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THE INTEGRATION OF ARTIFICIAL INTELLIGENCE INTO THE WORK OF COURTS IN THE REPUBLIC OF MOLDOVA: OPPORTUNITIES AND RISKS

INTEGRAREA INTELIGENȚEI ARTIFICIALE ÎN ACTIVITATEA INSTANȚELOR JUDECĂTOREȘTI DIN REPUBLICA MOLDOVA: OPORTUNITĂȚI ȘI RISCURI

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Abstract: *The increasing use of artificial intelligence (AI) in judicial work and its express recognition in the Regulation on the Organisation and Functioning of the Supreme Court of Justice of the Republic of Moldova raise questions concerning the limits of technological assistance and the protection of procedural rights. This article examines the opportunities, risks and conditions for integrating AI into the work of Moldovan courts. The research combines documentary analysis, literal, systematic and teleological legal interpretation, and functional comparison of foreign judicial practices. The findings indicate that the permissibility of AI use depends on the function performed and its actual influence on proceedings. Authorisation and formal human oversight are insufficient without effective verification, appropriate disclosure and safeguards preserving judicial independence, adversarial proceedings and reasoned decisions. The article's original contribution lies in translating general European safeguards into proposed operational requirements for implementing Article 30 of the Regulation. These include authorisation for specified functions and data categories, verification against original sources, disclosure proportionate to procedural relevance, and incident reporting and remediation. The study supports gradual implementation through controlled testing and evalu-*

ation while retaining judicial responsibility for adjudication.
Keywords: *Artificial intelligence, administration of justice, judicial independence, right to a fair trial, human oversight*

Abstract*: Utilizarea tot mai frecventă a inteligenței artificiale (IA) în activitatea judiciară și reglementarea expresă a acesteia în Regulamentul privind organizarea și funcționarea Curții Supreme de Justiție a Republicii Moldova ridică întrebări cu privire la limitele asistenței tehnice și la protecția garanțiilor procesuale. Prezentul articol examinează oportunitățile, riscurile și condițiile de integrare a IA în activitatea instanțelor judecătorești din Republica Moldova. Cercetarea combină analiza documentară, interpretarea juridică literală, sistematică și teleologică, precum și comparația funcțională a practicilor din alte state. Concluziile indică faptul că admisibilitatea utilizării IA depinde de funcția îndeplinită și de influența sa efectivă asupra procesului. Autorizarea și supravegherea formală din partea omului sunt insuficiente fără o verificare eficientă, o divulgare adecvată și garanții care să asigure independența judiciară, caracterul contradictoriu al procedurilor și motivarea hotărârilor judecătorești. Contribuția prezentei cercetări constă în examinarea garanțiilor generale europene la cerințele operaționale propuse pentru punerea în aplicare a articolului 30 din Regulamentul CSJ. Acestea includ autorizarea pentru funcții și categorii de date specifice, verificarea în raport cu sursele originale, divulgarea proporțională cu relevanța procedurală, precum și raportarea incidentelor și remedierea acestora. Studiul susține implementarea treptată a IA prin testare și evaluare controlate, păstrând în același timp responsabilitatea judiciară pentru pronunțarea hotărârilor.*
Keywords: *Inteligența artificială, administrarea justiției, independența justiției, dreptul la un proces echitabil, supravegherea umană*

1. Introduction

The rapid development of information technologies and the gradual integration of artificial intelligence (hereinafter "AI") into various areas of social life are changing how information is processed, professional activities are organised and services are provided. In the legal field, these transformations are reflected in the use of tools capable of assisting with legal research, document analysis and the drafting of texts. Research into the use of language models in the work of courts confirms that the integration of AI has moved beyond the realm of technological projections (Sourdin, 2018). In this context, it becomes necessary to examine the conditions under which such tools may be used in the administration of justice.

Interest in the use of AI in the justice system stems from its potential to reduce technical workloads, process substantial volumes of information and support the work of court staff (Sourdin, 2018). At the same time, the nature of judicial activity requires a distinction to

be drawn between technical assistance and the exercise of the powers to hear and determine cases. In this regard, Morison and Harkens highlight the social dimension of judicial activity and the difficulties involved in reducing it to algorithmic operations (Morison & Harkens, 2019). We consider that AI must be examined by reference to the specific function assigned to it, the procedural stage at which it is used and the potential influence of its output on the examination of the case. Research on perceptions of the fairness of automated procedures also highlights the relevance of how and at what stage algorithms are used (Barysė & Sarel, 2024).

The examination of opportunities must, of course, be accompanied by an analysis of the risks. Studies of language models have found that they may generate inaccurate legal information and have difficulty recognising their own errors (Dahl & Magesh & Suzgun & Ho 2024). These risks are compounded by issues concerning transparency and the ability to challenge the outputs of certain algorithmic systems, which have been examined extensively in the scholarly literature on the relationship between AI and human rights (Završnik, 2020). Accordingly, characterising AI as a support tool warrants an examination of safeguards for verifying its outputs and maintaining effective human control over their use.

In the Republic of Moldova, the timeliness of this research is underscored by the approval of the Regulation on the Organisation and Functioning of the Supreme Court of Justice by the Plenum of the Supreme Court of Justice in its Decision No. 2 of 4 September 2026 (Regulation on the Organisation and Functioning of the Supreme Court of Justice, 2026). Article 30 of the Regulation expressly provides for the use of AI to support the work of the Court, listing, inter alia, the translation of materials, the editing and correction of administrative texts, the summarisation of documents and the generation of technical, analytical or statistical summaries. The same article lays down requirements concerning confidentiality, personal data protection, information security, professional secrecy and transparency in the use of AI, as well as the exclusive use of authorised systems. This provision serves as the starting point for examining how AI use may be regulated in light of the specific nature of the work of courts.

The central issue addressed by this research is to determine the

conditions and limits within which AI may support the work of courts without impairing judicial independence and the procedural safeguards of a fair trial. Of particular interest are the distinction between ancillary tasks and uses capable of influencing the judicial decision-making process, the content of the obligation of transparency and the mechanisms for verifying the outputs generated. These aspects will be examined by reference to the right to a fair trial, as guaranteed by Article 6(1) of the Convention for the Protection of Human Rights and Fundamental Freedoms (Convention for the Protection of Human Rights and Fundamental Freedoms, 1950), including the requirements concerning the independence and impartiality of the court.

In this context, the aim of this article is to identify the opportunities and risks associated with the integration of AI into the work of courts in the Republic of Moldova and to formulate recommendations on the framework and conditions for its use. The research combines legal analysis of the national regulatory framework with an examination of European standards and the experiences of other states.

To achieve this aim, the article first examines the provisions of the Regulation of the Supreme Court of Justice concerning the use of AI in relation to the relevant European Union legislation and, separately, the standards of the Council of Europe and the case-law of the European Court of Human Rights. A separate section is devoted to comparative law, with a focus on specific uses, good practices and incidents documented in other states.

2. State of the Art and Research Aim

Research on the integration of artificial intelligence into the administration of justice examines both the potential for supporting the work of courts and the implications of automation for the exercise of the judicial function. Sourdin (2018), as well as Morison and Harkens (2019), analyse the distinction between technological assistance and adjudication and the difficulties of reducing legal reasoning to algorithmic operations. Empirical research complements this perspective by examining the reliability of outputs: Dahl and co-authors (2024) highlight the risk of generating fabricated legal information, while Deroy, Ghosh and Ghosh (2025) analyse the limitations of automated summarisation of legal documents. These contributions justify evalu-

ating uses of AI by reference to the task performed and the verifiability of the output.

A distinct line of inquiry concerns the effectiveness of human control. Green (2022) criticises the treatment of human oversight as a sufficient safeguard merely because it has been put in place, while Liu and Li (2024) examine the interaction between judges and language models. Barysė and Sarel (2024) show that perceptions of fairness vary depending on the stage at which automation is used. At the regulatory and institutional levels, Regulation (EU) 2024/1689 and CEPEJ instruments provide benchmarks for risk assessment, transparency and the preservation of human control. The experiences analysed in the specialist literature and professional practice reveal the need to relate these benchmarks to the specific features of judicial proceedings.

The present research builds on these contributions by relating them to the provisions of the Regulation on the Organisation and Functioning of the Supreme Court of Justice (SCJ). The paper's contribution lies in examining the conditions under which general safeguards can be translated into rules governing ancillary uses, the authorisation of systems, the verification of outputs and the provision of information to participants in the proceedings. The aim of the research is to identify the opportunities, risks and limits of integrating AI into the work of courts in the Republic of Moldova and to formulate recommendations consistent with judicial independence and the right to a fair trial guaranteed by Article 6 § 1 of the European Convention on Human Rights (ECHR).

3. Materials and Methods

The research is structured around three areas: examination of the provisions of the SCJ Regulation, assessment of uses of AI against European standards, and analysis of experiences in other countries. This structure makes it possible to relate domestic regulation to fair trial safeguards and to the difficulties identified in judicial practice.

The research materials comprise legal instruments, institutional documents, judicial decisions and scholarly publications. The analysis covers the SCJ Regulation, Regulation (EU) 2024/1689, CEPEJ instruments and the case law relevant to the interpretation of Article 6 § 1 ECHR. The doctrinal foundation includes the contributions of

Morison and Harkens on the specific features of the judicial function, Green's analysis of the limits of human oversight, and the research by Dahl and co-authors and by Deroy, Ghosh and Ghosh on the reliability of generated legal information and summaries, respectively. These works enable an examination of the relationship between the technical utility of AI and the need to verify its outputs.

The main methods employed are documentary analysis, legal interpretation and functional comparison. Literal, systematic and teleological interpretation serves to delineate permitted uses and identify the conditions governing the application of the domestic provision. The comparison focuses on the function assigned to the system, its influence on the examination of the case and the safeguards for human control. The research tools include EUR-Lex, HUDOC and the official sources of judicial institutions. Empirical findings are drawn from the studies cited and assessed within the scope of the models, tasks and contexts analysed, without generalising them to all AI applications.

4. Results and Discussion

4.1. The use of AI in the work of the Supreme Court of Justice of the Republic of Moldova

The adoption of the Regulation forms part of a broader process of examining the conditions for integrating AI into the national justice system. Thus, in its communication of 19 August 2026, the Superior Council of Magistracy presented activities concerning the preparation of a study and tools for assessing the readiness of courts for the responsible use of AI. The initiative concerned, inter alia, the institutional framework, training, data and risk management (Superior Council of Magistracy, 2026). These measures indicate a concrete institutional concern; they do not, in themselves, demonstrate that particular systems are already being used to determine cases. In this context, the provision in Article 30 of the SCJ Regulation does not amount to evidence of the actual implementation of AI. Accordingly, the provision may serve as a reference point for developing rules common to the judiciary, but does not, in itself, constitute a general authorisation to use AI in all courts.

Article 30(1) of the SCJ Regulation thus provides that the Court

"may use" AI tools "for the purpose of supporting its activities". This wording establishes a possibility without requiring the adoption of technology as an end in itself. We consider that the appropriateness of such use must be assessed against an identifiable need, verifiable benefits and the cost of checking the outputs. A tool that generates a text rapidly but requires checks that take longer than drafting it by conventional methods cannot be regarded as efficient solely on the basis of the speed of generation.

Under Article 30(1) of the SCJ Regulation, the permitted uses of AI include, in particular:

a) the translation of materials;

b) the editing and correction of administrative texts;

c) the summarisation of documents;

d) the generation of technical, analytical or statistical summaries; and

e) other ancillary tasks that do not affect judicial independence and do not influence the judicial decision-making process.

The translation of materials may facilitate the consultation of foreign legal scholarship, legislation and case-law. However, the broad scope of the term "materials" does not mean that all translations can be accorded the same value. A translation of a scholarly article for guidance purposes raises different issues from the translation of a document relevant to the determination of a case. An error involving negation, a legal term or the relationship between clauses may thus alter the meaning of the information used. We consider it necessary to conduct legal and linguistic verification proportionate to the importance of the document, while retaining access to the original.

The editing and correction provided for in point (b) expressly concern "administrative texts". Correcting an administrative request and editing the statement of reasons for dismissing an appeal on points of law have different legal subject matter. Correcting only the spelling of a draft judicial decision requires a separate justification and verification that its meaning has been preserved in full. This precaution is also justified by the fact that changes presented as stylistic may alter the content and original meaning of the document.

The summarisation of documents, permitted under point (c), presents a more pronounced difficulty. By its nature, a summary in-

volves selecting information and reducing its volume. The omission of an argument may be significant even if all the statements included are individually correct. For example, in a hypothetical scenario, a summary of an appeal on points of law may reproduce the general complaints while omitting precisely the ground on which the appellant alleges a contradiction with the uniform case-law of the SCJ. If the examination is based predominantly on this summary, the benefit of saving time may be obtained at the expense of a full understanding of the party's arguments.

The study by Aniket Deroy, Kripabandhu Ghosh and Saptarshi Ghosh on the summarisation of legal documents finds that favourable performance according to certain evaluation metrics may coexist with inconsistencies and fabricated information in the generated summaries (Deroy & Ghosh & Ghosh, 2025). The output must be checked for consistency with the original, without this demonstrating that all systems produce the same errors. In this regard, we propose that each summary should enable the documents and passages used to be identified, distinguish the parties' submissions from the courts' findings and indicate the limitations of the material processed. The summary must facilitate consultation of the case file, and its ancillary nature requires that relevant information continue to be verified against the original sources.

The generation of technical, analytical or statistical summaries, provided for in point (d), may support institutional activities, including the preparation of the annual report governed by Article 29 of the SCJ Regulation. However, describing an output as "analytical" does not make it legally neutral. A summary describing the distribution of cases differs from one that ranks the arguments in a case file or recommends an outcome in the case. In the statistical field, we propose the use of verifiable data and calculation methods, with an indication of the period and categories analysed.

The category of "other ancillary tasks" may be examined in relation to operations such as organising documents or identifying public sources. Searching for case-law is not, however, equivalent to verifying the existence, currency and legal relevance of the judgments suggested. Matthew Dahl and his co-authors highlight the risk of false legal information being produced by the language models examined

(Dahl & Magesh & Suzgun & Ho, 2024). Consequently, a reference identified with the assistance of AI must be verified against the authentic source before it is used. Making a recommendation on the admissibility of a legal remedy, assessing credibility or choosing the outcome cannot be classified as ancillary merely by describing the operation as "assistance".

Article 30(1)(e) of the SCJ Regulation refers to tasks that "do not affect judicial independence and do not influence the judicial decision-making process". These two requirements protect closely related but distinct safeguards. Independence concerns preserving the judge's freedom in the exercise of judicial functions, including freedom from institutional pressures or imposed technological choices. The decision-making process may also be influenced in the absence of any identifiable pressure, through the selection of information, the order of its presentation or the apparently authoritative wording of a response.

John Morison and Adam Harkens show that retaining a judge within a partially automated process does not eliminate the problems introduced into adjudication by the algorithmic reference point (Morison & Harkens, 2019). Research by Raja Parasuraman and Dietrich H. Manzey on interaction with automation explains the risk of omissions and the acceptance of erroneous recommendations, including among experienced users (Parasuraman & Manzey, 2010). These findings justify a concrete examination of the conditions for human control, rather than a presumption that professional training makes it effective a priori.

Along the same lines, Ben Green criticises policies that treat mere human oversight as sufficient protection and proposes an institutional assessment of the appropriateness of, and conditions for, using AI algorithms (Green, 2022). The study by John Zhuang Liu and Xueyao Li on the interaction between judges and language models identifies the possibility of reinforcing initial beliefs, although the experimental evidence presented is mixed (Liu & Li, 2024). For the SCJ, we infer the need for control involving access to original sources, adequate time, verification skills and a genuine ability to disregard the output. Training judges in the use of AI is necessary, but must be accompanied by working arrangements that make verification possible.

Article 30(3) of the SCJ Regulation also imposes an obligation

to disclose which AI system was used and for what purpose. This is a concrete obligation, even though the manner of its fulfilment requires further specification. The text does not expressly identify the recipient of the disclosure, its timing or its form.

We propose differentiating disclosure according to the circumstances. At the institutional level, a public register could identify authorised systems, permitted functions and the main restrictions. Internally, records of use would make it possible to identify the operation performed, the relevant version and the person who verified the output, subject to access restrictions. In an individual case, disclosure to participants must be considered in relation to the actual role of the output in the proceedings. Processing administrative correspondence and using a summary capable of affecting the examination of an argument do not warrant identical disclosure arrangements. The issue of transparency goes beyond stating the trade name. If a participant is merely informed that "AI was used", they cannot understand what operation took place or what error they might draw attention to.

From the perspective of Article 6(1) of the European Convention on Human Rights (ECHR), transparency must be linked to an effective opportunity to make observations and to the giving of reasons for the judgment. In Nideröst-Huber v. Switzerland, the European Court of Human Rights (ECtHR) emphasised the importance of the parties' opportunity to acquaint themselves with, and comment on, observations submitted to the court, in the circumstances of that case (Nideröst-Huber v. Switzerland, 1997). The judgment does not concern AI and does not require access to every item of material held by the judge. By analogy, we consider that an algorithmic output used as factual support or as a basis for argument in the proceedings must be examined in the light of the principle of adversarial proceedings, without allowing relevant material to be introduced outside the applicable safeguards.

In Ruiz Torija v. Spain, the Court stated that the duty to give reasons does not require a detailed answer to every argument, its scope being assessed in the context of the case (Ruiz Torija v. Spain, 1994). For the purposes of the present analysis, we infer that generating a formally coherent text does not replace the court's duty to examine the relevant issues effectively. The risks to procedural rights analysed

by Aleš Završnik in the field of criminal justice likewise support the need to assess whether there is a genuine possibility of challenging algorithmic outputs (Završnik, 2020). The compatibility of a particular use with Article 6 ECHR is assessed by reference to its function and effects in the proceedings; the use of AI does not, in itself, demonstrate either compliance with or a violation of the Convention.

The final sentence of Article 30(3) of the SCJ Regulation requires the exclusive use of authorised AI systems for the purpose of protecting the data referred to in Article 30(2). The exclusive nature of this requirement precludes any inference that individuals are free to select any available service. However, the provisions of the SCJ Regulation do not specify who authorises AI systems, under what procedure or for how long.

We consider that the authorisation of AI systems must be linked to specified functions and conditions of use. Approval of a tool for correcting publicly available administrative texts does not automatically justify processing an entire case file containing confidential information. An adequate provision should specify the permitted categories of data, the users, the verification obligations and the conditions for suspending or withdrawing authorisation of the AI system.

The need for an assessment based on the task delegated is also supported by the research of Dovilė Barysė and Roee Sarel: perceptions of fairness differ depending on the stage at which automation is introduced (Barysė & Sarel, 2024). The study concerns participants' perceptions and does not establish the legality or objective quality of the decisions. For the analysis of the national provision, it confirms the relevance of the question "how is the system used", alongside the question "which system is used".

The SCJ Regulation does not, moreover, establish a separate regime governing the nullity of judicial decisions or liability for every error associated with AI. The legal consequences must be determined by reference to the rule infringed, the effects of the infringement and the remedies provided for by the applicable legislation. Failure to comply with an authorisation obligation cannot automatically be equated with a particular ground for quashing a judicial decision, just as the use of an authorised tool does not exclude the possibility of a procedural violation. We propose establishing a procedure for re-

porting and remedying incidents that distinguishes between errors of content, disclosure of information and impairment of participants' rights.

As a point of reference in comparative law, Regulation (EU) 2024/1689 (Regulation (EU) 2024/1689) distinguishes between certain uses of AI in the administration of justice, listed in point 8(a) of Annex III, and purely ancillary administrative activities. The CEPEJ Guidelines on the use of generative AI by courts, adopted in December 2025, provide guidance on human control, transparency, training, evaluation and the gradual introduction of systems (Guidelines on the use of generative artificial intelligence for courts, 2025). These Guidelines are a guidance instrument and should not be confused with an ECtHR judgment or a national authorisation. For the Republic of Moldova, we consider phased implementation useful: identifying the need, verifying legal permissibility, conducting controlled testing and evaluating the results before expanding the use of AI systems. The indicators should measure fidelity and omissions, total time including verification and incidents, rather than merely the volume of texts generated.

4.2. European standards on the use of AI in the administration of justice and fair trial safeguards

The compatibility of the use of artificial intelligence in the work of courts with the right to a fair trial must be examined by reference to the specific function entrusted to the system and the influence of its output on the examination of the case. We consider that the use of an AI tool does not, in itself, constitute a violation of Article 6 § 1 ECHR. However, compatibility cannot be presumed solely because the judgment is signed by a judge. It requires the effective preservation of the adjudicative function and the procedural safeguards afforded to participants in the proceedings.

At Union level, the European e-Justice Strategy 2024–2028 includes uses of AI such as anonymisation and pseudonymisation, transcription, translation and case-law analysis. (European e-Justice Strategy 2024–2028, 2025) However, the programmatic nature of the strategy requires clarification: the inclusion of an application in a public policy document does not demonstrate its widespread implementation or its effectiveness in every category of case.

Specific practices are described in the CEPEJ report of 22 May 2025 on the first use of the self-assessment tool for AI systems in the judicial field. The document presents the Estonian Salme system for transcribing hearings, the French tool for pseudonymising judgments and the Italian GIADA 2 system for allocating criminal cases. In the French case, difficulties were identified in pseudonymising the names of certain foreign localities and were rectified through intervention by specialists (Report on the First Use of the Self-assessment Tool for AI Systems in the Judicial Field, 2025).

At European Union level, Regulation (EU) 2024/1689 on artificial intelligence classifies, pursuant to Article 6(2) and point 8(a) of Annex III, applications intended to assist judicial authorities in researching and interpreting facts and the law, and in applying the law to specific circumstances, as high-risk systems. The derogation under Article 6(3) is conditional on the absence of a significant risk and compliance with the requirements laid down in that provision. Recital 61 distinguishes purely ancillary administrative activities and leaves responsibility for the final decision with humans. The framework of safeguards includes human oversight, the competence of designated persons and a fundamental rights impact assessment by the entities concerned, in accordance with Articles 14, 26 and 27.

Within the Council of Europe, the CEPEJ European Ethical Charter of 2018 (European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and their Environment, 2018) sets out the principles of respect for fundamental rights, non-discrimination, quality and security, transparency and fairness, and user control. The CEPEJ guidelines on generative AI, adopted in December 2025 (Guidelines on the Use of Generative Artificial Intelligence for Courts, 2025), state that core judicial tasks, including the assessment of evidence and legal reasoning, must not be delegated, and that judges must verify outputs and retain their freedom of assessment.

In the view of the European Court of Human Rights (Protecting human rights in a world of Artificial Intelligence, algorithms and big data, 2025), the right to a fair trial can only be considered effective if the parties' requests and submissions are genuinely 'heard', that is, properly examined by the court. In any event, it is clear that electronic evidence has become ubiquitous in criminal proceedings, given the

increasing digitisation of all aspects of life. In this regard, the European Ethical Charter on the Use of Artificial Intelligence (AI) in Judicial Systems and their Environment, together with the CEPEJ's work on mapping AI systems and other key cyberjustice tools used in the digital transformation of the judicial system, will constitute relevant sources of information for the Court when it is called upon to determine whether the provisions of the ECHR have been violated in a specific case involving the use of AI.

Therefore, we consider that the use of AI tools should be accompanied by rules identifying authorised uses, the manner of verification and the circumstances in which participants are informed of AI involvement. We propose documenting uses capable of influencing the examination of the case in a form that enables scrutiny within the proceedings, without disclosing the deliberations, and establishing a procedure for challenging errors and suspending the application. The court must be able to explain its decision on the basis of its own legal reasoning and the evidence examined, irrespective of the tools used in preparing it. This is the condition under which the organisational benefits of AI can be realised while preserving fair trial safeguards.

4.3. Comparative law aspects of the use of AI in courts

Before presenting the findings of the comparative analysis of AI use in courts, we must note the need to distinguish between the use of AI for information management and its use in reaching judicial decisions. This distinction corresponds to the two areas identified by Van Ruymbeke, Baeck, Mulier and Demeester in a systematic review of 138 scholarly articles: the internal organisation of the judicial system and legal decision-making (Van Ruymbeke & Baeck & Mulier & Demeester, 2026). Furthermore, as follows from the analysis by Morison and Harkens, the technological reorganisation of the administration of justice must also be examined in terms of its effects on the authority and legitimacy of judicial decisions (Morison & Harkens, 2019). The criterion for comparison is therefore the specific function assigned to the system, together with the safeguards for verifying its output.

The French experience highlights the usefulness of AI in facilitating access to case law. The Court of Cassation has developed an in-house tool for anonymising judgments in connection with its mandate

to publish decisions as open data. According to the institutional presentation of the report of 28 April 2025, this experience was accompanied by the recruitment of scientific staff and the examination of proposed uses against legal, ethical and technical criteria. The report also recommends internal structures for the operational and ethical monitoring of implementation (Cour de cassation et intelligence artificielle, 2025).

In Germany, an example of actual use is OLGA, an assistant designed to process repetitive cases, used at the Higher Regional Court of Stuttgart. The official communication issued by the Higher Regional Court of Karlsruhe in 2024 confirms the use of OLGA in Baden-Württemberg to classify diesel vehicle disputes into categories of cases. A presentation based on statements by the project leader explains that these categories are defined by judges and that the system flags situations in which classification remains unclear because of missing or contradictory information (Zander, 2024).

German practice makes it possible to distinguish between the technical grouping of documents and the definitive legal characterisation of the matter in dispute. Identifying cases as similar may facilitate their examination; it does not justify automatically reaching the same decision. For example, two disputes concerning the same type of vehicle may differ as regards the time of purchase, the information provided to the purchaser or the pleas raised. If the system does not highlight these differences, organisational efficiency may be achieved at the expense of the individual assessment of each case.

The Brazilian experience illustrates the integration of AI into the management of a large caseload. Since 2023, the Supreme Federal Court has used the VitorIA tool to compare texts and group cases displaying similarities. An official communication of 28 September 2026 clarifies that the tool organises information, while the assessment of the legal significance of those similarities remains the responsibility of the competent staff and judges (Inteligência artificial ajuda STF a identificar processos que discutem questões semelhantes, 2026).

In England and Wales, the integration of AI is accompanied by guidance addressed to judges and the staff who assist them. The guidance of 14 April 2025 records the availability of an institutional tool, Copilot Chat, through the eJudiciary environment. The same document

emphasises the verification of information and the user's responsibility for the material produced (Artificial Intelligence (AI) – Judicial Guidance, 2025). The update published on 31 October 2025, which replaced the April guidance, elaborates on the warnings concerning errors in generated outputs, biases in training data, confidentiality and the reporting of accidental disclosures. These sources demonstrate the existence of a framework for use and institutional access, without establishing how frequently each judge uses the tool.

An incident illustrating the consequences of failing to verify AI outputs is Mata v Avianca, in which the federal court for the Southern District of New York ruled on sanctions on 22 June 2023. The lawyers submitted citations to and texts of non-existent judgments obtained through ChatGPT and continued to maintain their authenticity after doubts had arisen. The court imposed a monetary sanction of USD 5,000, for which the two lawyers and their firm were jointly and severally liable (Mata v Avianca, Inc., 2023). The incident therefore concerns the use of AI in preparing materials submitted by legal representatives, rather than the use of AI by a judge to draft the judgment.

Thus, a court may be exposed to the consequences of AI even when its own staff do not use such tools. Inaccurate content may enter the proceedings through applications, explanations and references submitted by participants. The comparative analysis must therefore encompass both the rules governing internal use and the mechanisms for verifying information introduced into the proceedings.

This concern is supported by the research conducted by Dahl, Magesh, Suzgun and Ho, which examines the erroneous legal responses produced by certain language models and their difficulty in recognising false premises (Dahl & Magesh & Suzgun & Ho, 2024). The experimental findings relate to the models and tasks tested; they do not justify attributing the same error rate to all available products. The study by Deroy, Ghosh and Ghosh on judgment summarisation complements the analysis by examining the quality of generated summaries and their limitations (Deroy & Ghosh & Ghosh, 2025). From the perspective of judicial procedure, the common problem is the possibility that a coherent text may contain information that does not correspond to the source.

We consider that verification must address the existence of the

source, its content and its relevance to the case under examination. An actual judgment may be cited with an incorrectly attributed ruling, and an existing provision may be cited in a version that was not applicable to the legal relationship in dispute. Good practice would therefore consist in consulting the original text and ensuring that the verification process can be retraced. We do not propose sanctioning the use of AI as such, but assessing procedural conduct in accordance with existing obligations and liability mechanisms. The fact that the information is generated automatically does not relieve the person relying on it of the obligation to verify it.

A different issue arises when a judge uses AI to obtain information relevant to establishing the facts of the case. In the judgment of Rechtbank Gelderland of 7 June 2024, ECLI:NL:RBGEL:2024:3636, the court expressly referred, in paragraph 5.7, to the use of ChatGPT to estimate the average operating life of certain solar panels and the price of electricity. These values were used to calculate the loss of yield caused by a neighbouring structure (Rechtbank Gelderland, 2024).

This example makes it possible to identify the point at which technical assistance acquires evidential relevance. If the application performs an arithmetic operation using values already established, verification concerns the accuracy of the calculation. If it supplies the operating life or the price to be used, its contribution concerns the factual premise underlying the calculation. The legal nature of the use therefore changes depending on that contribution, even if both operations are presented to the user as a numerical answer.

In our view, the procedural risk lies in introducing a premise that the parties have not had an effective opportunity to examine. Mentioning the tool in the judgment contributes to transparency but does not, in itself, establish that there was a prior adversarial debate.

In Colombia, Judgment T-323/24 of 2 August 2024 of the Constitutional Court provides an express analysis of the use of AI by a judge. The case concerned the protection of the rights of a child with autism spectrum disorder, and the judge who had heard the appeal had incorporated responses provided by ChatGPT into the reasoning. The Constitutional Court held that there had been no violations of procedural safeguards: the judicial function had not been supplanted, because the judge had established the grounds for, and reached,

the decision before consulting the AI system. Nevertheless, the court found that the requirements of transparency and accountability had not been fully complied with (Corte Constitucional de Colombia, 2024).

The judgment sets out criteria relating to human control, verification, data protection and ensuring that the judge's reasoning is not replaced. It also orders the development of institutional guidelines on generative AI and the continuation of training for judicial personnel (Corte Constitucional de Colombia, 2024). The ruling must be understood in the specific circumstances of the case; it does not constitute a general authorisation to adopt automatically generated reasoning.

We consider that the comparative value of the judgment lies in its examination of the actual contribution made by the AI tool. To verify that the judicial function has been preserved, it is necessary to establish what the judge has done and what the application has done. However, we consider that the mere fact that a human decision was reached beforehand does not constitute a sufficient safeguard for all subsequent uses. If AI introduces a new argument, removes a qualification or recasts the relationship between the evidence and the conclusion, the content of the reasoning may change substantially, even where the operative part of the judgment remains unchanged.

5. Conclusions

The integration of AI into the work of courts in the Republic of Moldova offers opportunities to facilitate information processing and reduce administrative workloads. Its permissible scope must, however, be determined by the function performed and the potential influence of its output on adjudication. Article 30 of the SCJ Regulation provides an initial framework for ancillary uses within that Court, but requires further specification of authorisation procedures, verification duties and disclosure arrangements.

The European standards and comparative experiences examined support an approach based on the actual contribution of AI to judicial proceedings. Describing a task as technical does not exclude its capacity to affect the assessment of facts or legal reasoning. Fabricated references, omissions in summaries and reliance on unverified factual premises illustrate why formal human oversight alone is insufficient. Effective control requires access to original sources, adequate verifi-

cation skills and time, and the ability to disregard generated outputs.

The use of AI does not, in itself, constitute a violation of Article 6 § 1 ECHR. Its compatibility depends on preserving judicial independence and impartiality, adversarial proceedings and the court's duty to give reasons. Where AI-generated material influences the determination of a case, the parties must have an effective opportunity to examine and challenge relevant material, subject to the confidentiality of judicial deliberations.

For the Republic of Moldova, we recommend developing rules common to the judiciary that define permitted uses, establish authorisation for specified functions and categories of data, and ensure verification against original sources. Disclosure requirements should reflect the actual role of AI in the proceedings. Implementation should proceed through controlled testing, practical training and procedures for reporting and remedying incidents. Evaluation should consider accuracy, omissions and the total time required, including verification. Responsibility for adjudication must remain with the court, while the legal consequences of errors must be assessed under the applicable procedural rules.

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