

The use of artificial intelligence in civil procedure

Abstract:

The subject of this master's thesis is artificial intelligence and civil procedure. The main goal of this thesis is to analyze the possible uses of artificial intelligence in civil procedure, with emphasis on the decision-making process of a judge. The primary focus of the first part of this thesis is to define artificial intelligence and explore its legal understanding from an international, European, and Czech perspective. Furthermore, the fundamental possible forms through which artificial intelligence can be applied into the civil procedure are examined. Comprehensive analysis of ethical and legal challenges associated with the use of artificial intelligence in civil procedure and judiciary is then carried out. In this regard the thesis first examines the five basic ethical principles outlined by the European Commission for the Efficiency of Justice. Emphasis is placed particularly on the issues concerning the non-transparency of artificial intelligence, specifically addressing concerns related to the black box problems, as well as data bias. The thesis then examines through analysis the impact of these issues on the right to a fair trial. Specifically, the impartiality and independence of judges, adversarial principle, equality of arms, as well as the right to a reasoned judgment, the right to trial within reasonable time and principle of legal certainty are further analyzed. Finally, individual possibilities for utilizing artificial intelligence in civil procedure and judiciary are explored, with special focus on quantitative legal prediction, tools to calculate the scales, and the use of artificial intelligence in online dispute resolution. Within these individual possibilities the thesis discusses various theoretical applications, current experiments, and future applications, which are then analyzed from the perspective of the right to a fair trial. The outcome of this thesis presents possible uses of artificial intelligence that meet the criteria of the right to a fair trial and can be applied in the decision-making process of judges within civil procedure.

Keywords:

[artificial intelligence, right to a fair trial, civil procedure]