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Supreme
Court

Use of Artificial Intelligence in Judicial Proceedings: the Experience of Legal Regulation in Ukraine

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The Code of Judicial Ethics

- **On September 18, 2024**, the XX Congress of Judges of Ukraine approved a new version of **the Code of Judicial Ethics** (hereinafter referred to as the Code) to harmonize national standards of judicial conduct in professional and public activities with international standards in this field.
- **Article 16 of the Code** provides that a judge's use of AI technologies is permissible **provided that it:**
 - does not affect the independence and impartiality of the judge;
 - does not involve the evaluation of evidence and the decision-making process;
 - does not violate statutory requirements.

Commentary on the Code

- The Council of Judges of Ukraine **on March 2, 2026**, approved the **Commentary on the Code**, specifically on Article 16, which states that AI technologies offer novel tools capable of potentially transforming traditional approaches to the administration of justice, increasing its efficiency, speed, and accessibility.
- The main purpose of the article is **to establish ethical standards** that would allow judges **to utilize the benefits** of AI technology while **minimizing potential threats** to the fundamental principles of judicial proceedings.
- This article performs an important **protective function**, which consists of the following:
 - prevention of the delegation of judicial powers;
 - preventing the loss of subjective internal conviction;
 - preventing dependence on digital technologies.

Conditions: Independence and Impartiality

- 1) "AI does not affect the independence and impartiality of the judge."

This is a fundamental requirement that protects the very essence of justice.

- 1.1. Preservation of internal conviction.

The use of AI must not substitute the internal conviction of a judge, formed on the basis of a comprehensive, full, and objective examination of all the circumstances of the case.

- 1.2. Avoidance of improper dependence.

A judge must not fall into dependence on certain AI tools or their developers.

Conditions: Evaluation of Evidence (I)

➤ 2) "AI does not concern the evaluation of evidence."

The evaluation of evidence is a central element of the judicial function, which involves establishing its relevance, admissibility, credibility, sufficiency, and interconnection to render a reasoned decision. This activity cannot be delegated to AI.

*In its resolution of July 8, 2025, in case No. 925/496/24, the Commercial Cassation Court within the Supreme Court noted that **the appellant's references to the answers of two AI systems (Grok and ChatGPT) regarding the confirmation of the literal interpretation of a contractual clause are dismissed by the panel of judges, since AI can be a useful and auxiliary informative tool in the sphere of justice, but cannot replace either the role of judges or the principles of relevance, admissibility, and credibility of evidence.***

Conditions: Evaluation of Evidence (II)

➤ 2.1. Limitations of AI in the evaluation of evidence.

AI can effectively process large volumes of information, find trends, and identify connections. It is incapable of understanding context in the way a human does, lacks the capacity for empathy, cannot assess the sincerity or insincerity of a witness, and cannot account for cultural or social nuances.

Permissible technical **assistance of AI in:** (a) organization and systematization of evidence; (b) analysis of structured data; (c) detection of certain objects in photo or video materials.

➤ 2.2. Inadmissibility of automated determination of the credibility or weight of evidence.

Any attempts to use AI for the direct determination of whether evidence is credible, or what its weight is compared to other evidence, constitute a violation.

Conditions: Decision-Making Process (I)

➤ 3) "AI does not concern the decision-making process."

Rendering a judicial decision is an act of applying the law to established facts, which concludes the consideration of the case on the merits. Decision contains an authoritative prescription regarding the rights and obligations of the parties or the guilt of a person. This process is exclusively human and judicial.

➤ 3.1. Responsibility for the judicial decision.

A judge alone bears full personal responsibility for every rendered decision. Delegating decision-making to AI would mean an abdication of the judicial function and responsibility, which is incompatible with the status of a judge and the oath.

Conditions: Decision-Making Process (II)

➤ 3.2. Intellectual and volitional nature of decision-making.

The process of decision-making requires not only knowledge of the law, but also its interpretation, understanding of both the letter and the spirit of the legal norm, the principles of justice and proportionality, consideration of all the circumstances of the case, and individual characteristics of the parties. AI, even the most advanced, is incapable of such complex intellectual and volitional activity.

➤ 3.3. Secrecy of judicial decision-making.

Rendering a judicial decision is an act of applying the law to established facts, which concludes the consideration of the case on the merits and contains an authoritative prescription regarding the rights and obligations of the parties or the guilt of a person. This process is exclusively human and judicial.

Conditions: Requirements of Legislation (I)

➤ 4) "AI does not violate the requirements of legislation."

This condition is general and encompasses all aspects of legal regulation.

➤ 4.1. Constitutional guarantees.

The use of AI must not only refrain from violating, but must also ensure the realization of the constitutional rights and freedoms of human and citizen. Particular attention should be paid to the right to a fair trial, the right to personal data protection, and respect for private and family life, as well as guarantees of equality and non-discrimination.

➤ 4.2. Procedural legislation.

The use of AI must be strictly integrated and comply with the requirements of procedural codes.

Conditions: Requirements of Legislation (II)

➤ 4.3. Information legislation.

It is important to consider the requirements of legislation in the field of information, access to public information, protection of personal data, protection of state secrets, and cybersecurity.

➤ 4.4. Intellectual property legislation.

It is necessary to ensure that the use of AI complies with legislative norms regarding the processing of data that may be subject to copyright, and to avoid plagiarism when generating the texts of decisions.

Potential Risks and Limitations (I)

- **Risk of the "dehumanization" of justice.** AI, unlike a human, is incapable of empathy, moral intuition, and understanding the complex social context of human conflicts.
- **Accountability and responsibility.** If AI makes a mistake that affects the course of a case, the question of liability (of the developer, the court, or the specific judge) is complex and requires clear legal regulation. However that responsibility remains with the judge.
- **Psychological pressure on the judge.** The awareness that the decision will be compared with the "optimal" solutions proposed by AI can create additional pressure on the judges and affect their independence.
- **Cost and accessibility of AI technologies.** The high cost of developing, implementing, and supporting quality AI technologies can lead to "digital inequality" between courts, which will have consequences for equal access to justice.

Potential Risks and Limitations (II)

- **Need for constant updating of AI.** Legislation and judicial practice are constantly changing. AI systems require refinement, which is a complex and resource-intensive process.
- **Ethical dilemmas of programming.** When developing AI, especially that which is meant to assist in decision-making, complex ethical questions arise: what values and priorities should be embedded in the algorithms?
- **Impact on the development of law.** If judges begin to rely too heavily on AI, which is based on existing case law, this may slow down the development of law and the formation of new legal approaches.
- **Impact through biased data.** AI algorithms trained on data containing hidden biases (for example, regarding certain categories of persons or cases) can subconsciously steer a judge toward biased conclusions.

The Supreme Court Regulation on the AI Use

- At the initiative of the working group of judges, the **Regulation on the Use of AI Technologies by Employees of the Staff of the Supreme Court** was developed and subsequently approved on November 2025 (hereinafter – the Regulation).

(https://court.gov.ua/storage/portal/supreme/rizne/Polozhennya_SHI.pdf)

- The Regulation defines **the general principles and rules** for the use of AI technologies by employees of the Staff of the Supreme Court (hereinafter referred to as employees); it emphasizes **support for the development and recognition of the significant potential of AI** technologies to optimize and improve workflows.
- It is emphasized that **AI is exclusively an auxiliary tool** that cannot replace the professional activity of an employee (their critical thinking, professional judgment, legal qualification, and making the final decision).

Prohibition on the Use of AI Technologies

- The Regulation establishes a **prohibition on the use of AI technologies** for:
 - processing documents containing **legally protected information**, including the secrecy of judicial deliberations and information from closed court hearings;
 - analyzing and monitoring **employee behaviour**;
 - predicting **individual decisions of judges** in specific cases;
 - **automatic generation of draft decisions** and any other procedural documents adopted within judicial proceedings;
 - processing court case **materials containing personal data**.

Tasks for AI Technologies (I)

- Employees of the Staff of the Supreme Court **may use AI to perform**, among others, the following functions and tasks:
 - summarizing **judicial practice** to ensure its consistency;
 - **analyzing court decisions** to identify the systemic causes of disputes (preventive justice) and preparing proposals to improve legislation;
 - updating **the Database of Legal Positions of the Supreme Court**;
 - analyzing and summarizing **large volumes of data based** on open information sources;
 - preparing **analytical documents and reports**;

Tasks for AI Technologies (II)

- automating **repetitive workflows**, visualizing data through charts and diagrams;
- creating and disseminating **information regarding the Supreme Court's activities** and maintaining the Court's social media pages;
- **developing chatbots**, specifically to provide feedback to Supreme Court visitors and participants in judicial proceedings;
- selecting **materials for self-development, professional growth**, and professional training;
- generating **new ideas and approaches** to workflow organization;
- **translating documents** from foreign languages.


The Database of Legal Positions of the Supreme Court (I)

- One successful example of applying AI technologies is the administration of **the Database of Legal Positions of the Supreme Court**.

<https://lpd.court.gov.ua>

- This **intelligent search system** for legal positions combines unique content with advanced technologies for **selecting relevant case law of the Supreme Court and the European Court of Human Rights** using **generative AI** capabilities.

The Database of Legal Positions of the Supreme Court (II)



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