

2024 Questionnaire of the 1st Study Commission IAJ-UIM

“The Effects of Artificial Intelligence on the Judiciary”

Answers from The Slovenian Association of Judges

Questions:

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

Currently there are some “smart programmes” helping change documents from voice recording to written form (automatic speech recognition).

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

See above.

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

There are no special rules/legislation regarding AI yet.

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

Given the possibilities of using AI to generate falsified evidence, the task of courts/judges will be even more challenging and more attention will be needed to ensure that the evidence is genuine and not falsified.

So far, however, no specific cases of AI influencing evidence have come to light.

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

Court cases are more complex and voluminous, and AI can help manage workloads, help gather information and do some administrative work in place of understaffed court staff.

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

AI can be a useful assistant in carrying out administrative tasks, e.g. transcribing audio recordings, anonymising court decisions before public disclosure, etc.

However, at least some internal regulations are needed to define the tasks for which AI can be used.

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

The inappropriate use of AI can jeopardise the independence of the judiciary if it is misused. AI harbours certain risks such as algorithmic bias, infringement of intellectual property and copyright, lack of accountability and the potential for misinformation – all of

which can impact the independence of the judiciary.

There is also a risk that a judge may use AI (large language models such as CHAT GPT) without authorisation and without disclosure to facilitate a process – for example, when writing the reasons for a judgement. This could pose a serious threat to the impartial and independent administration of justice.

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

Definitely. AI is a new technology that is not yet fully understood and for which it is difficult to predict all the effects. AI has neither the ability to reason logically nor morally, and cannot replace a judge. Decision-making can therefore only be entrusted to a judge - a human being, AI can only be an assistant.

4) *Proposal for 2025 topic: Please submit your proposals for possible topics to be treated in 2025 together with the answers to this questionnaire.*

- The role of the judge in a world dominated by artificial intelligence,
- Disciplinary liability of judges,
- The composition and role of the Judicial Councils in the efforts for the independence of the judiciary

