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PROSPECTS FOR THE LEGAL REGULATION OF THE APPLICATION OF ARTIFICIAL INTELLIGENCE IN THE JUSTICE SYSTEM OF UKRAINE

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Bohatchuk D.P. Prospects for the legal regulation of the application of artificial intelligence in the justice system of Ukraine.

The article explores the prospects for the legal regulation of the application of artificial intelligence in the justice system of Ukraine. The study begins with an analysis of the Concept for the Development of Artificial Intelligence in Ukraine, approved by the Order of the Cabinet of Ministers of Ukraine dated 2 December 2020. It also explores the new provisions of the Code of Judicial Ethics, as amended by the Decision of the Congress of Judges as of 18 September 2024, regarding the use of artificial intelligence technologies by judges. The article notes the absence of a special law on the legal regulation of artificial intelligence in Ukraine.

Reference is made to the 'White Paper on Artificial Intelligence Regulation in Ukraine: Vision of the Ministry of Digital Transformation of Ukraine' (version for consultation, June 2024), which provides for two stages in the introduction of artificial intelligence regulation in Ukraine: stage 1 (preparatory) and stage 2 (adoption of a law analogous to the EU Regulation on Artificial Intelligence, the Artificial Intelligence Act). The article also refers to sectoral recommendations developed for the use of artificial intelligence in various fields, in particular, "Recommendations on the Responsible Use of Artificial Intelligence for Lawyers", "Recommendations on the Responsible Use of Artificial Intelligence by Public Servants", "Recommendations on the Responsible Use of AI: Intellectual Property Rights Issues", "Recommendations on the Responsible Development of Systems Using Artificial Intelligence Technologies", "Recommendations on the Responsible Implementation and Use of Artificial Intelligence Technologies in Higher Education Institutions", "Instructional and Methodological Recommendations on the Introduction and Use of Artificial Intelligence Technologies in General Secondary Education Institutions", "Recommendations on the Responsible Use of Artificial Intelligence in the Field of Advertisement and Marketing Communications", "Recommendations on the Responsible Use of Artificial Intelligence in the Media".

The provisions of the Concept of the UJICS, approved by Order No. 178 of the State Judicial Administration of Ukraine dated 30 April 2025, regarding the use of artificial intelligence in the functioning of the UJICS (Unified Judicial Information and Communication System) subsystems, are analyzed in detail.

The importance of developing and adopting the recommendations (guidelines) or a model regulation on the use of artificial intelligence in the Ukrainian justice system, particularly in courts, is emphasized.

The prospects and necessity of developing and adopting a special law on the regulation of artificial intelligence in Ukraine, analogous to the EU Regulation on Artificial Intelligence (the Artificial Intelligence Act), is noted. Such a law should, among other things, include provisions on the use of artificial intelligence in the justice system. In addition, the importance of guiding, in particular by the provisions of the General Data Protection Regulation when developing provisions of Ukrainian legislation on the use of artificial intelligence in Ukraine's justice system is noted.

It is concluded in the article that the effective implementation of artificial intelligence in the justice system of Ukraine should be based on an appropriate regulatory framework that takes into account both the opportunities and risks associated with the use of artificial intelligence.

Key words: artificial intelligence, Unified Judicial Information and Communication System, court, justice.

Богатчук Д.П. Перспективи правового регулювання застосування штучного інтелекту в системі правосуддя України.

Стаття досліджує перспективи правового регулювання застосування штучного інтелекту в системі правосуддя України. Дослідження починається з аналізу Концепції розвитку штучного інтелекту в Україні, схваленої розпорядженням Кабінету Міністрів України від 2 грудня 2020 р. Також досліджено нові положення Кодексу суддівської етики, згідно зі змінами, внесеними Рішенням 3'їзду суддів від 18 вересня 2024 року, щодо використання суддею технологій штучного інтелекту. Зазначається про відсутність спеціального закону щодо правового регулювання штучного інтелекту в Україні.

Відзначено Білу книгу з регулювання ШІ в Україні: бачення Мінцифри (версія для консультацій, червень 2024), відповідно до якої передбачено 2 етапи на шляху впровадження регулювання штучного інтелекту в Україні: 1 етап (підготовчий) та 2 етап (прийняття закону-аналога Регламенту ЄС про штучний інтелект). Вказано також на розроблені секторальні рекомендації щодо використання штучного інтелекту в різних сферах, зокрема, «Рекомендації з відповідального використання штучного інтелекту для правників», «Поради з відповідального використання штучного інтелекту публічними службовцями», «Рекомендації щодо відповідального використання ШІ: питання права інтелектуальної власності», «Рекомендації з відповідальної розробки систем із використанням технологій штучного інтелекту», «Рекомендації щодо відповідального впровадження та використання технологій штучного інтелекту в закладах вищої освіти», «Інструктивно-методичні рекомендації щодо запровадження та використання технологій штучного інтелекту в закладах загальної середньої освіти», «Рекомендації з відповідального використання штучного інтелекту у сфері реклами та маркетингових комунікацій», «Рекомендації з відповідального використання штучного інтелекту в сфері медіа».

Детально проаналізовано положення Концепції ЄСІКС, затвердженої наказом Державної судової адміністрації України від 30 квітня 2025 року № 178, стосовно використання штучного інтелекту у функціонуванні підсистем ЄСІКС (Єдиної судової інформаційно-комунікаційної системи).

Наголошено на важливості розробки та прийняття рекомендацій (інструкцій) або типового положення стосовно використання штучного інтелекту в системі правосуддя України, зокрема, в судах.

Відзначено перспективу та необхідність розробки і прийняття спеціального закону про регулювання штучного інтелекту в Україні, аналогічного Регламенту ЄС про штучний інтелект (Artificial Intelligence Act). Такий закон повинен, серед іншого, передбачати положення щодо використання штучного інтелекту в системі правосуддя. Крім того, відзначено важливість орієнтування, зокрема, на положення Загального регламенту про захист даних (General Data Protection Regulation) при розробці положень українського законодавства стосовно використання штучного інтелекту в системі правосуддя України.

У статті зроблено висновок, що ефективне впровадження штучного інтелекту в системі правосуддя України повинне спиратися на відповідну нормативно-правову базу, яка має враховувати як можливості, так і ризики, пов'язані з використанням штучного інтелекту.

Ключові слова: штучний інтелект, Єдина судова інформаційно-комунікаційна система, суд, правосуддя.

Statement of the problem. Artificial intelligence (hereinafter – “AI”) is transforming processes and systems across various fields and has become an integral part of our daily routines. The justice system must also adapt to these new conditions and make the most of AI's potential. AI can be regarded as a modern and effective means to provide the significant assistance and support to Ukrainian judges and other representatives of the justice system in performing their functions. At the same time, the increasing integration of AI in the justice system calls for an appropriate legal framework for governing the use of these advances in the relevant field.

State of research on the problem. The issues at the intersection of AI and justice in the Ukrainian context, as well as the current status and prospects of the application of AI in the justice system of Ukraine,

have been the subject of analysis by a number of Ukrainian researchers, scholars, judges, attorneys and other practicing lawyers, including Iryna Basysta, Ian Bernaziuk, Dmytro Bielov, Myroslava Bielova, Daryna Boiko, Vitaliy Derkach, Ivan Horodyskyi, Mykhaylo Hutsaliuk, Olga Klymenko-Panchenko, Natalia Korol, Vasyl Krat, Olga Petriv, Yehor Prokopovych-Tkachenko, Natalia Rudenko, Ye. Rudenko, Valeriya Shemshuchenko, Zhanna Udovenko, and many others. At the same time, the development of an appropriate legal framework for the effective and safe application of AI in the Ukrainian justice system requires significant additional consideration and updates.

The purpose of the paper is to analyse the prospects for the legal regulation of the application of AI in the justice system of Ukraine, taking into consideration the current status of the legal framework for the use of AI in the field of justice.

Main body. As mentioned on the public online platform dedicated to AI initiatives in Ukraine and launched by the Ministry of Digital Transformation of Ukraine in September 2025, “by 2030 Ukraine should be among the top three countries in the world in terms of the integration and implementation of AI solutions” [1].

To start analysing the key milestones on the strategic development of the legal framework for AI in the Ukrainian justice system, the Concept for the Development of Artificial Intelligence in Ukraine shall be mentioned [2]. The said Concept was approved by the Order of the Cabinet of Ministers of Ukraine dated 2 December 2020 [2]. The Concept for the development of AI in Ukraine mentions that justice is one of the priority areas in which the objectives of state AI development policy are being implemented [2]. According to the Concept, the following tasks should be accomplished in order to achieve the Concept’s objectives in the field of justice:

- “further development of already existing technologies in the field of justice (Unified Judicial Information and Telecommunications System, Electronic Court, Unified Register of Pre-trial Investigations, etc.);

- introducing artificial intelligence-based advisory programmes that provide the general public with access to legal advice;

- preventing socially dangerous phenomena by analysing available data using artificial intelligence;

- determining the necessary measures for the resocialisation of convicted persons by analysing available data using artificial intelligence;

- delivering court decisions in cases of minor complexity (by mutual agreement of the parties) based on analysis of compliance with legislation and of judicial practice carried out using artificial intelligence” [2] (hereinafter – unofficial translation).

It is also important to consider the provisions of the Code of Judicial Ethics, as amended by the Decision of the Congress of Judges dated 18 September 2024. By this decision, the following provision has been introduced in Article 16 of the Code of Judicial Ethics: “the use of artificial intelligence technologies by a judge is permissible provided that it does not affect the judge’s independence and impartiality, does not relate to the assessment of evidence and the decision-making process, and does not violate the requirements of the law” [3].

Currently, there is no special law in Ukraine dedicated exclusively to the legal regulation of artificial intelligence.

The ‘White Paper on Artificial Intelligence Regulation in Ukraine: Vision of the Ministry of Digital Transformation of Ukraine’ (version for consultation, June 2024) sets out two stages for introducing AI regulation in Ukraine: stage 1 – a preparatory stage involving extra-legislative tools and initiatives; stage 2 – adoption of a special law on artificial intelligence, analogous to the EU Artificial Intelligence Act (‘bottom-up approach’) [4, p. 13-14].

General and sectoral recommendations (guidelines) on the use of AI in different fields form an integral part of the first stage under the White Paper [4]. The following recommendations (guidelines) were developed during 2024–2025 and are available on the public online platform launched by the Ministry of Digital Transformation of Ukraine (in particular) [5]:

- Recommendations on the Responsible Use of Artificial Intelligence for Lawyers (July 2025);

- Recommendations on the Responsible Use of Artificial Intelligence by Public Servants (March 2025);

- Recommendations on the Responsible Development of Systems Using Artificial Intelligence Technologies (June 2025);

- Recommendations on the Responsible Implementation and Use of Artificial Intelligence Technologies in Higher Education Institutions (April 2025);

Recommendations on the Responsible Use of AI: Intellectual Property Rights Issues (November 2024); (draft) Instructional and Methodological Recommendations on the Introduction and Use of Artificial Intelligence in General Secondary Education Institutions (August 2024);

Recommendations on the Responsible Use of Artificial Intelligence in the Fields of Advertisement and Marketing Communications (August 2024);

Recommendations on Responsible Use of Artificial Intelligence in the Media (January 2024).

Recommendations for some other fields are being developed by dedicated working groups.

In April 2025, the State Judicial Administration of Ukraine has approved the Concept of the UJICS (Unified Judicial Information and Communication System) (Order of the State Judicial Administration of Ukraine of 30 April 2025, No. 178) [6].

The approved Concept of the UJICS envisages that AI can be used within the UJICS to fulfil the following functions:

– recognition of texts uploaded to the document system (Optical Character Recognition), classification of such documents;

– identification of information entities in document texts that may have legal significance (Entity Recognition), depersonalization (PII Removal), and masking of confidential information (Data Masking);

– stenographic records of court hearings and official meetings, other conversion of speech to text at the user's request (Speech 2 text);

– voiceover of court decisions and other documents at the user's request, voiceover of system interface elements, in particular for people with visual impairments (Text 2 speech);

– summarization of document content, checking content for semantic, grammatical, spelling, and punctuation errors;

– checking the relevance of the legislation referred to by the author of the document;

– automatic translation of documents;

– contextual semantic search for relevant documents, collection of judicial practice;

– recommendation of a methodology for researching materials and considering court cases;

– generation of draft procedural documents;

– identification of deviations during the consideration of a court case, in particular, ignoring the context, evidence and arguments presented, deviations from general judicial practice in similar cases;

– provision of basic legal support to users" [6, p. 43].

The Concept of UJICS foresees the integration of AI into the functioning of various UJICS subsystems.

For instance, according to the Concept, such a subsystem of the UJICS as "Electronic Court Document Management" should ensure "end-to-end text search in documents, including contextual search using artificial intelligence technologies" [6, p. 23]. In addition, in accordance with the Concept, for greater efficiency of this subsystem, it is advisable to implement, in particular, the following functions:

– generation of draft documents, in particular using artificial intelligence technologies;

– checking the text of documents for spelling and content errors, in particular using artificial intelligence technologies;

– summarizing the essence of a document using artificial intelligence technologies;

– collecting relevant judicial practice using artificial intelligence technologies;

– choosing the optimal model for considering a case using artificial intelligence technologies;

– a virtual avatar assistant based on artificial intelligence technologies" [6, p. 24].

In turn, the "Video Conferencing" subsystem of the UJICS must ensure "the recording of minutes and transcripts of the event, in particular with the use of artificial intelligence technologies" [6, p. 25].

The Unified State Register of Court Decisions subsystem of the UJICS should also "have advanced analytical tools, including the use of artificial intelligence technologies" [6, p. 28].

The use of advanced analytical tools, in particular those involving AI technologies, is also envisaged in accordance with the Concept of the UJICS for such subsystems as "Management of Personnel and Financial and Economic Activities of Judicial Authorities" [6, p. 31], "Judicial Dossier" [6, p. 33], "Digests and Comments" [6, p. 36], and "Processing of Whistleblower Reports" [6, p. 37].

The Concept of the UJICS foresees the following stages of implementation:

– Stage 1 (2025–2026) – includes already initiated projects for the development of the UJICS and ensures the development and implementation of key functionality of the "Electronic Court Document Management" and a number of subsystems and components that complement the priority functionality of the UJICS;

– Stage 2 (2026–2028) – involves the refinement of additional and experimental parts of the UJCS functionality, in particular based on big data and artificial intelligence technologies” [6, p. 44].

Stage 1 (2025–2026) envisages the implementation, in particular, of the following aspects supported by AI integration: “development and implementation of the ‘Unified State Register of Court Decisions’ subsystem (basic functionality and artificial intelligence);”, “development of the ‘Scanning and OCR’ component based on artificial intelligence;” [6, p. 45]. It is noteworthy that, according to the Concept, AI is to be used within the framework of the ‘Scanning and OCR’ component, designed to ensure document scanning and automatic text recognition for further processing [6, p. 39, 45].

In turn, Stage 2 (2026–2028), according to the Concept of the UJCS, includes the following AI-related steps for developing the “Electronic Court Document Management” subsystem:

“c) development of the functionality ‘Checking for technical errors in documents generated by users of the system’ based on artificial intelligence;

d) refinement of the functionality ‘Evaluation by deadlines and evaluation by results’ based on artificial intelligence;

e) development of the functionality ‘Formation of a short summary of the document’ based on artificial intelligence;

f) development of the functionality ‘Generation of a draft document’ based on artificial intelligence;

g) development of the functionality ‘Verification of the relevance of legislation and collection of judicial practice’ based on artificial intelligence;

h) development of the functionality ‘Recommendation of a case review model, selection of methodology’ based on artificial intelligence;

i) development of the ‘Avatar assistant, assisting in the use of the System and providing basic legal assistance’ functionality based on artificial intelligence;

j) development of the ‘Experimental model of justice, recommendation of a case review model’ functionality based on artificial intelligence” [6, p. 46–47].

Therefore, the Concept of UJCS anticipates the extensive use of AI to support the functioning of the justice system.

At the same time, as a survey of representatives of the Ukrainian courts revealed, the majority of those surveyed noted the absence of the regulations (guidelines) on the use of AI in the respective courts [7; p. 2–7]. There is therefore a need to develop and approve the recommendations (guidelines) or a model regulation on the use of AI in the justice system of Ukraine, in particular, in courts. The respective model regulation (guidelines) on implementation of AI in the courts is reportedly under development and expected to be finalized [14].

In addition, the development and approval of a special law on artificial intelligence is expected and needed, analogous to the EU Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act) [8]. The expected Ukrainian law should address, among various other issues, the need to establish a legal framework for the use of AI within the justice system. Thus, recital 61 of the EU Artificial Intelligence Act stipulates the following: “Certain AI systems intended for the administration of justice and democratic processes should be classified as high-risk, considering their potentially significant impact on democracy, the rule of law, individual freedoms as well as the right to an effective remedy and to a fair trial. In particular, to address the risks of potential biases, errors and opacity, it is appropriate to qualify as high-risk AI systems intended to be used by a judicial authority or on its behalf to assist judicial authorities in researching and interpreting facts and the law and in applying the law to a concrete set of facts. (...) The use of AI tools can support the decision-making power of judges or judicial independence, but should not replace it: the final decision-making must remain a human-driven activity. The classification of AI systems as high-risk should not, however, extend to AI systems intended for purely ancillary administrative activities that do not affect the actual administration of justice in individual cases, such as anonymisation or pseudonymisation of judicial decisions, documents or data, communication between personnel, administrative tasks” [8].

In view of the European integration course of Ukraine, Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC

(General Data Protection Regulation) [9] shall set another benchmark for the development of legal provisions on the implementation of AI in the justice system with respect to personal data protection.

Other relevant benchmarks for the development of the respective regulation and practice of implementation of AI in the justice system of Ukraine can be identified in such important instruments as, in particular, the Opinion No. 26 of the Consultative Council of European Judges (CCJE) “Moving forward: the use of assistive technology in the judiciary” (Strasbourg, 1 December 2023) [10], the European ethical Charter on the use of artificial intelligence in judicial systems and their environment (Strasbourg, 3-4 December 2018) [11], the Conclusions of the Council of the European Union on “Access to Justice – Seizing the Opportunities of Digitalisation” (Brussels, 8 October 2020) [12], the Resolution 2342 (2020) of the Parliamentary Assembly of the Council of Europe “Justice by Algorithm – The Role of Artificial Intelligence in Policing and Criminal Justice Systems” (22 October 2020) [13].

In view of the growing use of AI in court proceedings by judges, court staff, as well as by the participants, including for representing and substantiating evidence and legal positions, and in order to define the procedural peculiarities of AI use in judicial proceedings and the legal status of the AI-based evidence, amendments to the Ukrainian procedural codes may be required [see 15, p. 463], which could constitute an independent subject of research.

Conclusions. The Concept of UJICS, as approved by Order No. 178 of the State Judicial Administration of Ukraine of 30 April 2025, foresees the extensive implementation and vast application of AI in the justice system of Ukraine.

There is a need for recommendations (guidelines) or a model regulation on the use of AI in the justice system of Ukraine, particularly in courts, as well as for the development of a special law on legal regulation of AI, analogous to the EU AI Act. Thus, according to the EU AI Act, the “AI systems intended to be used by a judicial authority or on their behalf to assist a judicial authority in researching and interpreting facts and the law and in applying the law to a concrete set of facts” [8], are classified as high-risk AI systems which impose obligations on the relevant operators.

The application of AI in the Ukrainian justice system calls for the development of an appropriate legal framework that responds to AI-related challenges while embracing the opportunities offered by AI.

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