</sup>

It should be noted that in 2021, the federal legislator went even further and provided in the Civil Procedure Code of the Russian Federation (Article 155.2) and the Arbitration Procedure Code of the Russian Federation (Article 153.2) for the possibility of participating in a court session by means of web conferencing. Unlike videoconferencing which requires special equipment, web conferencing is much more convenient: all you need is a smartphone or a laptop. The web conferencing format was introduced in court proceedings during the COVID-19 pandemic. As noted by the Supreme Court of the Russian Federation, presently web conferencing *inter alia* allows persons with disabilities to fully participate in court proceedings, which undoubtedly increases the level of implementation of the right to judicial protection of such persons. It is important to note that it is not uncommon for parties to proceedings to incur significant travel costs to attend court hearing far from their place.<sup>8</sup>

Since civil and arbitration legislation is to some extent setting trends

6 Sofiychuk N., Kolpakova L. On citizens' access to justice in the context of the digitalisation of criminal proceedings. *Lex Russica*. V. 73 No.11 (168) November 2020. p.75.

7 URL: <http://www.kremlin.ru/events/president/transcripts/deliberations/73390> (accessed on: 28.02.2024).

8 See: Web conferencing court hearings. The number of arbitration hearings held via web conferencing is increasing significantly. <http://2aas.arbitr.ru/news/20200529-1>





in the use of modern technologies, it is expected that similar provisions will soon appear in other branches of law, including criminal procedure.

### **Optimisation of the Work of Courts**

As mentioned above, artificial intelligence and IT are also used in the Russian Federation to optimise the work of courts, which is achieved by **1) providing judges and court staff with a set of legal information systems that allow fastest possible access to the necessary information including databases of court decisions; 2) digitising document and case management in courts; 3) distributing cases among judges with the help of artificial intelligence; 4) performing other support functions with the help of modern technologies and artificial intelligence.**

Courts currently use legal reference systems (ConsultantPlus, Garant, Kodeks), which contain the entire corpus of legislation, including that which is no longer in force, judicial practice as well as the legal press, legislation commentaries and books. These legal reference systems offer many ways to search for the required document, including keyword search.

In addition to the all-Russian legal bases, the Constitutional Court has developed its own unique system “Mobile Analytics”. This database contains not only all the rulings of the Court, but also the legal positions expressed in these rulings in the form of extracts. The legal positions constitute the essence of the rulings, which makes it possible to optimise the work of the judges and the staff of the Secretariat. By entering a keyword in the search bar, the user can quickly and directly familiarise himself with the legal positions of the Constitutional Court on the relevant legal issue.

The digitisation of document management in the courts also makes their work much easier. In Moscow, for example, the Complex Information System of Courts of General Jurisdiction (CISCGJ) was launched in 2017, allowing the Moscow City Court, Moscow district courts and 438 judicial districts of Moscow to exchange electronic documents. Consequently, the data stored in the justice of the peace information system is automatically transferred to the district courts and then to the Moscow City Court. In addition to case data,



the database also contains texts of the decisions, which has made it possible to eliminate handwriting of information and where necessary to start the examination of a case with an electronic copy before the paper version of the case reaches the court.<sup>9</sup>

In 2020, the Constitutional Court of the Russian Federation has completely switched to electronic case management. All complaints received by the Court are converted into electronic form and placed in the AIS (Automated Information System) “Sudoproizvodstvo” (“Court proceedings”), where all draft and final rulings are also placed. Through this system, judges and Secretariat staff have online access to all materials received by the Court. In particular, this makes it possible to quickly trace the history of the applicant’s previous applications.

According to the current legal regulation, the composition of an ordinary court for each case is determined by means of an automated information system (Article 14 (part 3) of the Civil Procedure Code of the Russian Federation, Article 18 (part 1) of the Arbitration Procedure Code of the Russian Federation, Article 28 (part 1) of the Code of the Administrative Judicial Procedure of the Russian Federation, Article 30 (part 1) of the Criminal Procedure Code of the Russian Federation) which makes it possible to optimise the work of the judges and ensure equal distribution of cases among them.

Artificial intelligence is also being used to perform other support functions that can make the work of courts easier. For example, the Federal Law of 29 December 2022 No. 610-FZ amended Article 474.1 of the Criminal Procedure Code of the Russian Federation. In particular, it defined the platform for the electronic exchange of documents between the court and the party to the proceedings (the Unified Portal of State and Municipal Services, hereinafter also – Unified Portal of State Services, “Gosuslugi”). Summonses should be sent through this portal to a person who has consented to be notified in this way. This eliminates persistent problem of notifying participants in criminal proceedings of scheduled court hearings or investigative actions.<sup>10</sup>

9 Moscow courts have switched to electronic document management with justices of the peace. [https://www.cnews.ru/news/top/2018-06-26\\_mosgorsud\\_i\\_rajonnye\\_sudy\\_moskvy\\_pereshli\\_na\\_elektronnyj](https://www.cnews.ru/news/top/2018-06-26_mosgorsud_i_rajonnye_sudy_moskvy_pereshli_na_elektronnyj)

10 Cvetkov Yu. Inquisition process: version 2.0 (digital inquisition) // Criminal Proceedings. 2023. No. 1. P. 21 - 28.



Another example of the use of artificial intelligence to improve the work of the courts is a pilot project launched in the Belgorod Oblast, where three judicial districts of justices of the peace have used AI to prepare court orders for collection of taxes from citizens. At the same time, the artificial intelligence itself does not issue court orders, but assists in the preparation of documents, including the creation of a case card in the court's internal system.<sup>11</sup>

### **Prospects for the Use of Artificial Intelligence and IT**

As for the prospects of developing the use of artificial intelligence and modern technologies in Russia, it is planned to launch a comprehensive e-justice system until 2030. The Council of Judges of the Russian Federation has announced plans to switch to electronic courts over the next five years. The aim of the reform is to enable citizens to participate online in all procedures, from filing a complaint to receiving a court decision, through the "Gosuslugi" portal. The Council of Judges points out that the demand for modern justice is evidenced by the annual growth of digital complaints. Approximately 22 million of them have already been submitted to federal courts of general jurisdiction.<sup>12</sup>

It is also planned to further improve the "Justice Online" service on the "Gosuslugi" portal. The Judicial Department at the Supreme Court of the Russian Federation is working on the development of a service for sending legally significant court notices, a service for biometric authentication of a participant in court proceedings in a court of general jurisdiction, a web-conferencing system via a personal account on the Unified Portal of State Services, a service for interaction between a court of general jurisdiction and the "Gosuslugi" portal, and a service for determining territorial jurisdiction.<sup>13</sup>

The use of AI looks promising in civil and administrative cases

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11 Website of the "Russian Gazette". URL: <https://rg.ru/2021/04/10/sudy-podkliuchili-iskusstvennyj-intellekt-k-vzyskaniyu-transportnogo-naloga.html> (accessed on: 28.02.2024).

12 The legal community fears a fully digital Themis. [https://www.ng.ru/politics/2024-06-09/1\\_9025\\_themis.html](https://www.ng.ru/politics/2024-06-09/1_9025_themis.html)

13 Shundikov K. Digitalisation of the procedural form as a guarantee of implementation of the principle of accessibility of Russian justice. // Principles of justice and their development in the information society: collective monograph / Supreme Court of the Russian Federation; North-Western Branch of the Federal State Budget-Funded Educational Institution of Higher Education "The Russian State University of Justice". St. Petersburg. 2023. Publisher: "Asterion". P. 73-74.



involving uncontested claims, i.e. cases where the decision is not linked to analysis of the legal relations between the parties and is of a more technical nature, (e.g. claims for the recovery of arrears in housing payments or a claim for alimony for minor children when it does not involve establishment of paternity, or contesting paternity (maternity), or involving third parties).<sup>14</sup>

## CONCLUSION

Artificial intelligence should be used with caution in legal proceedings.

Firstly, even software developers who have tried to adapt IT for the purposes of justice believe that there are aspects of court cases that artificial intelligence is simply cannot “understand”: it can make good guesses, but without the use of context, the system may produce incorrect results.<sup>15</sup>

Secondly, artificial intelligence systems can make mistakes. In addition, these systems may be subject to criminal acts, such as attacks that would cause artificial intelligence to malfunction.<sup>16</sup>

Thirdly, according to the poll by the All-Russian Public Opinion Research Centre, 32% of Russians do not trust artificial intelligence. According to 26% of them, AI can make mistakes and malfunction, 23% trust only humans, and a similar number are convinced that the development of artificial intelligence will lead to degradation of the population (22%).<sup>17</sup> Accordingly, the totally widespread introduction of artificial intelligence systems into the judicial system would undermine public trust in the courts.

Anyway, the introduction of modern technology into court proceedings should not mean complete disappearance of paper-based proceedings. Only citizen applying with a court should decide upon the form of submission of his application. At the same time, it is

14 Momotov V. Artificial intelligence in litigation: state and prospects for use. *Courier of Kutafin Moscow State Law University (MSAL)*. 2021; (5). p.190.

15 Artificial intelligence trained to predict judgements in human rights cases. <https://geektimes.ru/post/281830/> (accessed on: 24.10.2018).

16 See.: Dremlyuga R., Korobeev A. Criminal encroachments on artificial intelligence systems: criminal-legal characteristics. *All-Russian criminological journal*. 2023. V. 17 No. 1.

17 Artificial intelligence: a threat or a bright future? <https://wciom.ru/analytical-reviews/analiticheskii-obzor/iskusstvennyi-intellekt-ugroza-ili-svetloe-budushchee>



important to remember that the use of IT in the courts should be aimed to the benefit of people. The idea of humanity must determine justice, and it must not be replaced by technocratism.

***CASE STUDY OF GUIDELINES  
FOR USING INFORMATION  
TECHNOLOGY AND AI IN THE  
CONSTITUTIONAL COURT  
SYSTEM***

***Norrasing Sangbuapuan  
Preaw Vichayanetinai***

***CONSTITUTIONAL COURT OF THE  
KINGDOM OF THAILAND***





## USE OF INFORMATION TECHNOLOGIES AND ARTIFICIAL INTELLIGENCE IN HIGHER JUDICIARY: CASE STUDY OF GUIDELINES FOR USING INFORMATION TECHNOLOGY AND AI IN THE CONSTITUTIONAL COURT SYSTEM

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Preaw Vichayanetinai\*\*

### ABSTRACT

*This academic article aims to study guidelines for the use of information technology and artificial intelligence (AI) in higher judiciary and also provide guidelines for the use of information technology and AI in the Constitutional Court system by studying the consistency of the policies of the Constitutional Court with the policies of the relevant countries. The study encompasses the principles and concepts involved in the utilization of information technology and the implementation of AI across diverse aspects associated with the Constitutional Court. Importantly, this academic article presents a case study on the use of information technology and AI in the Constitutional Court system.*

**Keywords:** *information technology, artificial intelligence, Constitutional Court*

### INTRODUCTION

At present, the world is beginning to enter the era of digital economic and social systems, where information technology will no longer be just a tool to support work like in the past, but will truly integrate into people's lives. Moreover, it will fundamentally transform the structure and form of activities, economics, production processes, trade,

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services, and other social processes, including individual interactions. Therefore, Thailand must utilize information technology as a crucial tool to propel and enhance the country's development. Information technology drives organizations and agencies to alter their work processes, enhancing their quality of life and operational efficiency. In the realm of justice, the Constitutional Court has recognized the significance of information technology and is actively utilizing it to propel its mission and achieve its objectives.

The Constitutional Court has policies that are consistent with the national reform plan in the judicial process, as provided in the Constitution, the master plan under the national strategy, and the government's policy that aims to move Thailand towards Thailand 4.0 (Thailand 4.0) and the digital economy. The national strategic plan, the master plan under the national strategy, and the national reform plan all cover four key areas: The first area is public administration and the provision of information technology-based public services; the second is the development of the information technology structure and data linkage of government agencies. 3) The advancement of information technology personnel; and 4) the enhancement of information technology security. The Constitutional Court has adopted the National Justice Administration Master Plan as a guideline for its operations. This plan aims to drive the justice process with information technology, promoting fairness, reducing inequality, and fostering transparency. In particular, it allows citizens to track the progress of the justice process from its inception to its conclusion, thereby enhancing convenience, speed, and transparency.

The Constitutional Court has recognized the importance and benefits of using information technology in organizations. Disruptive technology of this era is influencing our daily lives and working styles both directly and indirectly. Therefore, the Constitutional Court has specified strategies related to the development of information technology in its operational plan. This is done to prepare and adapt to the application of information technology within the organization, preparing it to become a technology-driven organization in the future. At present, the Constitutional Court has developed information technology to support the missions of the Constitutional Court

Judiciary and the office's officials. The Constitutional Court can operate with convenience, speed, and transparency, leveraging technology to enhance the e-Court system's standardization, reliability, and transparency. The case management system automatically retrieves case information during trial sessions, facilitating chat discussions between the judge and the case officer. In addition, the Constitutional Court must develop a large-scale database system (Big Data) to compile constitutional court decisions around the world or where relevant. The development of a search system for rulings and orders is also necessary to serve the public and interested parties. It also has a data analytics system and links data between relevant internal and external agencies. AI, a modern information technology, aids in the system's speed, stability, and reliability. Importantly, the database and network system must be secure and able to protect against external threats.

The Office of the Constitutional Court is responsible for the Constitutional Court's administrative work, which is the collection of information to support the Constitutional Court Tribunal's deliberations and decisions. In addition to collecting data, there are also matters of education, research, and dissemination of information. A high-performance data management system is needed because it is the key to ensuring the highest efficiency in the work of the Constitutional Court. Currently, the Office of the Constitutional Court is actively participating in national reform initiatives, such as Big Rock, that aim to enhance the judicial process. The Office of the Constitutional Court employs information technology and artificial intelligence to aid in the justice process and automatically displays results, thereby facilitating, speeding up, and resolving the issue of inequality and inequity for the public. Therefore, the Office of the Constitutional Court needs to upgrade the use of information technology and AI in the Constitutional Court system that has received standards to provide a framework and direction for modern operations to support changing technology.

## **1. PRINCIPLES AND CONCEPTS**

### **1.1. Process of developing information technology and AI in the Constitutional Court system**

The Constitutional Court's Digital Plan 2022–2025 sets out the vision to upgrade the Constitutional Court to a digital organization. The



Constitutional Court aims to transform into a digital organization and system, fully equipped to leverage information technology and artificial intelligence. The process begins with the establishment of a system, the creation of a digital plan for the Constitutional Court for the years 2022-2025, and the development of a high-performance data management system. This includes the training of information technology personnel and the division of information technology development into phases to ensure continuity. The organization's information technology transformation will be a tool to help develop the digital infrastructure of the Constitutional Court. Support the Office of the Constitutional Court's mission with an intelligent data management system (Smart) that links data between agencies. We utilize AI technology to analyze data from extensive databases, also known as big data. Raising the cyber security level for the Constitutional Court's network and various work systems is crucial to ensure their security and compliance with the established standards.

### **1.2. Use of artificial intelligence (AI) in the legal field**

Over the past 3 years, AI technology has developed rapidly, leapfrogging and becoming more advanced, including the use of machines to work instead of humans. Many industries have reduced the number of employees and replaced them with robots that work more precisely. AI has consistently sparked concerns about the potential disappearance and replacement of human occupations, including the "lawyer" profession. Deloitte, a consulting firm, forecasts that AI will displace over 100,000 legal jobs in the next 20 years, while the McKinsey Global Institute projects that AI will replace over 23 percent of legal jobs.

AI refers to artificial intelligence created for inanimate objects and is a branch of computer science and engineering. It is about learning about the processes of thinking, acting, reasoning, adapting or making inferences, and how the brain works. (<https://th.wikipedia.org/wiki/AI>)

The "DoNotPay" application, known as "the world's first legal robot," is a widely used example of AI in the legal field in the United States. It is a chatbot robot that provides legal advice or data entry and sends legal documents to users, such as documents required for court proceedings, free of charge.



**The role of AI in the legal profession can be in many ways such as:**

1) Document inspection: particularly for a large number of documents in legal proceedings, is crucial. AI can perform the selection and verification of relevant documents much faster and more accurately than humans. AI also ensures the accuracy and completeness of simple draft contracts, identifying any errors or missing parts. For example, JP Morgan has implemented the “COIN” operating system to complete the verification of a large number of contracts within seconds. Previously, this required more than 360,000 hours of investigation by lawyers. This is especially useful in due diligence and analysis, such as in the case of pre-merger inspection and analysis.

2) Legal information search: By entering the desired information, AI can swiftly identify cases that the court has determined share the same or similar characteristics as those currently undergoing litigation. Unlike the traditional case search method, this approach benefits the case. IBM has developed an AI called “Ross Intelligence” to help lawyers find cases.

3) Predicting a case's outcome: With limited information and knowledge, it is possible for lawyers, no matter how experienced, to make incorrect predictions. But AI has access to all relevant information. So, they can predict case outcomes or make decisions more accurately than humans, such as that of winning, damages, or the judge's guidelines.

(<https://www.nforsecure.com/th/blog/9608/ai>)

However, as technology constantly advances, whether in terms of hardware devices or software operating systems, including new innovations like AI, the use of technology in delivering justice to the people must also evolve and rise to the occasion.

## **2. CONCEPTS ABOUT THE APPLICATION OF ARTIFICIAL INTELLIGENCE TO THE JUSTICE PROCESS**

Evolutionary advancements and human changes predict that new technologies will replace and support many human activities, thereby changing the way humans work and perform. Technology is coming to play a role in changing the practice of law in the justice process, which



will replace, support, and strengthen the decision-making role of the judges and officials in the justice process. (Tania, 2018, pp. 1114–1133)

Today, the rapid development of information and communication technology between the law and AI in the justice process, which offers a variety of solutions to problems, has made judicial reform a major challenge. In response to these challenges, researchers have developed more advanced models and techniques to tackle the intersection of law and AI, building on the theories of artificial neural networks, intelligent document assembly, and tools for discrete decision making from case studies. This accomplishment holds significant value for judges, as it provides them with a deeper understanding. It provides an in-depth and clear perspective on judicial problem solving and helps judges and collaborators to be more effective. (Sartor and Branting, 1998, pp. 105-110)

The AI-based decision support system has established several indicators, enabling officials to implement effective strategies. Neural network models of key decision-making systems, derived from AI, will offer a comprehensive perspective on the factors influencing public administration and deliberation. It also aims to improve the decision-making framework in public administration. The study was conducted by James and Leon (1999, pp. 173-181). James and Leon presented a legal knowledge base system called "JUSTICE" which is an AI format for extracting conceptual information about laws and lawsuits. According to Australia's major jurisdictions, justice defines different concepts. "JUSTICE" is a legal representation software that utilizes both simple HTML representation and HTML representation of legal cases to establish justice for cases that are developed and hold significant legal importance.

In addition, the system also demonstrates a process that enables search and discovery of concept summarization, automated statistical analysis, and the transformation of informal documents into formal semi-structured representations. The system tested justice on the accuracy, recall, and usefulness of concept identification, yielding positive results. It also demonstrated how to construct fair system using concept summaries and collect statistical information about legal cases. As a result, operations that specify "ontology" are required.



The developments and changes that occur will affect the appeal of the justice system. If the justice process can be used as part of the court system, the strength of AI will have an even greater effect on the values of the bureaucracy and other government administrative agencies. Additionally, the application of international humanitarian law and the laws of war are grounded in strong moral principles. Additionally, the functioning of the judiciary and courts in the judicial process has yielded positive outcomes, thereby reducing the gap in knowledge and understanding and promoting the use of Artificial Intelligence (AI). This, in turn, will benefit government officials and the general public. Acceptance of new forms of decision-making has increased.

### **3. CASE STUDY OF GUIDELINES FOR USING INFORMATION TECHNOLOGY AND AI IN THE CONSTITUTIONAL COURT SYSTEM**

The Constitutional Court has established a policy that governs the use of information technology in the judicial process. This policy aligns with the government policy of Thailand 4.0, the digital economy, the 20-year national strategic plan, the master plan under the national strategy, the national reform plan, the National Justice Administration Master Plan, and various other related plans. This includes preparing and adapting to support the application of information technology in the organization, positioning it to become an organization driven by digital organizations. The Constitutional Court has initiated the use of modern information technology, also known as IoT (Internet of Things), to enhance the e-Courtroom system's standardization, reliability, and transparency. The case management system automatically retrieves case information during the court hearing, enabling judges and officials to chat and consult with each other. Additionally, a VDO conference system is available for witness examinations and remote trials, which allows users to view and broadcast live images of the courtroom atmosphere.

The Constitutional Court plans to develop a search system for rulings and orders. This is a system that compiles the decisions and orders of the Constitutional Court. The case management system will be associated with it. In the future, the system will encompass a large database known as big data, necessitating the implementation of a



data analysis system and data linkage between internal departments and external agencies. Modern information technology can help systems work quickly with stability, reliability, and database security. However, the Constitutional Court needs information technology that is not only easy to use, but also highly efficient and suitable for various aspects of its work.

Currently, the Constitutional Court system has made significant advancements in information technology compared to its past. Artificial Intelligence (AI) is a widely utilized technology, transforming existing information systems into question-answer systems, automatic question-answer systems, and essential work-related systems that provide results to support executives' decision-making.

### 3.1 Electronic application submission system: E-Filling

The rules and conditions before submitting a petition or letter requesting the Constitutional Court to consider or make a decision or any other document through the electronic Constitutional Case System are as follows:

(1) A person who intends to submit a petition or a letter requesting the Constitutional Court to consider or make a decision or any other document through the Electronic Constitutional Case System must accept the practices and conditions as specified in the Electronic Constitutional Case System. He or she must register and verify his or her identity via electronic mail or other channels specified by the Office of the Constitutional Court in order to set up a user ID and password before entering the Electronic Constitutional Case System, which is a one-time registration.

(2) The username and password for the electronic constitutional case system that the registrant receives can be used to submit a petition or a letter requesting the Constitutional Court to consider or any other document in a constitutional case to the Constitutional Court, including providing case movement notification services and tracking the progress of the case or the results of the ruling or order regarding the petition or letter requesting the Constitutional Court to consider or document submitted through the electronic constitutional case system. The registrant must keep it confidential. When the user name and





password are used to access the electronic constitutional case system, the registrant shall be deemed to be a user of such system.

### 3.2 Case tracking system: e-Tracking

It is a system that petitioners can use to follow up on cases that have been submitted to the Constitutional Court and that are currently in the process in order to be able to follow the progress of the case in electronic form. This system facilitates travel and saves time.

### 3.3 Intelligent search system for international constitutional court rulings: ISS

It is a system that collects decisions, orders, and articles from constitutional courts and equivalent organizations around the world in one place. We can refer to it as an "international constitutional court rulings hub," enabling interested parties to search for decisions, orders, and articles from the Constitutional Court and similar bodies worldwide in a single location. This will help reduce search time and provide convenience for those interested.

### 3.4 Intelligent chatbot system

It is a system that uses AI to help enhance work in answering basic questions and recommending methods for filing various petitions, the constitutional court's trial process, documents involved in filing petitions, or related legal matters. This will enable it to thoroughly support the needs of a large number of citizens. It also provides officials with the chance to assist individuals seeking information or seeking advice on intricate matters.

### 3.5 UniCon, Intelligent hub and one-stop service system

Using AI technology to work as follows:

- 1) Analysis and learning of user system usage (Adaptive personalized widget)
- 2) Content recommendation analysis section (Trending and Personalized suggestion)
- 3) Constitutional Court research center system (Collections of international constitutional journals and articles)





4) A central system for translations of rulings and orders of constitutional courts around the world (International constitutional court rulings and decisions translation)

5) System of constitutional centers, procedures and norms of constitutional courts around the world (Collections of international constitutions)

6) System for accepting case consultations (Case consulting system)

7) System for storing documents of interest from the system in a private box (Keep)

8) As for connecting and using the central system for rulings and orders of constitutional courts around the world (Intelligent search system)

9) As for connecting to the electronic petition submission system and notification of case progress (e-Filing and e-Service)

10) Case tracking and connection section (Case tracking)

11) As for connecting and displaying images and sound of live broadcasts of court hearings (VDO streaming)

12) Connecting and using the intelligent chatbot system.

13) Analysis and calculation section (Journal impact) of the article

### 3.6 Central database system of the Constitutional Court (Business Intelligence: BI)

This system utilizes AI technology to analyze data on cases, accounting, strategy, and plans in a comprehensive manner, presenting the results in the form of tables and charts (dashboards) for management and executive decision-making.

## **4. CURRENT: CONCLUSION AND RECOMMENDATIONS**

**4.1 Using information technology and AI to become a digital organization**, divided into 3 areas:

1) Enterprise content management (ECM) can manage, create, store, share, and set access rights to various data, such as documents, images, audio, or video files, etc. The design of this central database system aims to gather all information and establish connections between



internal and external entities. The system is used to manage the Constitutional Court's cases. The system handles administrative tasks, teaches, conducts research, disseminates information, and provides public services. It also stores crucial and private data in a private cloud to ensure data security. Including the restriction of rights. The Constitutional Court's information aligns with the appropriateness and consistency of data access and privacy.

2) Enterprise resource planning (ERP) is a plan to manage the organization so that it can use resources efficiently and to maximum benefit. The system will link all information and work processes, including accounting, finance, supplies, human resources, etc. The system sends data to relevant departments, processes it, and displays it as business intelligence (BI) to support management decisions. The Business Intelligence (BI) system is capable of analyzing data from large datasets using AI technology.

3) Workflow management, project management, and collaboration involve tracking work, communicating, and collaborating between departments, as well as submitting and signing documents in accordance with duties or work procedures.

#### **4.2 Development of information technology personnel**

The preparation of personnel is crucial for the organization's application of information technology and its readiness to become an information technology-driven entity.

1) The participation of executives in information technology work helps to create a mindset for driving the organization using information technology.

2) Developing personnel of the Constitutional Court to have in-depth information technology knowledge, such as IoT, big data analysis, AI, cloud computing, etc., by providing training to provide knowledge and understanding in order to adjust the personnel's basics and lead to the application of the AI system in operations.

3) Collecting data in various steps to lead to the development of AI systems or software, including continuously checking the system's processing, will lead to guidelines for system development in the form



of research and the development of innovative, even better, court process-related systems.

## 5. FUTURE USE OF IT AND AI IN THAILAND'S CONSTITUTIONAL COURT

Looking ahead, the Constitutional Court of Thailand (CCT) aims to further integrate IT and AI to enhance its judicial processes. The envisioned future use of these technologies can be structured in two main phases:

### **Phase One: Data transformation and Digitalization 2025 – 2027**

- o **Data transformation:** The process of converting or modifying data into a format that is more suitable or usable for specific tasks. This is often a part of the ETL (Extract, Transform, Load) process, where data is first extracted from various sources, loaded into a destination system (like a data warehouse), and then transformed for analysis or reporting. Transformation involves cleaning, filtering, organizing, and modifying data to improve its quality and consistency. This includes standardizing formats (normalization), adjusting values (scaling), and preparing the data for meaningful use. At this stage, the court usually receives complaints and evidence, which are typically submitted in paper or PDF format. Therefore, we need to convert this data into standardized formats for analysis in the next phase, Phase Two.
- o **Evidence Gathering:** The Thai Constitutional Court could develop a tool similar to LexisNexis or Westlaw, with the added integration of Thai legal information. This would give judges quick and efficient access to relevant rulings, laws, and academic articles related to Thai constitutional law, streamlining the search for relevant cases and ensuring consistency with national legal standards.

In addition, IT and AI can play a vital role in gathering evidence from various sources, such as legal documents, multimedia files, and online databases, allowing judges to efficiently access all necessary information. Tools like LexisNexis and Westlaw are invaluable for Constitutional Court judges, providing access to vast legal databases of court decisions, statutes, precedents, and scholarly works. These

platforms not only allow judges to quickly find relevant cases but also help maintain consistency in constitutional interpretations while incorporating international and foreign legal sources. By referencing past rulings, legal commentaries, and international standards, judges can make informed decisions on complex constitutional matters. Furthermore, features like Shepard's Citations and KeyCite ensure that precedents remain valid, aligning court rulings with current legal standards.

- o **Fact Summarization:** After gathering evidence, AI assists in condensing this information into concise and accurate summaries. This will assist judges in understanding the core issues of a case quickly and accurately.
- o **Digital Transformation of Administrative Functions:** The court's administrative operations will move towards digitalization, which refers to the process where courts shift their internal operations and procedures from traditional, paper-based methods to digital platforms. This includes the use of paperless workflows, E-signatures, and digital documentation, which increases efficiency, reduces costs, and enhances the security of sensitive legal documents. This transformation aligns with broader governmental goals, including Thailand's 20-Year National Strategic Plan (2018–2037), which emphasizes digital transformation and public sector efficiency as key pillars for national development. The plan aims to reduce bureaucracy, increase transparency, and improve service delivery through digital technologies. Specifically, the public sector development under the plan includes goals like streamlining processes, reducing corruption, and enhancing access to justice through technology.

### **Phase Two: AI-Assisted Judicial Decision-Making 2028 - 2030**

- o **Data Analysis:** Once the data has been transformed into standardized formats, the next step is to move into data analysis. This involves using analytical tools and techniques to extract meaningful insights from the data. Advanced technologies like AI and machine learning can be applied to identify patterns,



correlations, and trends in legal cases or rulings. This analysis helps judges and legal professionals make more informed decisions by uncovering relevant precedents, highlighting inconsistencies, or predicting potential outcomes based on past rulings. By streamlining the data analysis process, the court can enhance both the accuracy and efficiency of its decision-making.

- o **Predictive Analytics:** AI systems can predict potential case outcomes based on historical data, assisting judges in anticipating the implications of their decisions. This capability promotes more consistent and predictable rulings, enhancing the fairness and reliability of judicial outcomes. From the initial phase of case acceptance, judges can use predictive analytics as a second opinion to help determine whether to accept a case. If the case is accepted, these tools can further be employed to forecast potential judicial outcomes, providing valuable insights for more informed decision-making.
- o **Drafting Judgments:** AI can assist in drafting judgments by analyzing relevant case data, legal precedents, and statutes to ensure the judgment is well-founded and consistent with prior rulings. By using natural language processing (NLP) and machine learning algorithms, AI can identify key elements from similar cases, apply appropriate legal principles, and suggest a draft of the judgment. This helps streamline the writing process, ensuring accuracy and consistency while reducing the time judges spend on drafting.
- o **Personalized Using:** AI can be used to create a personalized user experience in applications by leveraging data-driven insights to tailor content, features, and interactions to individual users. By analyzing user behavior, preferences, and historical data, AI algorithms can predict what users are likely to engage with, enabling more relevant recommendations and customized experiences. This enhances user satisfaction by delivering content, notifications, and layouts that suit their unique needs and preferences. In this case, we will apply it to the Intelligent Hub & One-Stop Service System (I-Hub). For example, if you frequently search for violations of rights and liberties under



Section 213 of the Constitution of the Kingdom of Thailand, the first page of I-Hub will display a pop-up showing interesting Section 213 cases.

By progressing through these phases, the Constitutional Court of Thailand can significantly enhance the efficiency, transparency, and quality of its judicial processes, ultimately leading to more consistent and fair rulings.

### **Considerations and Challenges**

The integration of IT and AI into judicial processes must align with international laws and ethical guidelines. Below are the key considerations and challenges that need to be addressed.

#### **Considerations**

As AI technologies continue to evolve, international laws and frameworks play a crucial role in ensuring that AI is developed and deployed in an ethical manner, with a focus on protecting human rights, promoting transparency, and maintaining accountability. While there are several important global frameworks, the EU AI Act (2024) stands out as a groundbreaking regulation, setting a new standard for AI governance.

#### **EU AI Act (2024)**

The EU AI Act is the first comprehensive legislation that globally regulates AI across different sectors, taking a risk-based approach to ensure the ethical use of AI. Adopted in 2024, it sets the bar high for transparency, accountability, and human oversight, particularly in high-risk applications such as healthcare, law enforcement, and judicial processes.

#### **Key Features of the EU AI Act**

- 1) Risk-Based Classification: The Act classifies AI systems into four categories based on the potential risks they pose:
  - o Unacceptable Risk: AI systems that threaten fundamental rights are banned. Examples include systems used for social scoring or real-time biometric identification in public spaces.
  - o High Risk: AI systems used in critical areas such as judicial



decision-making, healthcare, and education. These systems must meet strict requirements for transparency, fairness, and human oversight.

- o Limited Risk: These AI systems, like chatbots, must disclose to users that they are interacting with AI but face fewer regulatory burdens.
  - o Minimal Risk: AI systems with little to no risk, such as video games or spam filters, are largely exempt from the Act's requirements.
- 2) Human Oversight: One of the most significant aspects of the EU AI Act is the emphasis on human oversight. For high-risk AI systems, such as those used in courts, humans must remain in control of the final decisions. AI is seen as a tool to assist human decision-making, not replace it, especially in sectors like the judicial system where fairness and justice are paramount.
  - 3) Transparency and Explainability: The Act mandates that AI systems, particularly those in high-risk categories, must be fully transparent. The reasoning behind AI decisions must be understandable and explainable to users, regulators, and affected parties. This is crucial for AI used in judicial processes, where parties have the right to understand how a decision was made, ensuring fairness in trials and legal rulings.
  - 4) Bias and Discrimination Prevention: The EU AI Act places strong emphasis on ensuring that AI systems do not perpetuate bias or discrimination. Developers of high-risk AI systems must demonstrate that their systems have been tested to eliminate biases, particularly those that could result in discriminatory outcomes in sectors like law enforcement and the judiciary.
  - 5) Accountability and Liability: The Act imposes strict accountability measures for developers and operators of AI systems. High-risk AI applications must maintain clear documentation about how they function, and if an AI system causes harm or a violation of rights, the responsible parties can be held legally accountable.
  - 6) Data Governance and Privacy: AI systems that process personal data must comply with strict data protection laws, such as the



General Data Protection Regulation (GDPR). The Act strengthens protections around the use of personal data by AI, particularly in sensitive areas like healthcare and legal services, ensuring that individuals' privacy is respected.

### **Impact on Judicial Systems**

One of the most critical areas regulated by the EU AI Act is the use of AI in judicial processes. AI used in courts to assist with tasks like case analysis, predicting outcomes, or drafting judgments is classified as high risk. The Act requires that:

- Judges retain ultimate control over decisions.
- AI systems used in courts must be transparent and explainable to all parties involved.
- AI systems are rigorously tested for bias, ensuring that no party is unfairly disadvantaged by the use of AI.

By enforcing these standards, the EU AI Act ensures that AI supports the judicial process without compromising the fairness or integrity of legal systems.

### **Other International AI Frameworks**

While the EU AI Act is currently the most detailed and comprehensive legislation, other international frameworks also contribute to ethical AI governance:

- **OECD AI Principles (2019):** These guidelines promote trustworthy AI that respects human rights and democratic values. Many countries globally are adopting these principles to guide their AI strategies.
- **UNESCO Recommendation on the Ethics of AI (2021):** This framework focuses on fairness, non-discrimination, and protecting human dignity, ensuring that AI is developed and used ethically across sectors.
- **General Data Protection Regulation (GDPR) – 2018:** Although primarily being a data privacy law, the GDPR plays a significant role in how AI systems process and manage personal data, influencing AI deployments globally.





The EU AI Act (2024) sets a global standard for regulating AI, particularly in high-risk sectors like law enforcement and judicial systems. By emphasizing human oversight, transparency, and the prevention of bias, it ensures that AI technologies are deployed in a way that protects human rights and upholds fairness. This regulation, along with other international frameworks such as the OECD AI Principles and UNESCO's AI Ethics Recommendations, provides a strong ethical foundation for the responsible development and use of AI worldwide.

### **Regulating AI in Thailand**

In 2024, Thailand is moving towards formalizing AI regulations with two significant draft legislations: The Draft Royal Decree on Business Operations Using Artificial Intelligence Systems and the Draft Act on the Promotion and Support of AI Innovations in Thailand.

Key Aspects of Thailand's AI Regulations:

- 1) Draft Royal Decree on Business Operations Using AI Systems ("Draft Decree"):
  - o This draft legislation uses a risk-based approach, similar to the EU AI Act, regulating AI systems based on their potential risk levels.
  - o AI systems are divided into three categories:
    - Unacceptable Risk (Prohibited AI): Includes AI systems for social scoring or those exploiting people's vulnerabilities.
    - High Risk AI: Includes systems like predictive policing, recruitment software, and credit scoring, which require prior registration with authorities and strict compliance with management measures.
    - Limited Risk AI: Includes systems like chatbots and deepfakes, with transparency obligations required.
  - o The decree also addresses extraterritorial applicability, meaning AI service providers outside Thailand must appoint a local representative if providing AI services within the country.
- 2) Draft Act on the Promotion and Support of AI Innovations in Thailand:

- o Introduced in March 2023 and updated following public hearings in mid-2023, this Act aims to foster an AI ecosystem by providing mechanisms for businesses to develop AI technologies under regulatory oversight.
- o Key features include an AI Sandbox, a controlled environment where AI providers can test their systems under real-world conditions, and data sharing mechanisms to ensure smooth AI development.

Thailand's approach has been heavily influenced by global frameworks like the EU AI Act. Both the Draft Decree and Draft Act reflect the risk-based classification approach of the EU's model, ensuring that high-risk AI applications, such as those involving public safety or legal decisions, are subject to stringent regulations. In summary, Thailand is actively aligning its AI regulations with global standards, emphasizing ethical use, consumer protection, and innovation support.

## Challenges

### 1) Investment in Technology

**Cost Considerations:** Implementing advanced technology such as AI and IT systems within the judiciary represents a significant financial commitment. This includes not only the initial setup—like purchasing equipment and software—but also ongoing costs for system maintenance, cybersecurity, and regular updates. The challenge lies in securing sufficient government funding to support these efforts, as public budgets are often stretched to accommodate other pressing priorities.

### 2) Training and Education

**Generational Gaps:** The judiciary workforce often consists of a wide range of age groups, from Generation X to Generation Y. Many judges and court staff may not have grown up with digital technologies, creating a skills gap. While younger staff may be more familiar with IT, older employees may lack basic digital literacy, making training in advanced AI and IT tools a significant challenge.



**Tailored Training Programs:** These programs must be tailored to different experience levels and learning styles to ensure that all personnel, regardless of age, can effectively utilize new tools. For example, hands-on workshops, one-on-one mentoring, and online courses could all be part of the training strategy.

### 3) Cybersecurity and Data Privacy

**Data Protection Risks:** As AI and IT systems in the judiciary will handle sensitive legal data, ensuring robust cybersecurity measures will be critical. This includes protecting against data breaches, unauthorized access, and cyber-attacks. A failure in this area could compromise the integrity of legal proceedings and public trust in the judiciary.

**Compliance with International Standards:** Ensuring that Thailand's judiciary adheres to international cybersecurity standards and data protection regulations will be vital.

## CONCLUSION

The integration of IT and AI into Thailand's Constitutional Court presents a transformative opportunity to enhance judicial processes, offering improvements in efficiency, transparency, and fairness. Through a phased approach—beginning with data transformation and digitalization and evolving into AI-assisted decision-making—the Court is positioning itself for a more streamlined future. However, challenges remain, particularly in securing sufficient investment, providing tailored training programs, and addressing cybersecurity and data privacy concerns.

By following global standards such as the EU AI Act (2024), which emphasizes human oversight, transparency, and accountability, Thailand's AI regulatory framework is well-aligned with international best practices. These regulations ensure that AI applications, particularly in sensitive areas like the judiciary, are used responsibly and ethically.

While challenges like technology investment and training exist, the long-term benefits of this integration—such as more consistent rulings and better access to justice—promise to modernize Thailand's judiciary and ensure it remains adaptable to future technological advancements.

*THE USE OF INFORMATION  
TECHNOLOGIES AND  
ARTIFICIAL INTELLIGENCE IN  
THE COURTS OF  
THE TURKISH REPUBLIC OF  
NORTHERN CYPRUS*

*Özge Uğraşın Karagözlü  
Temay Sağer*

*SUPREME COURT OF THE TURKISH  
REPUBLIC OF NORTHERN CYPRUS*





## THE USE OF INFORMATION TECHNOLOGIES AND ARTIFICIAL INTELLIGENCE IN THE COURTS OF THE TURKISH REPUBLIC OF NORTHERN CYPRUS

*Özge Uğraşın Karagözlü\**  
*Temay Sağır\*\**

The Electronic Document Management System is the primary tool used by the offices of registrars (court officers) for sending and receiving official documents or letters to and from other state departments (e.g., social services, registrar of motor vehicles, department of revenue and taxation) and for executing judgments (such as enforcing the sale of cars or directing income to be paid to a judgment creditor). The system is also used to assign tasks to court officers and allows paperless communication with state departments.

Court officers upload information or documents regarding cases or applications (i.e. judgment or order details, their stages, and hearing dates) on the Registrar's Office Website and judges use it to check any information they need with their cases (i.e. whether any document is served, dates of hearing, check its current/previous stages). Judges also use the system to electronically sign writs in order to execute any judgment/order of a court. Writs are prepared and uploaded to the system by the registrar's office upon the court's order or judgment. The system is open to police forces to electronically receive writs for execution, saving time and costs. However, the connection with the police forces is not yet activated. The system is integrated with the Vehicle Registration Office, where court officers can check legal owners of cars. Court officers also use the system to gather useful annual, weekly, or monthly statistics about applications and cases. Judges use it to upload their daily court listings, which are published on the website for advocates and public to see.

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Mahkemeler.net is the main website used by advocates, judges and the public. It is operated by the Supreme Court. Users can make statute searches. Legislation and regulations (including the constitution) both in English and Turkish can be found on this website. Search can be conducted in various ways; by writing statute no, statute name or keywords. Users can also make judgment search, they can access to any judgment given by any supreme court (binding judgments) which are, constitutional courts, appellate courts and administrative courts. Some significant lower court judgments and ECHR judgments, particularly those relating to North Cyprus, are also accessible. The European Convention on Human Rights is part of the law according to the constitution. Judgment search can be conducted in various ways such as:

- Type of Court (Administrative Court – Appellate Court – Lower Court)
- Case number/year
- Appeal number/year
- Judgment Type (Criminal- Civil)
- Legislation clause (Chapter 154 Criminal Code, clause 210 – causing death by want of precaution or by careless driving)
- Name of parties
- Subject matter (i.e. rape, bail applications)
- Text in judgments (new)

Recently, with the assistance of AI, the summaries of judgments have become more detailed. In this way, there is no longer a need to open each case individually to determine its usefulness, therefore it is an effective way of finding the right case for judges, advocates, and the public.

Another Website operated by Supreme Court for Advocates is the Advocate Portal. With this system, advocates can initiate cases or submit their defences electronically. Not all cases can be uploaded, only fast-track cases (Up to 25,000 TL/650 Euros). They can also upload their exhibits electronically with their cases and can pay court fees online.



TRNC Courts have some short-term plans in relation to use of information technologies and AI.

Firstly, with the aim of achieving a paperless system, tablets will be used in courtrooms for fast-track cases. This will make the Court processes paperless, will reduce the reliance on physical documents and files. With this system, electronic documents will be accepted as exhibits, there will be no need to print electronic documents. In this way, court files will be securely stored.

Another planned reform is to enhance the Registrar's office website by activating the police section, allowing them to execute court orders electronically. Additionally, a new section will be added to establish access to all Banks operating in TRNC and to block any accounts of judgment debtors in order to force them to pay and judgment debts.

Improving the use of Artificial Intelligence in judgment and legislation search engines is another planned reform. In this way, it will be possible to access judgments that were previously inaccessible due to typographical errors or due to use of abbreviations.

AI will identify and display similar judgments and relevant legislation on the subject. Plans also include tracking the status of previous judgments, whether it was overruled or followed by recent judgments and to update the website accordingly. This will save time by eliminating the need to manually check if prior case law has been overruled by recent judgments.

It is also planned to improve statistics using AI. This will be used on assessing the Judges performance for example, how long it takes for judges to conduct trials and draft judgments.

The use of AI will also help analyse average penalties for criminal cases with similar facts, making it possible to determine whether a particular penalty is above the average. This information will be useful all for judges, advocates and the public alike.

In conclusion, the TRNC courts are committed to integrating AI into court processes to enhance efficiency and save time.





*THE USE OF INFORMATION  
TECHNOLOGIES  
AND ARTIFICIAL INTELLIGENCE  
IN THE HIGHER JUDICIARY*

*Yaroslav Michuda  
Vira Nazarova*

*CONSTITUTIONAL COURT OF  
UKRAINE*





## THE USE OF INFORMATION TECHNOLOGIES AND ARTIFICIAL INTELLIGENCE IN THE HIGHER JUDICIARY

*Yaroslav Michuda\**

*Vira Nazarova\*\**

### INTRODUCTION

Information technologies and artificial intelligence (AI) in particular are the driving force behind the development of the global information market. Among other things, they are an effective weapon in the hands of cybersecurity. Against the background of Russia's long-term and large-scale invasion of Ukraine, our state needs any weapon on each of the fronts, on which Ukraine is fighting in this war.

Ukraine is required to take significant steps in the digitalization of the judiciary due to bombed courthouses, constant power outages caused by Russia's attacks on the country's energy infrastructure as well as complicating or preventing citizens' access to justice. However, the risks that may be created by the active implementation of AI in the judiciary of a country, in which there is a war, require balanced decisions.

Every day the cyberspace of Ukraine is subjected to a large number of powerful hacker attacks from Russia. Among other things, AI helps our highly qualified specialists to recognize and predict them.

The judiciary has to protect from attacks on court websites, the automated document management system, the register of court decisions, databases of specialized bodies, etc. Sometimes the desire to digitalize one or another sphere of activity meets strong resistance considering the real physical and financial capabilities of the state.

In its Opinion No. 26 dated 1 December 2023, the Advisory Council

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of European Judges, in which Ukraine has the honour of being represented by the judge of the Constitutional Court of Ukraine Viktor Horodovenko, noted: "Technology also opens up new opportunities that will help courts focus on the main thing - justice, and will take on technical part of the work, and will also allow to identify trends in practice timely and respond to them."

## **1. EXPERIENCE OF UKRAINE IN THE IMPLEMENTATION OF INFORMATION TECHNOLOGIES IN THE JUDICIARY: LEGISLATIVE REGULATION AND DEVELOPMENT PROSPECTS**

As of today, the Unified Judicial Information and Telecommunication System (UJITS) is functioning in Ukrainian courts, which is a set of information and telecommunication subsystems (modules) that ensure the automation of court activity processes defined by legislation and the Regulation on the procedure for the operation of individual subsystems (modules) of the Unified Judicial Information and Telecommunication System, bodies and institutions in the justice system, including document flow, automated distribution of cases, exchange of documents between the court and the participants in the legal process, recording of the legal process and taking part of the participants in the legal process in the court session in the video conference mode, drawing up operational and analytical reports, providing informational assistance to judges, as well as automation of processes that provide financial, property, organizational, personnel, information and telecommunication and other needs of UJITS users.

Article 15-1 of the Law of Ukraine *on the Judicial System and the Status of Judges* provides and regulates the use of UJITS in courts, the High Council of Justice, the High Qualification Commission of Judges of Ukraine and the State Judicial Administration of Ukraine as well as their bodies and subdivisions.

Since 5 October 2021, three subsystems (modules) of UJITS have been functioning. They are Electronic cabinet, Electronic court and subsystem of video conferencing.

In 2017, the State Judicial Administration of Ukraine was tasked with implementing Electronic court. Electronic court system became operational in test mode at the beginning of 2019 (it has been functioning fully since 5 October 2021).



Electronic court is one of the UJITS modules, which ensures the exchange of procedural documents (sending and receiving documents) in electronic form between courts, bodies and institutions of the justice system, as well as document exchange between the court and participants in the legal process, and between the participants in the legal process themselves. It ensures promptness and convenience in the court's communication with the parties. If there are electronic offices of the parties to the court proceedings in UJITS, any documents related to the case are sent automatically. Therefore, there is no need to send physical copies of the documents to the parties, which speeds up the consideration of the case. However, at the moment registration this is mandatory only for certain categories, not for all citizens. If the party to the proceedings does not have an electronic cabinet in the UJITS, the procedural documents in the case must be sent in paper form, which does not make it possible to use fully the System.

The functioning of the Unified State Register of Court Decisions has become an important step for improving the work of lawyers, citizens, judges and judges of the Constitutional Court of Ukraine in particular. On 1 January 2006, the Law of Ukraine *on Access to Court Decisions* entered into force. According to Article 3 of this Law, the Unified State Register of Court Decisions (the Register) is an automated system for collecting, storing, protecting, accounting, searching and providing electronic copies of court decisions. The court of general jurisdiction enters all court decisions and individual opinions of judges in writing, into the Register no later than the next day after their adoption or production of the full text.

Judges, employees of patronage services, employees of the secretariat of the Constitutional Court of Ukraine are active users of the Unified State Register of Court Decisions. The need to use the Register for Judges of the Constitutional Court of Ukraine, employees of patronage services and the Secretariat of the Central Committee of Ukraine has increased since the introduction of the institution of constitutional complaints in the country. It has become important for the Constitutional Court to be able to analyse the judicial practice related to the subject of constitutional review independently and draw its own conclusions, which will play a role in the decisions in constitutional jurisdiction.



According to part two of Article 55 of the Law of Ukraine *on the Constitutional Court of Ukraine*, the constitutional complaint shall contain, in particular, a brief summary of the final court decision in which the relevant provisions of the Law of Ukraine were applied, information about the documents and materials referred to by the subject of the right to a constitutional complaint with the provision of copies of these documents and materials.

It is sometimes necessary to examine court decisions of various instances in the case of the subject of the right to a constitutional complaint for comprehensive consideration of the case. In addition, they may not always be contained in the documents attached to the complaint. Then the Unified State Register of Court Decisions comes in handy.

In addition, in accordance with the third part of Article 89 of the Law of Ukraine *on the Constitutional Court of Ukraine*, if the Court, considering a case based on a constitutional complaint, has recognized the Law of Ukraine (its provisions) as being in accordance with the Constitution of Ukraine, but at the same time has found that the court has applied the Law of Ukraine (its provisions), having interpreted it in a way that are contrary to the Constitution of Ukraine, the Constitutional Court indicates this in the operative part of the decision.

In implementing the authority granted by the Law, the Constitutional Court of Ukraine must familiarize itself with the judicial practice that has developed on this or that issue, forming conclusions directly from the content of court decisions of general courts. Access to the Unified State Register of Court Decisions provides an opportunity to understand how large-scale such an unconstitutional interpretation has undergone.

Concerning video conferencing subsystem, it helps conducting court hearings in video conference mode, which has solved a significant part of the problems related to the court work during the Covid-19 pandemic and became an impetus for its continued use during martial law.

The active use of this subsystem has made it possible to increase the level of citizens' access to justice, which is undoubtedly a positive

indicator of the successful implementation of the Unified Judicial Information and Telecommunication System.

The practice of conducting meetings in video conference mode in the Constitutional Court of Ukraine is not widespread at this stage.

The document titled *Directions for the development of IT infrastructure and information security of the Constitutional Court of Ukraine* is at the stage of approval (IT strategy of the CCU) at the Constitutional Court of Ukraine. The purpose of developing the IT strategy of the CCU is the development of information and communication technologies to ensure the eligibility of the IT infrastructure for the main goals and directions of development of the Constitutional Court of Ukraine.

In the period between 1999 and 2012, the following subsystems of the unified information and analytical system of CCU were developed and implemented: *Document circulation of CCU; conducting expert opinions; Document circulation in the Judges' Services; Regulatory legal acts of CCU; Acts of the Constitutional Court of Ukraine; Preparation of CCU meetings; CCU Archives; Order and internal website of the Constitutional Court of Ukraine.*

The official website of the CCU was improved in 2015, having included, in particular, the optimization of the interface forms of the website in accordance with the agreed requirements and standards that correspond to the style and principles of functioning of the unified website of the state authorities of Ukraine and the implementation of online services such as video broadcasting of meetings to ensure transparency in the activities of the Constitutional Court of Ukraine.

During the period between 2016 and 2021, the CCU implemented a number of measures, which made it possible to modernize the IT sphere of the CCU, to create the basis for the implementation of e-document circulation (creation of a software and technical platform and equipping users' workplaces) as well as to introduce new approaches to processing documents (joint work, remote work, operational exchange of documents, etc.).

Unlike general courts, the electronic system of document circulation in the Constitutional Court of Ukraine was introduced on 2 January 2020 and is still in a state of modernization. including:





- introduction of centralized management of user accounts and access rights;
- improvement of the network architecture in order to ensure control over the actions of users and administrators;
- Endpoint Protector DLP implementation to protect data from loss or theft on end users' devices;
- configuration of software, hardware resources and auxiliary equipment according to the principles of mandatory duplication of all-important components;
- introduction of a system for monitoring the performance and loading of data centre equipment, as well as the performance of critical services and forecasting the load on software modules;
- introduction of an automatic data backup system and development of procedures for quick recovery of software modules as well as individual data blocks;
- introduction of a risk-oriented approach and introduction of elements of the Information Security Management System.

It should be noted that our foreign partners play an important role in the modernization of information technologies used in the Constitutional Court of Ukraine. In particular, within the framework of the joint project of the Council of Europe and the Constitutional Court of Ukraine named *Support for the development of constitutional justice in Ukraine*, implemented within the third phase of the joint program of the European Union and the Council of Europe on *Partnership for the sake of good governance*, with the financial support of the European Union and the Council of Europe together with representatives of the Secretariat of the Constitutional Court of Ukraine under the leadership of its head, the working group on the functioning of the electronic document circulation system of the Constitutional Court of Ukraine was created. In particular, on 30 August 2024, a meeting of the working group was held in the city of Kyiv, which was dedicated to the discussion of European standards for keeping registers of judicial cases of constitutional courts as well as issues of improving the system of electronic document circulation in the Constitutional Court of Ukraine.

## 2. THE PRACTICE OF USING AI IN THE JUDICIARY IN UKRAINE: MAIN CHALLENGES AND PERSPECTIVES, PECULIARITIES OF IMPLEMENTATION OF AI IN CONSTITUTIONAL PROCEEDINGS

Although the use of AI in the judiciary depends on many factors, this process is inevitable. The implementation of AI has significant potential to improve the efficiency, accuracy and accessibility of judicial processes.

In 2023 during the Artificial Intelligence Security Summit, Ukraine signed the Bletchley Declaration, which supported the idea of creating a framework that would guarantee that artificial intelligence technologies would be developed and used responsibly and safely around the world.

Furthermore, although the discussion on the legal regulation of AI in Ukraine actually became public only in 2023, certain processes and discussions on legal regulation took place already in 2020 and 2021. For example, during the period between 2020 and 2021, Ukraine participated in the work of the Council of Europe's Special Committee on Artificial Intelligence, which was supposed to assess the necessity and possibility of legal regulation of AI at the pan-European level. Based on the results of the work of the Special Committee, the Committee of the Council of Europe on Artificial Intelligence was created, the task of which was to develop the Framework Convention of the Council of Europe on Artificial Intelligence and Human Rights, Democracy and the Rule of Law. A delegation from Ukraine also took part in the development.

In May 2024 the Council of Europe approved the Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, which became the first international legally binding agreement in this area.

The Convention provides for a risk-based approach to the design, development, use and decommissioning of AI systems. This requires careful consideration of any potential negative consequences of using such systems. The document defines general obligations, principles regarding activities during the life cycle of AI systems, legal remedies,



the procedure for assessing and minimizing risks and adverse impacts, the procedure for the activities of the Conference of the Parties (the body responsible for ensuring the effective implementation of the Convention, which includes representatives of the participants of the Convention) and its powers, obligations regarding reporting and international cooperation, etc.

The next step for Ukraine was the formation of the so-called voluntary codes of conduct in the field of AI, which are tools of soft law. As of today, all stakeholders interested in the introduction of AI have the opportunity to create their own voluntary code/concept for the introduction of AI in their own sphere of activity.

The Constitutional Court of Ukraine is no exception. Since 2023, the Court has been actively working on the creation of a Concept for the introduction of AI in the activities of the Constitutional Court of Ukraine. Experts in the field of artificial intelligence and other relevant fields have been involved in the process of developing the Concept to provide qualified advice. One of the main issues to be solved has been the question of how it is possible to combine existing technologies in CCU with AI capabilities. In addition, how to do manage in the best way for this purpose? The concept consists of modules, where each is responsible for a specific direction. The document also takes into account the fact that one of the most important conditions for learning adaptive AI, in particular in the field of justice, is the availability of a large array of open data and unhindered access to it, therefore it is extremely important that this data be secured and stored in cloud storage. Given the unstable operation of the country's power system during the war, constant massive missile attacks on state institutions, including courts, data centres must meet security standards, guarantee uninterrupted power supply, have stable Internet channels, round-the-clock technical support and a guarantee of their activity.

As of today, services that optimize access and analysis of legislation and court practice are operating in Ukraine. Among them there are Liga Zakon, ECITC, Opendatabot and Chat GPT. These services (except Chat GPT) do not use artificial intelligence technologies. If ordinary automated systems with databases can cope with the formation of selections of documents according to key parameters, then AI can help

cope with their analysis. In addition, AI can speed up decision-making processes, reduce human error and provide a more objective approach to court proceedings. However, these advantages simultaneously contain certain risks. For example: machine learning algorithms may be prone to hidden injustice or, on the contrary, may take into account systematic injustices that exist in society; or even the lack of transparency and accountability in AI systems can be a problem. In addition, a crucial aspect in the implementation of AI in the judiciary is the issue of compliance with ethical standards.

Article 6 of the European Convention on the Protection of Human Rights and Fundamental Freedoms enshrines the right to review cases by an independent and impartial court. Article 127 of the Constitution of Ukraine specifies that justice is administered by judges and that judicial power is vested in them. Accordingly, the role of AI in judicial proceedings, and constitutional proceedings in particular, should be auxiliary, and the method of its implementation should not call into question the objectivity and legality of judicial decisions. Nevertheless, nothing prevents optimizing the work of the judge and the court by making use of AI.

One of the steps on the way to such optimization was the approval of the Project of the updated Code of Judicial Ethics by the Council of Judges of Ukraine on 12 September 2024. Among the innovations is the possibility of granting permission to judges to use AI in their professional activities, if it does not affect the independence and impartiality of the judge, does not affect the evaluation of evidence and the decision-making process as well as does not violate the requirements of the law.

As for judicial practice related to the use of AI, it is scarce in Ukraine, and it is completely absent in the practice of the Constitutional Court of Ukraine. Thus, in the Supreme Court Decision in Case no. 925/200/22 dated 8 February 2024, the actions of the representative for submitting an application for clarification of the ruling of the Court of Cassation, in which the "position" of the ChatGPT artificial intelligence system was relied upon, were recognized as an abuse of procedural rights. It is worth noting that the court assessed the applicant's actions as a whole, but this does not affect the court's reasoning and conclusions regarding the use of Chat GPT.



From the circumstances of the case, it can be seen that the applicant requested "in order to correctly apply the norms of law in disputed legal relations, to clarify the term "voluntary commitment" formed by the Supreme Court, justifying the decision regarding the refusal to apply the method of protection claimed by the plaintiff." In justifying this need, the applicant cited the provisions of the Civil Code, provisions of the civil law textbook, as well as the meaning of the term "voluntary commitment" provided by Chat GPT. Such actions of the applicant were recognized by the court as an abuse of procedural rights, as the results of Chat GPT, which is not recognized as a source of reliable scientifically proven information, were actually opposed to court conclusions. "In this way, the applicant questioned the judicial discretion and judicial interpretation of this issue in the decision, which acquired the status of final, thereby disregarding the authority of the judiciary," the court decision states. This resolution also contains many interesting conclusions regarding the use of AI systems in the field of justice, the need to develop uniform principles and rules for their use, respect for the judicial process and ethical behaviour of its participants.

In the separate opinion of the judge of the Commercial Court of Cassation as part of the Supreme Court in this case, it is stated that the current commercial procedural legislation does not prohibit the use of artificial intelligence technologies during commercial proceedings. In addition, in judicial practice there is no established approach and clear criteria according to which the use of AI by participants in the legal process can be recognized as an abuse of procedural rights.

Using this example, we can state the presence of different points of view among judges on using AI in the judicial process, which is logical due to the lack of proper legislative regulation of the use of AI in this field.

## CONCLUSION

Despite the ongoing war in Ukraine, the implementation of AI in the judiciary is an inevitable and quite promising process. If in general courts foreign experience suggests replacing expert judges in minor disputes with programs that use AI, then in the constitutional



jurisdiction this step is unlikely due to the specifics of the constitutional courts. Any decision on the implementation of AI must comply with the applicable legislation, in particular the legislation on data protection, ensure proportionality, transparency, limitation of the purposes of their use, liability for violations, and also, if necessary, provide for the possibility of human intervention.

Currently, the state's efforts are aimed at increasing practical experience in the use of AI systems, which will be the basis for regulatory regulation in the future.



***USE OF INFORMATION  
TECHNOLOGIES  
AND ARTIFICIAL INTELLIGENCE  
IN THE HIGHER JUDICIARY***

***Takunda Victor Munozogara***

***JUDICIAL SERVICE COMMISSION  
OF ZIMBABWE***







## USE OF INFORMATION TECHNOLOGIES AND ARTIFICIAL INTELLIGENCE IN THE HIGHER JUDICIARY

*Takunda Victor Munozogara\**

### INTRODUCTION

#### 1. BRIEF OVERVIEW: THE ZIMBABWEAN JUDICIARY'S RECENT DIGITALIZATION EFFORTS

Judiciary institutions are transforming their operations from analogue to digital intending to expedite justice delivery globally. In line with the Judicial Service Commission's strategic plan 2021-2025 and the National Development Strategy 1, the JSC embarked on the digitization process of the IECMS to enhance access to justice through the automation of court processes. The Judicial Service Commission of Zimbabwe adopted the Integrated Electronic Case Management System (IECMS) in May 2022 as an online platform designed to digitalise the litigation process.

##### 1.1. What is Zim-IECMS?

The Integrated Electronic Case management system (IECMS) is a web system that automates and tracks all aspects of a case life cycle. It is made to capture the cases' initial filing through deposition and appeal.

IECMS Integrates all courts from Constitutional Court to Magistrates Court and Sheriff of the High Court. The Judicial Service Commission of Zimbabwe implemented IECMS in phases:

- **Phase 1:** Constitutional Court, Supreme Court, Commercial Division of the High Court March 2022
- **Phase 2:** Labour Court, Administrative Court February 2023

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\* Deputy Head of ICT of the Judicial Service Commission of Zimbabwe.



- **Phase 3:** High Court (Criminal and Civil Divisions) and The Sheriff of the High Court September 2023
- **Phase 4:** Magistrates Court 1 January 2025

### **1.2. Who is the Zim-IECMS stakeholder?**

Judicial Officers

Zimbabwe Republic Police (ZRP)

Zimbabwe Prisons and Correctional Service (ZPCS)

Law Society of Zimbabwe

Attorney General

National Prosecuting Authority (NPA)

Zimbabwe Anti-Corruption Commission (ZACC)

Ministry of Justice, Legal & Parliamentary Affairs through Legal Aid Directorate

NECs, Designated Agents, Labor Officers

Members of the Public

### **1.3. Key features of Electronic Case Management System (IECMS)**

#### **Online Case Filing**

The introduction of the Integrated Electronic Case Management System (IECMS) in Zimbabwean courts marks a significant step towards modernizing the legal system. This system enables online filing of cases, offering numerous benefits to both litigants and the judiciary.

#### **Document Management**

Legal practitioners and litigants can prepare the necessary legal documents in a digital format that complies with the system's requirements and submit them in their respective cases. Users can upload several documents and merge them. Indexing of documents are done online. Unlike the analogy of court process, documents are kept safe and accessible to the intended users.



## **Payment**

Through the integrated system, litigants and lawyers are now able to make payments of any court fees using their mobile money platforms which is integrated with the system. This has proved to be very convenient to users in the judicial delivery to pay the required court fees and costs using online payment methods. The system keeps track of all the payments made in every case and also in other cases which allows tacking of files and accountability.

## **Virtual Court Session**

Physical court setup is created in the virtual space.

## **Communication**

Litigants and legal practitioners can communicate with court through internal letters, automatic emails notifications and/or emails which are pushed from the system. The system is built in such a way that it notifies users on any actions taken. This allow the users to be well informed of transpiring actions and/or state of any cases in the system. Users are no longer supposed to come to court to get the updates of the cases they are involved in. This also has significance in the cost of any lawsuit.

Apart from the notifications, the system has an e-calendar which enables scheduling of tasks and tracking of all court events using online facilities. It encourages timely follow-ups.

### **1.4. IECMS Benefits**

**Efficiency:** Online filing eliminates the need for physical submission of documents, reducing paperwork and processing time.

**Accessibility:** Litigants can file cases from anywhere with internet access, improving accessibility to justice, especially for those in remote areas.

**Convenience:** Online filing allows for flexible submission of documents at any time, eliminating the need for physical visits to court.



**Transparency:** The IECMS provides real-time tracking of case status, increasing transparency and accountability in the legal process.

**Cost-effectiveness:** Online filing reduces administrative costs associated with paper-based processes, leading to potential cost savings for litigants.

**Environmental Friendliness:** By reducing paper consumption, online filing contributes to environmental sustainability.

The introduction of IECMS in Zimbabwe represents a significant advancement in the legal system. By streamlining the filing process and improving accessibility, it empowers litigants and enhances the efficiency and transparency of the judiciary.

### 1.5. Conclusion

Generally, the use of technology within the Zimbabwe Judiciary has proved to be a success with the implementation of IECMS. As a nation, we have derived a number of benefits which are not limited to:

Electronically file and track cases in any court and wherever they are.

Virtual sessions that are scheduled and conducted in one single environment.

Online payment of court fees via card or mobile phone.

Secure storage of all case information in one place.

Possibility to track the case via email and push notifications.

Collaboration environment for several people to work on the same case simultaneously.

Informed decision making using real-time reports and dashboards.

## 2. ELECTRONIC LEARNING MANAGEMENT SYSTEM (E-LMS)

The 4<sup>th</sup> industrial revolution requires a lot of skills development because technology is continuously changing. Apart from IECMS the Zimbabwe Judicial Service Commission also implemented an



**Electronic Learning Management System (E-LMS)** platform to capacitate its members of staff with skill development in this ever-changing world.

It is a web-based platform for the continuous education, training, skills enhancement, capacity, and professional development of all staff members within the Judicial Service commission of Zimbabwe.

It serves as an intelligent platform on which various educational courses and content are delivered to judicial and non-judicial officers.

The e-LMS assists in the creation of a learning environment for staff members to enhance their competencies.

The e-LMS is used to strengthen capacity and growth for both the current and new educational and professional skills and competencies of the various members of staff in the Judicial Service Commission of Zimbabwe.

## **2.1. E-Learning Management System (E-LMS) Features**

**Content management:** The platform allows content creators to upload modules in multiple content types e.g., text, audio, images, video, animation.

**Content delivery:** It has an intuitive graphical user interface which ensures that employees can self-register, set up a profile, browse and sign up for courses without extra help.

**Analytics and reporting:** Employees are able to track their learning history and progress while instructors have access to a detailed dashboard that tracks cumulative course statistics.

**Social learning:** A key component of the platform is its collaborative features which seek to enrich the online experience.

**Security and performance:** All files are securely stored on the cloud with role-based access to training material utilized so that users have access to only information which they are authorized to access.



**Integrations:** The E-learning management system supports video conference tools, teleconference sessions between instructors and learners, and Instructor-Led online training in general.

**Proctoring testing services:** It allows trainees to take their exams virtually through the assistance of proctoring software.

## 2.2. E-Learning Management System (E-LMS) Benefits

**One-time investment** - The E-LMS is available for use by all stakeholders as a one stop and permanent learning management system for members of the Judicial Service.

**Time effectiveness and personalized learning** - Learn at own time and in accordance with their learning needs.

**Cost-effective** - E-LMS ensures greater sustainability, through the reduction of the recurring cost associated with classroom training and development.

**Data collection** - e-LMS enables the acquisition of real-time feedback which is used for effective decision making.

**Standardization** - Training and course delivery via the e-LMS is consistent, uniform and centralized.

**Simplified Tracking and Monitoring** - The e-LMS allows one to track, monitor, and manage staff progress through the training cycle.

## 3. UPCOMING PROJECTS, PLANS AND ONGOING WORK

### 3.1. The Future of AI in Zimbabwe's Digitalized Courts

The integration of artificial intelligence (AI) into Zimbabwe's judiciary has the potential to revolutionize the legal system. By addressing these challenges and leveraging the potential of AI, Zimbabwe's digitalized courts can become more efficient, accessible, and just. Here are some key areas where AI could significantly impact the digitalized courts:

#### 3.1.1. E-Auctioning (Expected Launch Date January 2025)

E-Auction is a module envisioned to serve the purpose of organizing the auction sale in execution process of court decisions.



A judicial auction is normally preceded by a seizure of an asset, the detailed information of which will be captured within ZimIECMS.

Assets are referred to as moveable and immovable properties.

The whole process of sale in execution for moveable and immovable properties will be done through the e-Auction module, which will be developed within Zim-IECMS.

The module has already been developed and is under testing phase.

### **3.1.2. Automatic Transcription and Translation using AI**

The Judicial Service Commission of Zimbabwe is planning to adopt AI for automatic transcription and translation of court proceedings into all 16 official languages by using Generative Composite AI to increase recognition accuracy in real time and enriching speech transcripts with relevant information.

### **3.1.3. Electronic Judicial Performance Management and Evaluation System (JPMS)**

Implementation of Judicial Performance Management System for online monitoring & evaluation of JSC strategic framework and staff performance evaluation. The system benefits are as follows:

**Court performance management-** whereby the disposal rate will be measured by averaging the time it takes for a case to be completed by analysing showstoppers and delays respective roles involved (clerk, registrar, judge, etc.)

**Judicial operational efficiency-** The number of adjourned cases before each court

**Budget execution-** Planned vs spent

### **3.1.4. AI Based Judicial Support System for Legal Research and Analysis**

**Automated document review:** The Judicial Service Commission is proposing an AI-powered system that will process huge volumes of legal documents, such as Superior Court Judgments.





These can identify key terms, extract relevant information, and even detect inconsistencies or potential legal issues. With the proposed AI-powered system thousands of case precedents will be analysed to find relevant ones for a specific dispute.

**Predictive analytics:** By analysing historical data, the AI-powered algorithms will predict the potential outcomes of legal cases. This will help the researchers develop more effective strategies and properly inform Judicial Officers about their court decisions.



## CLOSING REMARKS

by

**The Member of the Constitutional Court of  
the Republic of Türkiye**

**1 October 2024, Ankara**

**Distinguished Guests,**

**Esteemed Participants**

I extend my most heartfelt and respectful greetings to all of you. On behalf of the Constitutional Court of the Republic of Türkiye, I congratulate each of you on the successful completion of the 12<sup>th</sup> Summer School Program on the theme “*The Use of Information Technologies and Artificial Intelligence in the Higher Judiciary*” organized within the framework of the Association of Asian Constitutional Courts and Equivalent Institutions (AACC) under the auspices of the Center for Training and Human Resources Development. I would like to express my deepest gratitude to each of you for your participation and contributions.

Since 2013, the summer school programs organized by the Center for Training and Human Resources Development under the AACC have been gathering an increasing amount of interest from participating countries across Asia, Europe, and Africa. It gives us great joy to witness the nurturing of cooperation between our institutions and facilitating the exchange of knowledge and experience. This year, we are honoured to have hosted 53 representatives from 27 countries across these regions, contributing to the success and significance of this event.

The theme of this year’s summer school, directly linked to technological advancements, holds particular relevance to judicial institutions. The recent COVID-19 pandemic has accelerated the integration of information and internet technologies into judicial



procedures. Practices such as remote working, online hearings, and open access to case law databases have become day to day realities. Thus, we can confidently say that information technologies have become an integral part of contemporary judicial processes. Looking ahead, the rapid advancements in artificial intelligence hold the potential to significantly transform the functioning of the judiciary.

The integration of information technologies into the judiciary not only improves the overall efficiency but also plays a pivotal role in enhancing access to justice, fostering a citizen-centred approach in judicial services. However, these advancements also raise new challenges and questions, particularly concerning the protection and boundaries of constitutional rights.

I am confident that over the course of this summer school, you have engaged in fruitful discussions and exchanges on these matters, thoroughly exploring all relevant aspects. This platform has provided a unique opportunity for us to gain insights into how various countries are implementing technology in their judicial processes, and has allowed us to reflect on how we can adapt and innovate in our own systems. I am certain that the knowledge shared here will lead to lasting improvements in the practices of all our institutions.

Distinguished Guests,

Before concluding my remarks, I am pleased to inform you that we will soon be sharing with you the publication, "*Constitutional Justice in Asia*," which will feature the presentations delivered by participants during the Summer School Program. On this occasion, I would like to extend my heartfelt gratitude to everyone who contributed to the success of this productive and rewarding event, especially to all my colleagues for their invaluable efforts.

It is my sincere hope that such events will continue to strengthen the cooperation and solidarity between our colleagues and institutions.

Once again, I extend my warmest regards to each and every one of you.

**Assoc. Prof. Dr. Recai Akyel**

Member  
the Constitutional Court of the Republic of Türkiye



**PHOTOGRAPHS FROM  
THE 12<sup>TH</sup> SUMMER SCHOOL**



### Kadir Özkaya

President of the Constitutional Court of the Republic of Türkiye  
addressing to participating delegates of the 12<sup>th</sup> Summer School Programme



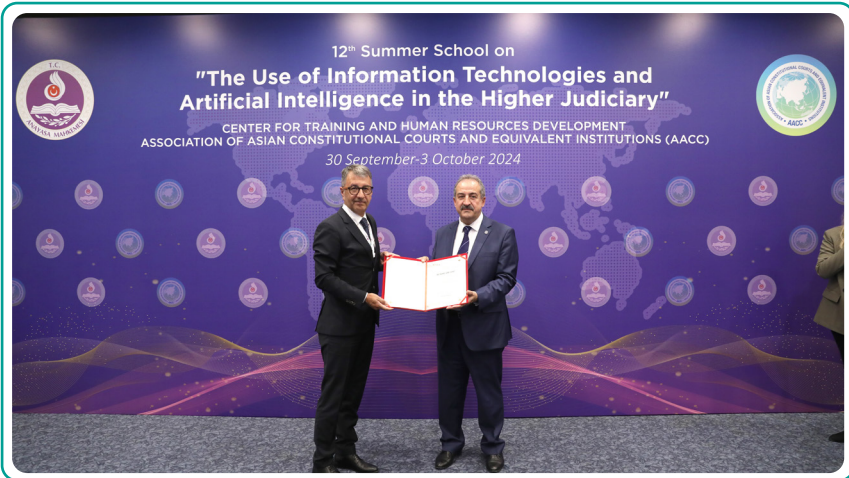
### Kadir Özkaya

Delivering his remarks at the 12<sup>th</sup> Summer School Programme



### Basri Bağcı

Vice-President of the Constitutional Court of the Republic of Türkiye  
delivering his remarks at the Opening Ceremony of the 12<sup>th</sup> Summer School  
Programme



### Assoc. Prof. Dr. Recai Akyel

Member of the Constitutional Court of the Republic of Türkiye  
presenting certificate of appreciation to Dr. Mehmet Şerif Yılmaz, Legal  
Officer at the European Court of Human Rights following the Closing  
Remarks of the 12<sup>th</sup> Summer School Programme





Family photo at the Grand Tribunal Hall of the  
Turkish Constitutional Court



Family photo in front of the premises of the Constitutional Court of the  
Republic of Türkiye



The Executive Committee comprised by the Turkish Constitutional Court



Participants delivering their presentations during the academic programme





Participants delivering their presentations during the academic programme



Participants delivering their presentations during the academic programme



Family photo at the end of the academic programme



Family photo at the end of the academic programme



President Kadir Özkaya presenting gifts to the participants of the 12<sup>th</sup> Summer School Programme



President Kadir Özkaya presenting gifts to the participants of the 12<sup>th</sup> Summer School Programme





President Kadir Özkaya presenting gifts to the participants of the 12<sup>th</sup> Summer School Programme



Constitutional History Gallery tour at the premises of the Constitutional Court of the Republic of Türkiye



Sunrise hot air balloon watching tour at Cappadocia



Sunrise hot air balloon watching tour at Cappadocia





Cappadocia, Göreme Tour to Fairy Chimneys



Cappadocia local carpet weaving tour





## Executive Committee of the 12<sup>th</sup> Summer School Programme



### Constitutional Court of the Republic of Türkiye

Name-Surname	Title
Mr. Murat Azaklı	Secretary General
Dr. Mücahit Aydın	Deputy Secretary General
Mr. Korhan Pekcan	Deputy Director at the Department of International Relations
Mr. Yunus Tekindemir	Officer at the Department of International Relations
Ms. Ayça Onural	Legal Adviser
Ms. Enise Yüzüak	Translator - Interpreter at the Department of International Relations
Ms. Gizem Tezyürek	Translator - Interpreter at the Department of International Relations
Ms. Gökçen Sena Kumcu	Translator - Interpreter at the Department of International Relations
Ms. Özge Elikalfa	Translator - Interpreter at the Department of International Relations
Ms. Tuğçe Kılıç	Translator - Interpreter at the Department of International Relations





## Participants of the 12<sup>th</sup> Summer School Programme

*(In alphabetical order)*

### Moderator / Turkish Constitutional Court



**Gizem Ceren Demir Koşar**

Rapporteur Judge



### Constitutional Court of Algeria



**Fatiha Kirane**

Member



**Ahmed Ibrahim Boukhari**

Director General of Legal Affairs and Constitutional  
Judiciary



## Constitutional Court of the Republic of Azerbaijan



**Aynur Burjayeva**

Chief Adviser of the Secretariat of the  
Constitutional Court



**Jamila Aslan**

Senior Adviser of the General Department of the  
Constitutional Court



## Constitutional Court of Bosnia and Herzegovina



**Dino Jahić**

Expert Associate of the Registry Office



**Kenad Osmanović**

Judicial Associate



## Constitutional Court of Republic of Bulgaria



**Aleksandar Lyubomirov Tsekov**

Legal Expert



**Kristiana Rangelova**

Legal Expert



## Constitutional Court of the Republic of Croatia



**Helena Olivari**

Senior Adviser to the Constitutional Court



## European Court of Human Rights



**Mehmet Şerif Yılmaz**

Senior Lawyer



## Constitutional Court of Georgia



**Marina Kentchadze**

Assistant to Judge (Secretariat)



**Levan Chiokadze**

Assistant to Judge (Secretariat)



## Supreme Court of India



**Aparna Ajitsaria**

Judge



**Mahesh Tanaji Patankar**

Officer



## Constitutional Court of the Republic of Indonesia



**Sri Haryanti**

Associate Computer Analyst



**Fithatue Amalia Fatla Aini**

Senior Human Resources Analyst

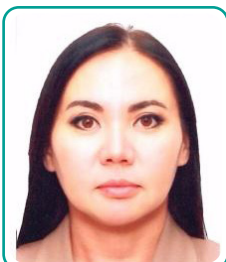


## Constitutional Council of the Republic of Kazakhstan



**Zhanna Nazarova**

Head of the Organisational Work and Translation Department



**Ainur Akhmetova**

Deputy Head of the Organisational Work and Translation Department



**Maxat Bissenov**

Chief Consultant of the Organisational Work and Translation Department



## Constitutional Court of the Republic of Korea



**Soo In Lee**

Rapporteur Judge



**Markeum Ryu**

Rapporteur Judge



## Constitutional Court of the Republic of Kosovo



**Adelina Nallbani Haxhidauti**

Senior Constitutional Legal Adviser



**Resmije Loshi**

Senior Constitutional Adviser for Administration  
and Filtering of Referrals



## Supreme Court of the Kyrgyz Republic



**Aizada Makenovna Bokoeva**

Head of the Financial and Economic Department



**Salima Dzholgokpaeva**

Senior Consultant (Department of Legal and Analytical Support)



## Federal Court of Malaysia



**Muhamad Faizal Bin Ismail**

Deputy Registrar



**Mohd Faizal Bin Ismail**

Deputy Registrar





## Supreme Court of the Republic of Maldives



**Mariyam Rauha**

Legal Officer



**Asfa Zahir**

Legal Officer

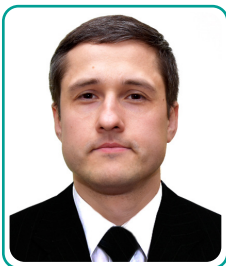


## Constitutional Court of Moldova



**Dumitru Avornic**

Judicial Assistant



**Dorin Casapu**

Judicial Assistant



## Constitutional Court of Mongolia



**Bolortungalag Narangerel**

Deputy Secretary General / Head of the Legal  
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**Mukhiit Rom**

Director of the Research Center



**Anar Rentsenkhoroov**

Senior Advisor



## Constitutional Court of Montenegro



**Isidora Pešić**

Adviser to the Constitutional Court



**Marko Marković**

Adviser to the Constitutional Court



## Constitutional Court of the Republic of North Macedonia



**Majlinda Ismaili**

Legal Adviser

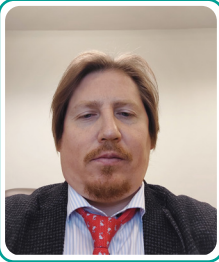


**Ensar Jusufi**

Legal Adviser



## Constitutional Court of the Russian Federation



**Ivan Kleimenov**

Adviser to the Constitutional Court



## Constitutional Court of the Kingdom of Thailand



**Norrasing Sangbuapuan**

Computer Technical Officer



**Preaw Vichayanetinai**

Constitutional Case Academic Officer



## Supreme Court of the Turkish Republic of Northern Cyprus



**Özge Uğraşın Karagözlü**

Judge



**Temay Sağer**

Judge



## Constitutional Court of the Republic of Türkiye



**Mehmet Sadık Yamalı**

Chief Rapporteur Judge



**Habip Oğuz**

Rapporteur Judge



## Constitutional Court of Ukraine



**Yaroslav Michuda**

Assistant Judge



**Vira Nazarova**

Scientific Consultant to the Judge



## Judicial Service Commission of Zimbabwe



**Walter Tambudzai Chikwana**

Secretary



**Takunda Victor Munozogara**

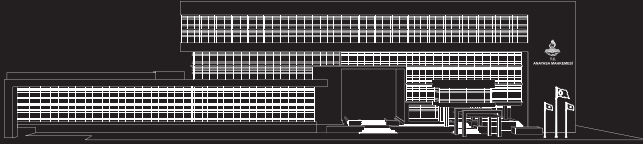
Deputy Head of ICT



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