

Artificial Intelligence and The Judicial System Of Ukraine: Results Of Cooperation In The Past Year

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Publication: Конституціоналіст · 2025

Publication date: 2025-08-19

Permanent URL: <https://constitutionalist.com.ua/artificial-intelligence-and-the-judicial-system-of-ukraine-results-of-cooperation-in-the-past-year-2/>

Material information

Justice Administration Research Association (JAR-Association)

Observatoire des Mutations Institutionnelles et Juridiques (OMIJ)

Faculty of Law, University of Limoges

JAR-Association Conference: “Judicial Systems in Transition: Reforms, Innovations and Justice”

11 June 2025

Prof. Ian Bernaziuk, J.S.D.

Judge of the Supreme Court (Ukraine)

AGENDA

- I. Building the Foundation: Legal and Ethical Frameworks
- II. Guarding the Gates: Judicial Practice on Improper Use of AI
- III. The Digital Ecosystem: Tools, Strategy, and Statistics
- IV. Empowering the Judiciary: Competencies and Education
- V. Concluding Reflections

CODE OF JUDICIAL ETHICS (Article 16)

- Use of artificial intelligence technologies by a judge is permissible provided that it:
 - does not affect the judge’s independence or impartiality,
 - does not involve the assessment of evidence,
 - does not interfere with the decision-making process, and
 - does not violate any legal provisions.

COMMENTARY ON ARTICLE 16 OF THE CODE OF JUDICIAL ETHICS

- Currently, the Council of Judges of Ukraine is actively developing a new Commentary on the Code of Judicial Ethics.
- The forthcoming Commentary is expected to provide authoritative guidance on the permissible scope of AI use by judges under Article 16, and to establish best practices for security safeguards and oversight mechanisms.

FRAMEWORK FOR THE USE OF AI TOOLS IN THE HIGH ANTI-CORRUPTION COURT (Order of December 19, 2024, No. 56)

- The progressive nature of the HACC's approach lies in its strategic balance: the document promotes the innovative use of AI to improve the efficiency of court operations, while establishing a fundamental boundary—that technology must not interfere with the administration of justice.
- The document demonstrates a mature pragmatism by introducing specific safeguards (such as the prohibition on uploading official documents to protect sensitive data) and simultaneously emphasizing the development of AI literacy among its personnel. This signals a commitment to the responsible and informed adoption of technology.

GUIDELINES ON THE RESPONSIBLE USE OF AI IN THE PUBLIC SERVICE

- It is strictly prohibited to upload official documents of the state authority to publicly available generative AI systems.
- Public servants must not blindly trust the results generated by AI tools and should always verify the information, especially when making decisions that may affect human rights, freedoms or obligations.
- The use of AI by public servants must comply with the principles of lawfulness, accountability, transparency, privacy, and non-discrimination.

EXPERT COMMITTEE ON THE DEVELOPMENT OF AI IN UKRAINE UNDER THE MINISTRY OF DIGITAL TRANSFORMATION OF UKRAINE

- Today, within the framework of this committee, a dedicated group is finalizing the Recommendations on the Responsible Use of AI for Legal Professionals.
- This document will form part of the national roadmap for AI regulation in Ukraine and will assist lawyers in navigating the legal, ethical, and technical dimensions of AI application in their everyday professional practice.

LEGAL POSITION OF THE SUPREME COURT (Judgment of 8 February 2024 in case no. 925/200/22)

- Abuse of Rights & Counsel's Duty: Filing motions that rely on AI-generated findings to challenge a court's judgment constitutes an abuse of procedural rights, an act of disrespect to the court, and a violation of a lawyer's duty of professional prudence.
- The Role of AI: AI is merely an auxiliary tool under a lawyer's control; it can neither replace a judge nor serve as a source of law.
- Consequences: Comparing AI-generated findings against the authoritative position of the court undermines the authority of justice and public confidence in the judiciary.

LEGAL POSITION OF THE HIGH ANTI-CORRUPTION COURT (Decision of 28 May 2025 in case no. 991/4110/25)

- The Court Deems the Following as Abuse of Rights & Disrespect:
- Relying on AI-generated positions.
- Submitting an appellate complaint based solely on AI output.
- Using AI without legal grounds or scientific basis, contradicting the findings of the investigating judge.
- Core Judicial Principle Reaffirmed:
- The court must decide cases based on law, facts, and legal arguments — not on information generated by AI.

SUPREME COURT LEGAL POSITIONS DATABASE

- On 14 April 2025, the updated version of the Supreme Court's Legal Positions Database — Database 2.0 — was officially presented in Kyiv. The system incorporates generative AI to process and analyze judicial case law.
- The updated Database features enhanced search functionality, a mobile-friendly interface, integration with the Unified State Register of Court Decisions, and embedded elements of generative AI. It now forms part of the new architecture of Ukraine's electronic judicial system.
- Its key innovation is the ability to generate concise legal positions within seconds based on the analysis of hundreds of court cases, using state-of-the-art AI models, including ChatGPT and Anthropic.

THE CONCEPT OF THE UNIFIED JUDICIAL INFORMATION AND TELECOMMUNICATION SYSTEM (State Judicial Administration of Ukraine, Order No. 178 of 30 April 2025)

- Core Principle: AI Assistant, Final decision & evidence assessment: Human Judge).
- AI Integration Across the Case Lifecycle (2026-2028)
- Scanning & text recognition.
- Automatic summarization of materials.
- Search for relevant case law.
- Generation of draft decisions.
- Transcription of hearings.
- Virtual legal assistants.

THE OBLIGATION TO PUBLISH COURT DECISIONS IN UKRAINE

- In accordance with Article 2 of the Law "On Access to Court Decisions," court decisions are public and shall be published in electronic form in the Unified State Register of Court Decisions no later than the day following their full preparation and signing (<https://zakon.rada.gov.ua/laws/show/3262-15#Text>) .
- However, this rule does not apply to certain rulings, such as those concerning the seizure of property and temporary access to items and documents in criminal proceedings, or rulings by a commercial court authorizing the Antimonopoly Committee to inspect business entities. Such court decisions shall be published no earlier than the day they are submitted for enforcement.
- The Register currently contains more than 125 million court decisions.

Annual Report of the High Council of Justice "On the State of Ensuring the Independence in Ukraine" for the Year 2024

- In 2024, more than 150,000 users registered in the "Electronic Court" system, and over 2.5 million remote court hearings were held — an increase of 190% compared to 2023.
- During the same period, more than 5.5 million documents were submitted to courts via the "Electronic Court" system — a 232% increase compared to 2023.

PROFESSIONAL STANDARDS FOR "JUDGE"

- In 2024, Ukraine established the Professional Standard for Judges, which for the first time formally recognized digital competence as a mandatory component of judicial qualification.
- This competence encompasses six key areas: the ability to operate digital devices, to search, verify, and interpret data, to create digital content, and to adhere to cybersecurity principles.

- This update reflects the necessity for judges to be prepared to operate in an environment where AI an integral professional tool.

NATIONAL SCHOOL OF JUDGES OF UKRAINE

- Over the past year, four specialized seminars have been held for judges and their judicial assistants:
- Information and Digital Competence of a Judicial Assistant" (30 May 2025) NSJU official link
- Digitalization of Justice and the Use of AI Technologies in Courts (6 March 2025) NSJU official link
- Digital Awareness of a Judicial Assistant (29 October 2024) NSJU official link
- Digitalization of Justice and the Application of AI Technologies (11 June 2024) NSJU official link

JUDICIAL SELF-EDUCATION OF SUPREME COURT JUDGES AND STAFF

- On 9 May 2025, the Supreme Court hosted a training session titled "The Potential of AI in the Context of the Supreme Court's Activities", focused on the practical application of AI tools within the judicial system.
- The event aimed to acquaint judges and court staff with the potential of AI for workflow optimization, to encourage critical engagement toward its use, and to promote digital caution and literacy.
- Key topics included legal regulation of AI, prompt engineering, ethical challenges, cybersecurity hygiene, and real-life examples of AI integration into the everyday work of legal professionals.

CONCLUDING REFLECTIONS

- The use of AI in justice must always serve the broader goal of fair, independent, impartial, and effective adjudication, trusted by society.
- Judges, as the key actors in this process, must exercise such tools with wisdom and caution, in full compliance with legal and ethical standards.
- AI must remain under the judge's informed control, with full responsibility for the judgment resting solely with the judge.

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