



JUDICIAL TRAINING, RESEARCH AND
INFORMATION ACADEMY

JUDICIAL INDEPENDENCE AND COURT DIGITALIZATION

PAPERS FROM THE JUDICIAL ALUMNI CONFERENCE

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THE SUPREME COURT
OF MONGOLIA



THE JUDICIAL GENERAL
COUNCIL OF MONGOLIA



U.S. EMBASSY IN ULAANBAATAR



CONGRESSIONAL OFFICE FOR
INTERNATIONAL LEADERSHIP



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OVERVIEW

COIL operates the Open World program in 25 countries across Eurasia and the Indo-Pacific, fostering mutual understanding and facilitating the exchange of best practices between Americans and their global counterparts. Mongolia has been an active participant in this initiative, with 213 professionals—including judges, prosecutors, members of parliament, parliamentary staffers, local legislators, and civil society members—taking part over the past 12 years. These programs have played a vital role in strengthening bilateral ties by providing Mongolian leaders with a unique platform to engage with their American counterparts, deepening their understanding of democratic principles and governance. Beyond enhancing legislative and judicial systems, these exchanges have also contributed to the enrichment of cultural and professional landscapes in both nations.

We are proud to host the first COIL judicial alumni conference in Ulaanbaatar—the largest regional gathering of Rule of law and judiciary alumni from Mongolia, Armenia, Estonia, Indonesia, Kazakhstan, the Kyrgyz Republic, Moldova, Serbia, Uzbekistan, and U.S. judges to discuss **Judicial Independence and Court Digitalization**.

Focuses of the conference are:

Strengthening Judicial Independence in digital era

Promoting Court Digitalization: Emphasizing the benefits of digital tools for efficiency, transparency, and accessibility.

Navigating Security Concerns: Ensuring that digital systems are secure from threats.

Enhancing Training and Resources: Providing judges and court staff with necessary skills for digital transformation.

Global Collaboration: Sharing best practices and experiences across borders to adapt to emerging challenges and technologies.

Participants:

Supreme Court of Mongolia	U.S Congressional Staff	Alumni Judges from Armenia, Estonia, Indonesia, Kazakhstan, the Kyrgyz Republic, Moldova, Serbia, Uzbekistan
Judicial General Council	U.S. Judges	
Constitutional Court	DOS Judicial Liaison	
Judicial Training Academy	U.S. Embassy Ulaanbaatar	

WELCOME REMARKS

GANZORIG DAMDIN

Chief Justice of the Supreme Court of Mongolia

I extend my warmest greetings to distinguished guests and conference participants gathered here today.

Within the sphere of constitutional democracy that upholds the rule of law and human rights, we are witnessing, on the one hand, challenges emerging across multiple domains, and on the other hand, dynamic opportunities for development and transformation arising simultaneously. The advancement of information technology and the wave of global digitalization have brought both these challenges and opportunities into the judiciary-a focus that has been deliberately placed at the center of this two-day conference agenda.

We are all well aware of the profound impact that digital technologies are having across various sectors around the world. For example, in the economic sector, the rate of digitalization in banking services, online commerce, and digital tourism now ranges internationally between 25% to 84%.

Furthermore:

- In the education sector, funding for digital services has doubled over the past decade, and the number of users registered on online learning platforms has increased by over 400% in just five years.
- In the healthcare sector, an average of 62.4% of people now search for healthrelated information online. The economic value of the global e-health sector was estimated at USD 216 billion in 2020 and USD 334 billion in 2022, with forecasts suggesting it could reach USD 657 billion by this year.
- In the sphere of social interaction, usage of social media platforms stands at 70.4% in developed countries and 87.2% in developing countries across Asiafigures that continue to rise.
- The impact of this wave of global digitalization has not bypassed public services either. For instance:
- The proportion of citizens obtaining information from government agencies via digital means stands at 55.1% in developed countries and 20.9% in developing Asian nations.
- The proportion of citizens communicating with government agencies online is 54.5% in developed countries and 25.6% in developing Asian nations.

According to data from the World Bank, during the COVID-19 pandemic, 77 out of 120 surveyed national court systems had adopted digital technologies to some degree by 2021.

In the digital transformation of the judiciary, artificial intelligence has become an area of particular focus-given its growing impact on enhancing judicial processes, the quality of decisions and services, and ultimately the protection of human rights. For this reason, AI must now be recognized as an essential factor to be addressed in sector-wide strategic planning.

At the same time, issues of cybersecurity-including confidentiality, integrity, and availability of information-must be addressed not only at the technological level but also through the legal framework and through institutional and individual staff-level management practices within the judiciary.

However, the use and growing impact of digital technologies also bring another set of concerns: a significant increase in natural resource and energy consumption, raising sustainability challenges for the future of humanity. For example, between 2018 and 2022, electricity consumption in the world's 13 largest data centers doubled. Number of elements used in telephones made in 1960 was 10, rising to 27 elements for telephones made in 1990. In 2021, a smartphone contained as many as 63 of the elements in the periodic table. By 2050, the global demand for materials such as graphite and lithium salts is projected to increase by 500%.

In light of these factors, the judicial system must also take into account the need to develop a legal architecture that balances economic dominance with the imperative of environmental protection. In this regard, international experiences such as the "Green Courts" of India, New Zealand, and other countries may offer valuable insights.

Amid this rapidly evolving wave of development and challenges, the judiciary must adopt sound policies and continually improve the quality of its operations-striking an appropriate balance between tradition and innovation. In this sense, today's conference is both timely and highly significant.

Therefore, I would like to extend my sincere gratitude to the Embassy of the United States of America, the U.S. Department of State, and Ambassador Mr. Richard Buangan, for coorganizing this conference in partnership with the Supreme Court of Mongolia.

Over the past 12 years, more than 200 Mongolian professionals (213 to be precise) have participated in the Open World Program of the Congressional Office for International Leadership (COIL). I would also like to offer my special thanks to the team at COIL, and in particular to Executive Director Ms. Jane Sargus, for their leadership in organizing this two-day event.

I wish continued success to Judicial General Council-for their valuable contributions and future efforts. I also warmly welcome and thank our

esteemed guests and colleagues from United States of America, Armenia, Estonia, Uzbekistan, Kazakhstan, Serbia, Indonesia, Kyrgyzstan, and Moldova, who have traveled great distances to share their insights and experiences with us.

I am confident that this two-day conference will yield highly productive outcomes. I wish you all great success in your discussions and deliberations.

Thank you.

RICHARD BUANGAN
U.S. Ambassador to Mongolia

Good morning, esteemed justices, judges, judicial leaders, and distinguished guests,

It is my great honor to welcome you all to the first COIL Judicial Alumni Conference, hosted here in Ulaanbaatar. This gathering marks a milestone for the Open World and COIL programs—a culmination of over a decade of collaboration, learning, and shared commitment to the rule of law across borders.

Today, we are joined by judges from Mongolia, Armenia, Estonia, Indonesia, Kazakhstan, the Kyrgyz Republic, Moldova, Serbia, Uzbekistan, and the United States—representing not just institutions, but a shared vision of justice that transcends geography and cultures.

The theme of this conference—Judicial Independence and Court Digitalization—could not be more timely or more vital. Around the world, courts face increasing pressure to uphold their independence while adapting to rapid technological change. In the digital era, safeguarding judicial integrity while embracing innovation is both a challenge and an opportunity.

You may have heard that President Trump campaigned on an "America First" agenda, one that puts our citizens' interest at the center of our foreign policy. But America First does not mean America alone. The United States remains deeply committed to supporting strong and independent judiciaries. We believe that helping our partners foster fair, impartial, and accessible justice systems is key to promoting American interests, protecting our borders, and ensuring an equitable playing field for American businesses around the world.

Through programs like Open World, we continue to foster mutual understanding and the exchange of best practices among legal professionals. Mongolia has been a particularly active partner in this effort, with over 200 leaders—including judges and prosecutors—participating over the past 12 years.

This conference is a celebration of that partnership. It is also a call to action. Together, over the two days, we will explore:

- How to strengthen judicial independence in a digital world,
- How digital tools can improve efficiency, transparency, and public trust,
- How we can navigate cyber threats and protect court data,
- How to better prepare judges and court staff for the digital

transformation ahead,

- And most importantly, how we can learn from one another.

The diversity of experience in this room is extraordinary. Whether you serve in a Supreme Court or a rural courthouse, your perspectives are critical in shaping the next era of judicial leadership. I encourage you to share boldly, listen deeply, and forge connections that last well beyond this event.

On behalf of the United States, thank you for your enduring partnership. We are proud to stand beside you in strengthening judicial systems that are not only modern—but just, independent, and resilient.

I wish you a productive and inspiring conference.

JANE SARGUS
Executive Director of COIL

Good morning, Your Honors, esteemed colleagues, and friends,

It is a great privilege to join you today at this Open World alumni conference dedicated to the rule of law in the digital age—and to do so here in Ulaanbaatar, Mongolia, a nation that has emerged as a model in the region, and has demonstrated a firm commitment to democratic values and the rule of law. Mongolia has shown that building a democratic society grounded in legal integrity is not only possible, but essential to enduring the tests of time.

We are honored to be your guests and grateful for your warm hospitality.

As Executive Director of the Congressional Office for International Leadership, I want to extend my heartfelt welcome to each of you to the first "Rule of Law" alumni conference. Though each of your countries bring a unique legal tradition and historical context, what unites you is your dedication to public service and a shared belief in the power of law to protect the rights of all people.

We are especially proud to work alongside Mongolia, which not only hosted this gathering but proactively sought out this partnership, recognizing that the rule of law is a structural pillar of knowledge-based democracies. Mongolia is still on its path toward becoming a global leader, and yet it already stands as a model for the region.

Since the inaugural Open World Rule of Law program in 2000, over 5,000 professionals, or nearly 900 delegations, comprised of leaders like yourselves, have traveled from over a dozen countries to connect with American communities, learn from professional counterparts, and exchange best practices. All of you have traveled to courtrooms across the United States—from bustling urban districts to small-town municipal courts—engaging with American judges, clerks, attorneys, and civic leaders.

You have shown how valuable dialogue between international counterparts can be. We've seen judges who hosted you across America go on to serve as enduring allies to your causes. You've left an indelible mark not only on American legal communities, but on this program and its mission.

Today, you return not just as alumni, but as leaders and innovators, ready to share how you've adapted those experiences—especially as courts across the world grapple with digital transformation. Here in Mongolia and across the alumni network, we are eager to learn from your experience: how your courts are implementing e-filing systems, securing digital records, holding virtual hearings, and confronting the legal and ethical dimensions of

AI.

We gather at a pivotal moment. As judicial institutions increasingly operate in digital environments, the opportunities are great—but so are the challenges. You will spend the next two days exploring urgent, timely questions around digital information, AI, privacy, due process, and more.

These are not hypothetical concerns. They are real, immediate, and global. This conference is designed as a platform for you to share strategies, solutions, and lessons learned from your respective countries.

Open World alumni like you are already shaping solutions. We've seen alumni pilot court transparency projects, champion reforms for more open judicial communication, and explore digital tools to improve efficiency without compromising judicial ethics.

This is what makes Open World so special: you are not only exchanging ideas, you are implementing them. And now, as alumni, you have the opportunity to inspire and support one another in meeting the digital demands of justice with innovation, wisdom, and integrity.

Let me end with this: In every courthouse, the role of a judge remains the same: to uphold the law, defend fairness, and retain the public's trust.

Today, in a world of rapid change, it is reassuring to know that the spirit of justice remains constant—because of leaders like you.

This gathering is not just about new technologies—it's about reaffirming our shared values in a constantly changing landscape. We are honored to stand beside you in that mission.

Thank you for your courage, your leadership, and your continued commitment to the rule of law. Welcome to Mongolia. Welcome to this vital conversation.

Thank you.

MUNGUNTSETSEG NYAMSUREN
Master of International Relations (MIR)
Chair of the Judicial General Council of Mongolia

Greetings of the day,

Dear Ms. Jane Sargus, Executive Director of the Congressional Office for International Leadership,

He Mr. Richard Buangan, Ambassador Extraordinary and Plenipotentiary of the United States to Mongolia,

Hon Ganzorig D., Chief Justice of the Supreme Court of Mongolia, and to all participants of the conference!

I would like to express my deep gratitude to the Congressional Office for International Leadership for its valuable contribution made to the reform and development of the judiciary in Mongolia by implementing the "Open World program" in the judicial sector of Mongolia since 2013 under successful involvement with over 80 judges and court administration officers throughout the country.

I am pleased to highlight hereby that the "Open World Program" has been as a long-term, consistent and efficient partnership that provides Mongolian judges and court administration officers with the opportunity to study judicial system and court activities of the USA; peer to peer exchanges in experiences and good practices; improve their professional skills; familiarize with the society and culture of the country as well.

The organization of the inaugural 2025 COIL alumni conference in Mongolia is a testament to the effective cooperation between the legal and judicial authorities of our two countries, the U.S. Congressional Office of International Leadership, and the U.S. Embassy in Mongolia, especially the effectiveness and reputation of the program.

Organizing the conference under the theme of "Judicial Independence and Court Digitalization" is timely and significant as it is in line with the policies and objectives of enhancing public confidence in courts, improving the openness and transparency of the judiciary, and increasing access to justice, which are the most pressing issues facing the judiciary in Mongolia as well as coinciding with the time the court digitalization is being introduced and implemented.

I fully believe in our continuous, trusted and diligent commitment will continue to expand facilitating wider participation of our judges and court administration officers to the program, and making a durable contribution to

the development of the judiciary in Mongolia.

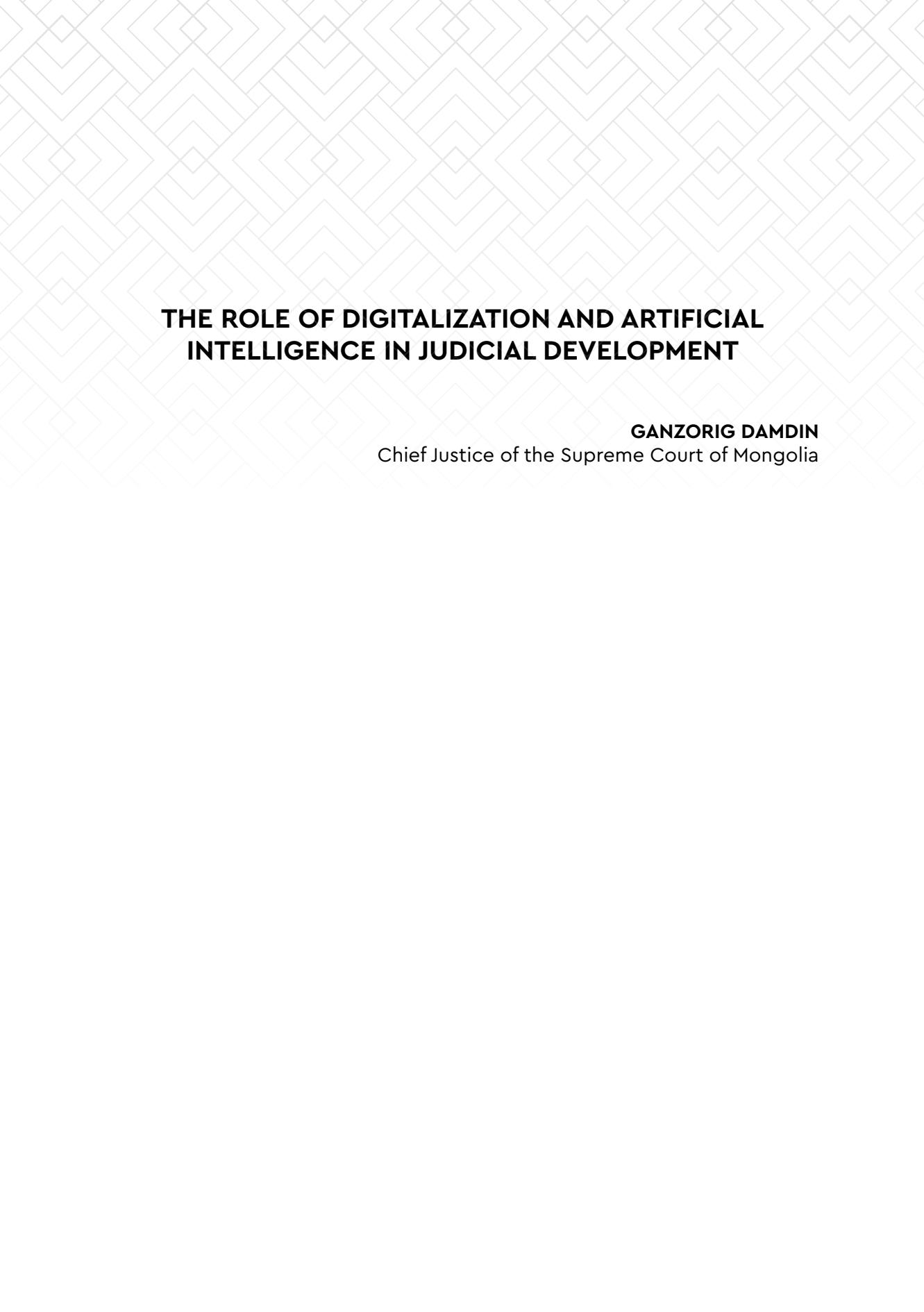
My sincere appreciation goes to the valuable partners and co-organizers including U.S. Congressional Office for International Leadership, the U.S. Embassy in Mongolia, and the Supreme Court of Mongolia for their immense collaboration, along with my wish for the success accomplishment of upcoming two-day Conference!

There is no doubt that this Conference will be held regularly further serving as a platform for judges and court administration officers to exchange, share, and introduce knowledge, experience, and new initiatives.

Appreciate for your attention!



KEYNOTE ADDRESS



THE ROLE OF DIGITALIZATION AND ARTIFICIAL INTELLIGENCE IN JUDICIAL DEVELOPMENT

GANZORIG DAMDIN

Chief Justice of the Supreme Court of Mongolia

I extend my warmest greetings to esteemed guests, representatives, and judges.

Although judicial systems vary in their structure and have evolved with unique national characteristics, we are nevertheless confronted with a number of shared challenges. The globally increasing volume of cases and disputes, limitations in human and financial resources, and the level of public trust in the judiciary—particularly with regard to procedural fairness and user satisfaction—are issues that demand constant vigilance. Addressing these challenges through effective and well-calibrated approaches, while continuously improving our systems, forms the cornerstone for ensuring judicial independence and, more broadly, for strengthening the institutional foundation of justice within society.

For Mongolia as well, the issues outlined above have long been a pressing concern and will continue to require increased attention and proactive management. For instance, in 2013, the first instance courts adjudicated a total of 42,580 criminal, civil, and administrative cases. By 2023, this number had increased to 79,759 cases—an increase of 37,179 cases. This represents an 86.76% rise in the number of cases adjudicated at the first instance level over the past ten years, with projections indicating a continued upward trend.

On one hand, it is encouraging that citizens are increasingly turning to the judiciary—a formal state mechanism—for the resolution of their disputes. On the other hand, however, this growing caseload demands a substantial enhancement in judicial resources, along with further refinement of institutional operations and organizational efficiency.

In such circumstances, the judiciary must not reactively chase challenges, but rather adopt a forward-looking and proactive approach, working with greater efficiency, strategic planning, and smart organization within the limits of its available resources. To that end, embracing "smart digitalization," advanced information technology, and "cutting-edge artificial intelligence" may provide a viable path forward.

Accordingly, I am confident that in today's conference we will openly exchange views, critically examine the current state of judicial digitalization, share best practices and innovations, identify key issues, and explore how the advancement of information technology and artificial intelligence can be effectively utilized to foster judicial development.

Distinguished colleagues,

I would like to share with you the current state of judicial digitalization in Mongolia and the information technologies being utilized in our judiciary. Additionally, I would like to offer a few reflections on how digital transformation can be enhanced in the context of judicial development and reform.

I. DIGITALIZATION AND THE STATE OF INFORMATION TECHNOLOGY IN THE JUDICIAL SYSTEM OF MONGOLIA

In the modern era, a judiciary must not only uphold independence and impartiality but must also formulate development policies aimed at improving the quality of its operations and services. The goals of digitalizing the judiciary, introducing advanced information technologies, and integrating artificial intelligence serve to reinforce both of these essential aspects.

In Mongolia, there remains an ongoing need to adapt international best practices to our national context, and to regularly evaluate judicial quality across three core dimensions: procedural efficiency, decision-making, and service delivery.

Accordingly, any digital system we implement must be designed to ensure that judicial services are prompt, accessible, transparent, and comprehensible, while also enabling the efficient allocation and use of judicial budgets. It is vital to remember that these objectives stem from the legitimate needs and expectations of both the providers and recipients of judicial services.

International experience shows that courts commonly employ information technologies for tasks such as searching and reviewing documents, assisting in judicial decision-making, and automating case classification, allocation, and workflow processes. For example, according to the inaugural report of the CEPEJ Artificial Intelligence Advisory Board (AIAB), released in February 2025, European countries are currently using 125 technological tools across 8 categories within their judicial systems.

In the case of Mongolia, the introduction of information technology into the judiciary is considered to have begun as early as 1989. As of today, a range of specific judicial functions are being supported—at a functional level—by more than 20 different IT systems, with ongoing efforts to integrate and further develop them in the near future. When grouped by purpose of use, the following categories emerge:

1. A platform for the open publication of court decisions and for facilitating access to and analysis of judicial cases

In accordance with the principle of judicial transparency, all judicial decisions—except for those classified as confidential under the law, such as family law disputes—are published openly on the website www.shuukh.mn. As of today, the platform hosts over 547,000 decisions from first instance, appellate, and cassation courts, dating back to 2012.

This digital platform enables users to search previous decisions by date, case category, keyword, legal provisions applied, and name of court or judge, thereby facilitating legal research and provide open access to information.

With more than 1 million visits per month and an average of

approximately 40,000 daily visits, the platform has become widely used by the public and legal professionals. To address the growing issue of data overload and improve user efficiency, the integration of artificial intelligence into the platform has been reflected in the "Judicial Development Policy of Mongolia". The implementation of this enhancement is currently in progress.

2. Digital solutions for anonymization and protection of personal data

Following the enactment of the Law on the Protection of Personal Data, which came into force on May 1, 2021, stricter requirements have been imposed on the publication of judicial decisions.

In compliance with the law, personal details such as names of individuals and legal entities, registration numbers, and addresses must be redacted before decisions are made publicly accessible. Given that many decisions span hundreds of pages, manual anonymization is neither feasible nor efficient. Therefore, the Judicial General Council and court administration bodies have implemented digital solutions to automate the anonymization process.

3. Systems for Case Classification, Allocation, and Workflow Automation

Among the earliest components of judicial digitalization implemented globally were case management systems, which remain foundational to digital justice infrastructures. In Mongolia, such systems have been gradually introduced across all levels of specialized courts:

- In 2013, the Administrative Case Registration and Supervision System;
- In 2014, the integrated "Civil-2014" system;
- In 2015, the Mediation Proceedings Registration and Reporting System;
- And in 2017, the Integrated Criminal Case Registration and Supervision System were launched and deployed.

Additionally, the judiciary has been integrated with the government's inter-agency data exchange platform "KHUR", allowing courts to retrieve official documents such as verifications and certificates directly from the Judicial E-Reference System for evidentiary use in proceedings.

In 2018, a specialized system was also introduced to manage the participation of citizen representatives (lay assessors) in court hearings.

The use of digital platforms to allocate cases to judges has created an essential precondition for ensuring the right to a fair and impartial trial. These systems facilitate random, anonymous case assignment, thereby eliminating any possibility of prior knowledge or influence over allocation. Importantly, efforts have been intensified since last year to enhance these systems with smart functionalities—including automated classification of cases, similarity detection, algorithmic distribution based on judges' workload, automation of judicial assistants' and administrative staff's tasks, and the generation of

automated judicial statistics.

4. Audio-Visual Recording and Livestreaming Technologies

Pursuant to the 2012 Law on the Judiciary of Mongolia, all courts at every level are required to record court proceedings using audio and video technology, and to archive the recordings. Since September 9, 2020, the judiciary has operated the www.live.shuukh.mn platform, which provides open access to hearing schedules and summaries, as well as live updates of courtroom proceedings for parties and other interested persons.

Starting from October 2024, the Administrative Chamber of the Supreme Court of Mongolia started livestreaming all public hearings (excluding closed sessions) through its official website, thereby improving public access to accurate and timely information on judicial activities and the application of the law. This measure represents a concrete step in advancing transparency under Mongolia's broader judicial reform agenda.

Furthermore, as of January 1, 2025, hearings concerning corruption crimes, as defined under the Special Part of the Criminal Code, are now livestreamed across all court levels—first instance, appellate, and cassation—through both official court websites and social media platforms. These efforts reflect the judiciary's commitment to continuously implementing timely and incremental digitalization initiatives.

That said, while livestreaming contributes to transparency, it is equally imperative to safeguard fundamental human rights, particularly the right to privacy, and to ensure strict compliance with the principle of proportionality in disclosing court proceedings to the public.

To elevate judicial digitalization to the next level, Mongolia is now taking steps to implement internationally recognized models such as:

- E-Case Management (digital case workflow management),
- E-Filing (electronic case filing), and
- E-Court (virtual court systems).

Development of the "Judicial Digitalization 2.0 System" officially commenced in 2025.

This new integrated judicial platform will allow individuals seeking to protect their rights to:

- File claims and complaints electronically at any time or place,
- Submit digital evidence,
- Monitor the progress of their cases online,
- Manage their case workflow digitally,
- And exchange information seamlessly with prosecutors, police, and

other state institutions via interoperable platforms.

The pilot implementation of this system has already begun at some of first Instance courts in the Capital City.

II. ENHANCING JUDICIAL DIGITALIZATION FOR DEVELOPMENT

Judicial digitalization must serve two equally important purposes: it must make court services comprehensible and user-friendly for the public—saving them time and money—and it must also reduce the workload of judges and court administrative staff without compromising the quality of their work.

Improving digitalization in the judiciary offers a real opportunity to enhance the efficiency and timeliness of court services.

Under the Law on the Judiciary of Mongolia, the principle of prompt judicial service is a legally mandated obligation. However, due to insufficient staffing, prolonged vacancies, and a consistently high caseload, this principle is increasingly difficult to uphold—making it a critical challenge within the broader context of judicial reform.

For instance, in 2024, a single judge at a civil court of first instance in the capital adjudicated an average of 654 cases. This figure is more than three times the recommended maximum workload of 209 civil cases per judge, revealing the urgent need for systemic solutions.

Moreover, courts are occasionally faced with large, complex cases that require significant resources to process. One recent example involved a case concerning 80 individuals and 4 legal entities, with 545 case files totaling 134,500 pages. In this instance, a case classification and sorting methodology had to be developed, and its implementation highlighted the urgent need for automation. Utilizing specialized software to manage such voluminous case materials could significantly ease the technical workload of judges and their assistants, thereby improving the timeliness and effectiveness of judicial services.

Digitalization plays a vital role in improving the efficiency of judicial operations.

Our experience shows that the initial costs of implementing digital systems—software, hardware, and necessary infrastructure—are often high. Therefore, when planning and budgeting for digitalization, it is essential to conduct cost-benefit analyses and clearly communicate the anticipated impacts and value of such systems not only to Parliament, but also to the public at large.

For example, the 2025 State Budget Law allocates approximately 15 billion MNT for the comprehensive overhaul of the criminal, civil, and administrative case management systems, which includes the development of a fully integrated E-Filing system based on digital case folders. This amount

is expected to rise as additional funds will be required to equip courts with necessary technology and support the ongoing development of the software systems.

The resulting digital platform must ultimately help ease the workload of legal professionals and improve access to justice for all parties involved. It should reduce the need for physical court appearances, lower expenses, and save time—yielding tangible benefits. Crucially, such a platform must fully comply with all applicable laws and be flexible and adaptive to legal amendments as they occur.

On a broader level, the attitudinal and cultural acceptance of digitalization is essential. Judicial digitalization must be embraced as a key driver of judicial modernization and future reform. Our approach must remain open, flexible, and grounded in reason.

During the COVID-19 pandemic, one of the most significant challenges Mongolia faced was the transition to remote court hearings. This challenge not only tested our institutional organization but also highlighted the professional capacity and mindset of legal practitioners. It also accelerated digital transformation and generated genuine optimism for the future of judicial digitalization.

Since 2015, Mongolian courts have gradually implemented remote participation in hearings using modern technology. By September 2021, during the height of the pandemic, a total of 35,904 hearings had been successfully conducted online.

Following the pandemic, stakeholders widely recognized that digitalization can measurably improve the accessibility and efficiency of court services—an outcome that stands as one of the most positive and enduring results of this period.

Risks and Safeguards in Algorithmic Case Allocation

Case allocation must remain free from external interference to uphold fairness, prevent corruption and conflicts of interest, and safeguard the integrity of judicial operations — thereby countering any perception that the judiciary operates “on order.”

However, instances of manual interference in case allocation systems — aimed at unlawfully selecting, removing, or reassigning judges, or deleting records without trace — continue to emerge internationally. Under the guise of “random” allocation, deliberate manipulation of hashed values designed to ensure data integrity has been observed; examples include reducing or skewing judge workloads within the algorithm, altering data records, introducing artificial changes at the coding level, and reassigning judges via administrative override.

The lack of code-level oversight poses a direct threat to judicial independence, transparency, and public trust. Beyond damaging individual

judges, such vulnerabilities may compromise the reputation of the judiciary as a whole and foster a system susceptible to political interference and corruption.

To mitigate such risks, it is essential to implement the following safeguards:

- Transparency of allocation algorithms;
- Comprehensive logging and immutable records, preferably through blockchainbased solutions;
- Independent third-party audits;
- Clear role definitions for all participants in the allocation process;
- And the minimization of human intervention.

These measures should be promptly explored and adopted to preserve the legitimacy and integrity of the case allocation process.

Artificial Intelligence and the Challenges and Opportunities of Judicial Digitalization

In discussions on the future of judicial digitalization, artificial intelligence (AI) occupies a particularly prominent place. What was until recently a theoretical concept is now rapidly becoming reality, with new breakthroughs emerging not by the year, but by the month and even the day. For the judiciary, this means that while courts must be prepared to adjudicate AI-related disputes, they must also be ready to strategically and appropriately adopt AI in their own operations—an opportunity that could mark a significant step forward in judicial development.

Internationally, AI is already being used in courts to support a wide range of functions, including: case classification, scheduling hearings, providing assistance to court users, researching judicial cases, facilitating settlements in mediation, recording court proceedings, translation, and predicting case outcomes.

In Mongolia, both the Judicial Development Policy and the Strategic Plan of the Supreme Court have articulated a staged approach to introducing AI into the judiciary, with preparatory work currently underway. One notable advantage for the judiciary is that its database of court decisions is relatively well-structured, which offers significant advantages in terms of saving time and labor during AI development. However, it must be remembered that new technologies and breakthroughs are not immune to error and are always constrained by their current capabilities. Any AI-based system is fundamentally limited by the quality and scope of its input data, and we must remain mindful that AI-generated outputs will only reflect the data they are trained on.

The examples above demonstrate that AI holds genuine potential to

enhance the efficiency and accessibility of justice. However, since each country adopts AI within its own legal and regulatory frameworks, Mongolia must not simply replicate any single foreign model. Rather, it is essential to develop AI tools that are adapted to Mongolia's national legal system, language, institutional context, and judicial needs, while simultaneously building robust governance and oversight mechanisms.

Moreover, because AI tools are based on language models, countries must invest time and resources in developing high-quality, trusted AI systems in their own national languages, particularly for legal and professional terminology. Although internationally recognized AI platforms support multiple languages, they face significant challenges in terms of data security, national policy alignment, and legal compliance. Mongolia is making commendable progress in developing AI solutions in the Mongolian language, and there is confidence that this progress will continue with increasing accuracy and reliability.

It is also critical to recognize that the use of AI in the judiciary has a direct impact on judicial independence and public trust. For this reason, there is heightened international focus on establishing the proper legal framework for AI in courts.

The excessive reliance on AI-driven decision-making raises serious concerns about the potential erosion of judicial intellectual engagement in adjudication, the risk of erroneous and unjust outcomes, and emerging threats to personal data protection and nondiscrimination. These risks are alarming. Moreover, AI systems are inherently vulnerable to deliberate attacks. The term "adversarial attack" refers to the risk of manipulating algorithms by introducing deliberately misleading data to produce flawed or biased decisions. If judicial AI systems are left exposed to such attacks, their analytical outputs, classifications, and conclusions could be intentionally distorted — resulting in flawed legal analysis and outcomes that are unlawful and unjust.

It is therefore essential to implement robust, layered cybersecurity safeguards within judicial AI systems to detect, prevent, and mitigate such attacks. Without such protections, AI-driven judicial processes risk compromising the integrity of justice itself.

Based on these observations, it is clear that judiciaries worldwide are undergoing an irreversible shift toward digitalization. While this transition varies across jurisdictions depending on national digital infrastructure, energy capacity, educational levels, and sectoral funding, the types of court services being digitalized — and the corresponding risks that must be managed — are largely common across countries. In this regard, I would like to draw your attention to the following key considerations:

The digital transformation of the judiciary strongly contributes to achieving numerous international objectives, particularly in the protection

of human rights. It is therefore essential to further enhance international cooperation in this field. This calls for aligning major project goals with this objective, fostering expert exchanges, and encouraging other branches of government to join relevant international legal instruments.

Regardless of whether the institution overseeing digitalization is part of the executive or an independent judicial administrative body, it is imperative to ensure continuous judicial and user oversight throughout every stage of the process, with a particular emphasis on the quality of the final product. This is not merely a technical issue — it directly impacts judicial independence and the impartiality of judges.

The primary goal of court digitalization must be to improve the quality of justice — namely its efficiency and accessibility. At the same time, it must be considered that artificial intelligences can neither replace nor assume the humane, professional approach required in adjudication, nor can they make decisions or bear accountability.

The digital transformation of the judiciary should not simply follow each new technology trend, but must be guided by sound management, careful planning, and a clear conceptual framework. In this respect, it would be optimal to adopt and implement a "Human RightsBased Digital Court Strategy."

It is urgent to establish an ethical and legal framework for the use of artificial intelligence. In particular, the use of AI in courts must be governed by specific policies and enforced ethical standards.

The shift to digital adjudication should not completely replace traditional procedure, given varying levels of digital literacy and infrastructure among court users. Particular care must be taken to avoid infringing upon the right of vulnerable groups — such as the elderly or residents of underdeveloped regions — to access justice.

Finally, cybersecurity in the judicial system is not only an organizational concern but also one of individual user protection and, ultimately, national security. It demands the highest level of attention.

In conclusion, as humanity reaches a moment in which technology offers us the opportunity to stand on common ground, we are living through a historic period that calls for skillfully balancing tradition and innovation in judiciary.

Thank you for your attention.

I warmly wish you an enjoyable and memorable stay in Mongolia.

I also wish this conference every success.

PLENARY SESSION 1.
INCREASING ACCESIBILITY IN JUSTICE: DIGITALIZING
COURT PROCEEDINGS

SOME ISSUES RELATED TO DIGITALIZATION IN CIVIL PROCEEDINGS AND ENSURING THE RIGHTS OF THE PARTIES TO THE CASE

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PREAMBLE

Access to justice is the fundament of democracy and the rule of law; though this fundamental right is challenged throughout the world due to the remoteness, high cost and other emerging factors. To eliminate these problems and enable an accessible and efficient justice system, court digitalisation is a critical step.

Judicial digitalisation can be understood as a process that identifies the distinct activities related to case adjudication, specifies the need for their digitalisation from the perspective of economic efficiency, and comprehensively addresses the resulting advantages and potential risks, including human rights considerations, as well as technological capabilities and conditions¹.

In other words, digitalising judicial operations is not only an effective tool for reducing delays in court proceedings and providing citizens with easier and more efficient services, but also a trend seen in many countries where systems such as electronic case management (e-Case Management), online filing (e-Filing), electronic court hearings (e-Court), and AI-based case allocation have been introduced, thereby making judicial processes more transparent and expeditious.

Besides these opportunities, we also need to consider ways to support those who are unfamiliar with technology and/or self-representing participants to ensure their right of access to justice and increase accessibility of judicial service.

1. DIGITALISATION, LEGAL REGULATION, AND ELECTRONIC PLATFORMS USED IN THE CIVIL PROCEEDINGS IN MONGOLIA

The policy of developing e-governance in Mongolia has been under discussion since the 1990s, formally adopted and implemented from the 2000s onward, and to date, the issue has been reflected in around 70 policy documents.² For instance, in Mongolia's long-term development

1 J. Oyuntungalag, "Court Digitalisation: From Search Systems to Artificial Intelligence," Mongolian State and Law, 2023, No. 3 (105)

2 24th Report on the Situation of Human Rights and Freedoms in Mongolia

policy, Vision-2050, which was adopted by Resolution No. 52 in 2020 by the State Great Khural (Parliament), it is provided that under the objective "5.1 Optimize the distribution, control, and balance of power and foster stable governance": (3) ensure the independence of the judiciary and strengthen a responsible and people-centered judiciary; and under the smart governance objective: 5.1.9. introduce electronic technology in the judiciary and make the process prompt and without delay; 5.1.10. establish and improve a basic training system for judiciary human resources with ethical and inclusive capacity; 5.1.11. adopt and implement a program to ensure the transparency and openness of the judiciary, improve court operations, and increase access to court services and public confidence in the judiciary. These were identified as part of the vision for a transparent, open, and digitalized judiciary.

With this regard, the Law on Courts was renewed in 2021 and one of the changes made to the law was about e-hearing regulation on specific matters. Following renewed Article 71.1.12 "to develop and ensure the proper functioning of a unified system for case registration and monitoring, as well as software for organizing court hearings online" and Article 71.1.14 "to approve the procedures for audio, audio-visual recording of the court session and its archiving, and organizing the remote or electronic participation of the participant in the court session in accordance with the law", the Judicial General Council approved "Integrated policy for introducing new forms of information technology, court service and administration in courts" and "Regulation on Letting Online or Remote Participation in Court Proceedings" in 2022.

Furthermore, within the framework of the principle of openness and transparency of judicial activities, the amendments to the Law on Courts adopted on June 5, 2024, provided that court proceedings shall be open and transparent to parties to the case, their representatives, and lawyers through electronic means. It was stipulated that parties to the case, their representatives, and lawyers shall be able to log into the court's electronic platform and access civil and administrative case materials, complaints, claims, petitions submitted by the parties, relevant evidence, as well as judicial orders and decisions issued during the proceedings. They are also ensured the ability to receive, submit, and exchange information and documents through the information system prescribed by law, and to review electronically the evidence included in the case file and the progress of judicial proceedings. These provisions have established the legal basis for conducting judicial proceedings electronically.

Additionally, Civil Procedure Law was amended to include following changes: Article 7.5. "Documents and case materials related to judicial proceedings may be in paper or electronic form and shall comply with the requirements of the court's electronic platform. Paper documents shall be converted by an authorized court administrative officer and certified with a digital signature"; Article 7.6. "Court notices, records, judicial orders, rulings, decisions, and other documents in judicial proceedings may be processed

electronically and presented, delivered, and explained to the parties, their representatives, lawyers, and other persons specified by law. Likewise, claims, responses, counterclaims, independent claims, motions of parties, their representatives, and lawyers, as well as evidence, may be submitted and processed electronically through the court's electronic platform"; Article 7.7. "When communicating electronically with a party to the case, the court shall use the official e-mail of the relevant state body or official, the inter-agency document exchange system, the notification delivery system, the integrated public service system, or, in the case of a citizen or legal entity, the national e-mail address with a registration number of the person authorized to represent them without a power of attorney, and in the case of a lawyer, the e-mail registered and linked to the electronic system of the Mongolian Bar Association."

On January 17, 2024, amendments were also made to the Civil Procedure Law, introducing the settlement of small claims through a "Special Procedure for Adjudication." Under this procedure, the adjudication may be based on written and electronic documents, and the entire case file or part of it may be maintained in electronic form. Hardcopy documents submitted to the court may be converted in accordance with the technical requirements of electronic proceedings. Furthermore, if electronic documents are recorded in the court's electronic information system and protected by information security measures, they shall be attached to the case in that form.

In this way, judicial digitalisation, particularly the digitalisation of civil proceedings, is being carried out within the framework of legal regulation, and in line with this, technological electronic platforms are continuously being developed.

The "Civil-2014 system", an integrated system for civil proceedings, is currently being used. The system was received and introduced by the Judicial General Council on 30 Oct 2014 and the development of the system was financed by the GIZ. The "Civil-2014 system" is designed to organize case processing in a prompt and efficient manner, enhance the transparency and effectiveness of judicial operations, increase public participation, eliminate duplication of tasks between judges and judicial assistants, and enable the immediate generation of statistical reports.

In addition, besides "Civil-2014 system", "SHP-system" is being used for civil courts. This system facilitates usage by classifying the effective legislation of Mongolia into specific legal fields. A total of 39,159 decisions of the Civil Chamber, 17,705 decisions of the Criminal Chamber, and 7,320 decisions of the Administrative Chamber of the Supreme Court were uploaded to the system. Of these, 4,152 decisions of the Civil Chamber were classified, while the decisions of the Criminal and Administrative Chambers had not yet been classified. This system is software that has established the electronic infrastructure necessary for classifying appellate court rulings and

ensuring the uniform application of law.³ A distinctive feature of the system is that, for the classified decisions, the relevant sections and provisions are accompanied by the official interpretations of the Supreme Court of Mongolia, as well as academic commentaries and articles by researchers.

The upgraded software platform aimed at digitalising judicial operations of Mongolia is the "E-Court 2.0" core system, initiated and implemented by the Judicial General Council. This project seeks to fully digitalise court operations. The first phase was successfully carried out in the first half of 2024, and pilot testing and implementation are continuing in 2025, with development primarily focused on the electronic case management system, the electronic court hearing system, and the automation of the case allocation system.

To ensure citizens' right to a fair trial and access to justice, legal regulation and technological solutions must be mutually integrated and developed in parallel, while remaining accessible to anyone seeking court services. This should form the core essence of judicial digitalisation.

Advancing digitalisation efforts, it is essential to take into account historical factors, namely, the unique and unrepeatable history through which the present judiciary was formed; human factors; case-in-point being that as the weak and polarized understanding of judicial independence; social, geographical, and civilizational factors, including differences between urban and rural courts, specialized courts, and professional judges; as well as legal factors – particularly the specific circumstances of judicial proceedings (which are conditions rather than obstacles).⁴

2. ISSUES ON ENSURING RIGHTS OF LITIGANTS

Whether e-courts enhance citizens' right of access to justice depends on the implementation of technology that upholds the principle of fairness, which is a fundamental requirement for equal access to court services.

In practice, an e-court is an online software system designed for all courts and judges. This system should be capable of enabling electronic submission of petitions and claims, digitising all case materials, compiling legal documents, managing, validating, and transferring electronic documents and evidence, automatically generating court hearing records, and performing citation and referencing functions.⁵

On the other hand, such technology should be simple, accessible and easy for litigants to use, thereby ensuring the principle of fairness.

For example, **substantive justice**, ensuring that court decisions are fair, compliant with existing laws, and practically enforceable, must leave

³ Pilot version of the "SHP-System" legal software was introduced, 2022.04.07, <https://appealcourt.mn/site/index.php?newsid=311>

⁴ N. Bayarmaa, Justice of the Supreme Court, from the presentation titled "Digital Law and Its Development Trends" presented at an international academic conference.

⁵ Ibid.

participants with a sense that both the **content of the decision** and the **process of reaching it** were just; **procedural justice**, the fairness of the decision-making process for each case, must be maintained throughout the operation of the judicial system; **effective justice** requires that every case is resolved efficiently; **open justice** ensures that court proceedings are transparent and accessible to the public; **distributive justice** guarantees that judicial services are available, understandable, and equal for all, regardless of wealth, and that rights and duties are applied consistently; although applying all these principles⁶ in an online court is complex and challenging, it is essential that no single principle dominates the others and that the system respects a **proportionate balance of justice**, achieving a fair equilibrium that accommodates the diverse needs of society through diverse means.

However, on the one hand, although legal regulations are sufficient, they may not be solved by technology or be inaccessible, and on the other hand, although legal regulations are insufficient and cannot be implemented, the situation may pose following risks of undermining the above-mentioned principle of justice.

2.1. Digital evidence, digital signature and its verification issues

The amendments to the Civil Procedure Law introduced regulations related to electronic (digital) signatures and electronic documents in the Article 37.2 establishes that electronic documents may serve as evidence", Article 38.11 provides that an electronic document with a digital signature shall not be disputed as authentic, except where there is a specific reason to claim that the digital signature was not made by its owner, Article 38.12 allows the court, at the request of either party, to appoint an expert to determine whether an electronic document is forged and, if needed, to request other evidence to remove doubts about authenticity, and Article 38.13 stipulates that a forged electronic document shall remain in the case file unless its destruction is necessary to protect public interest or it must be transferred to a competent state authority. The court must inform the prosecutor's office about any electronic document deemed forged based on the expert's conclusion under Article 38.12.

The above-mentioned amendments established a legal basis for digitalising judicial operations, recognising evidence and signature on digital platforms as admissible in court and regulating the verification and admission of digital evidence.

Moreover, according to the legal provision, if a document with a digital signature does not actually contain the signature, it must be proven; and unless a specific reason is stated, the court shall consider such document valid. In addition, if the parties dispute that an electronic document may be falsified, the court shall appoint an expert to examine it. This regulation makes it possible to assess electronic documents from an unquestionable

⁶ Richard Susskind, "Online Courts and the Future of Justice", 2025 pp.107-122

and reliable perspective.

Therefore, in relation to the use of electronic documents, it is not appropriate to refuse to admit and evaluate evidence merely because it has been produced in electronic form. Rather, an electronic document should not be denied legal effect solely on the grounds that it does not contain an advanced technological feature or a special certified digital signature.⁷ This relates to the view that courts must pay attention to the evidentiary value of metadata and be aware of the consequences of not making use of it. Therefore, the requirement for the parties to print and certify electronic evidence for submission to the court should be changed, and instead, such evidence should be accepted in its original electronic form.

However, since the Civil Procedure Law does not clearly regulate how electronic documents are to be generated, collected, or compiled, the form of electronic documents in judicial proceedings remains uncertain. As a result, doubts arise regarding their evidentiary value, and there is a prevailing tendency not to use them widely.

According to Article 4.1.9 of the Law on Electronic Signatures and Article 4.1.9 of the Law on Transparency of Public Information, an 'electronic document' is defined as information that can be created, processed, stored, transmitted, and received using an information system.

Article 44.5 of the Civil Procedure Law provides that 'a court shall comply with Article 38 of the Law on Archives and Official Matters when evaluating digital documents,' meaning that electronic documents are deemed as valid as paper documents. However, as this is the only regulation on the matter, there remains a prevailing tendency to rely on traditional practices rather than electronic means, with e-documents – including e-certificates and e-references—often being printed out and archived for later reference.

Specifically, since the concept of electronic evidence has not yet been uniformly established in judicial practice, courts sometimes fail to distinguish between written and electronic documents, which in turn leads to inconsistent assessments. Although the Civil Procedure Law does not expressly provide how electronic evidence should be submitted, the Supreme Court has held that '... if a written document on paper has been transmitted, received, or stored through technical means, it may likewise be regarded and assessed as electronic evidence; ... one form of non-paper-based documentation is electronic mail (e-mail), which, even if printed by its author, shall not be deemed a copy equivalent to a paper-based document; ... depending on the type and form of the electronic evidence, the information it contains shall be examined using an appropriate method, and an e-mail submitted to the court may be admitted either in its printed form or displayed on a screen.⁸

The Supreme Court has also held that, in cases where the parties

⁷ B.Buyankhishig "Law of Evidence in the Civil Proceedings", UB, 2024

⁸ https://shuukh.mn/single_case/10392?daterange=2023-11-01%20-%202023-12-08&id=3&court_cat=1&bb=1

dispute whether an e-mail was sent, received, by whom, when, and with what content, the court, upon the request of the author, must select an appropriate method to authenticate and document the evidence. In other words, where the authenticity of the evidence is contested, the technical and legal requirements serve as the fundamental basis for determining the admissibility of electronic evidence. Furthermore, if there is doubt as to whether the original information contained therein has been altered or modified, a party to the case may request the appointment of an expert to verify it before the court.

Thus, the absence of clear legal regulations on the submission and authentication of electronic documents in court continues to hinder procedural implementation, thereby undermining citizens' confidence in electronic courts.

In other words, distinguishing electronic documents from paper documents requires consideration of factors such as metadata, size and reproducibility, durability, susceptibility to alteration, and means of distribution. Moreover, because the process of collecting, preserving, and presenting electronic evidence to the court is more complex than that of other types of evidence, it is necessary to establish the relevant procedures by law.

On the other hand, in Mongolia's civil proceedings, the unified 'Civil-2014' system and the 'SHP' system are used, differing in their respective functions. The 'Civil-2014' system is widely applied by all levels of civil courts for case management and process monitoring, whereas the 'SHP' system is used on a relatively limited scale, primarily for searching court decisions grouped by legal fields. Therefore, in the development of the core 'E-Court 2.0' system, it is important to introduce technologies such as the e-File system, e-Court system, and the information exchange platform (X-Road), taking into account the above-mentioned circumstances. This would greatly facilitate the submission of electronic documents by parties to civil proceedings and their evaluation by the courts.

In civil proceedings, one of the key indicators ensuring the authenticity and reliability of electronic evidence submitted is that it is certified with a digital signature.

In Mongolia, the Law on Digital Signature was enacted in 2011 to regulate the use of digital signatures. The 2021 amendment to the law, however, did not introduce specific provisions on the use of digital signatures in civil proceedings. Nevertheless, Article 42¹.1 of the Civil Code provides that 'transactions required by law to be registered, notarized, or made in writing may be carried out electronically.' However, because there is no clear regulation on the evidentiary value of qualified digital signatures in civil proceedings, the legal framework for using them is still insufficient. Also, in the 2021–2023 report of the Judicial General Council, information related to

digital signatures is limited. In the 'Court Digitalisation' section, it mentions⁹ that digital signatures were issued to officials authorized to sign court documents. However, the use of digital signatures in civil proceedings has not been standardized, and the legal framework for using digital signatures in court decisions remains unclear.

2.2. Case proceedings under specialized procedure

The adjudication of cases under the special procedure provided for in the Civil Procedure Law is handled exclusively by the First Instance Courts of Simplified Criminal and Civil Cases at the district level, while inter-sum courts in provinces have jurisdiction to decide such cases within their respective territories.

According to Article 75².1 of the Civil Procedure Law, in proceedings conducted under a special procedure, decisions are made based on both written and electronic documents. Article 75³.4 provides that 'electronic documents submitted to the court and prepared by the court shall be stored in printed form,' while Article 75³.5 states that 'court case files may be maintained wholly or partially in electronic form.' These provisions allow court documents—such as notices, minutes, judges' orders, rulings, and decisions – to be transmitted electronically using the court's digital platform.

Moreover, these provisions establish a legal framework allowing the court to accept electronic evidence for case compilation, convert electronic documents to meet technical requirements, and authorize the staff who perform the conversion to certify them with a digital signature. However, the legal requirement to print and store electronic documents submitted to the court, as well as to convert paper documents into electronic form, should be carefully considered, as it may lead to duplication of documents (both electronic and paper) and their attachment to the case file.¹⁰ Moreover, because an electronic platform compliant with these legal provisions has not been developed, difficulties have arisen in conducting proceedings under the special procedure.

Another pressing issue related to digitalisation in proceedings conducted under the special procedure is the delivery of court notices. The law provides that 'if a court notice is delivered by registered mail or personally by a court officer, but the defendant does not reside at the address or does not operate there, the court shall, on its own initiative, request the official address from the state registration authority based on the plaintiff's information regarding the defendant's civil or legal entity registration number or registry number. If the court notice is delivered to the address obtained from the state registration authority but the defendant still does not reside at the address or operate there, the notice shall be sent via the national e-mail system to the defendant or their authorized representative, using the

⁹ https://www.judcouncil.mn/site/news_full/13313. /"Judicial General Council Report 2021–2023", 2023, pp.95/

¹⁰ Judicial Academy, Research database: IX/00/2025/12/28

registration number of an authorized person in the system, or via the e-mail system of the Mongolian Bar Association if the defendant is represented by a lawyer. In addition to the e-mail address, if the plaintiff has indicated the defendant's official or personal e-mail addresses in the claim, the court notice shall also be sent to these addresses. The notice shall be considered received seven days after it has been sent to the e-mail address.¹¹

However, although courts (First instance simplified procedure circuit court of districts) deliver notices to the defendant via their e-mail addresses as described above, the conditions for considering the notice as received are not met. This is because there is no legal basis to prove that the defendant (individual or legal entity) has actually received the notice by e-mail, and the addressing system has not been fully standardized, so the conditions for effectively using the national e-mail system are not sufficiently established.

In summary, the provisions related to court digitalisation in proceedings conducted under the special procedure, as set out in the Civil Procedure Law, are not effectively implemented in practice. This negatively affects citizens' ability to receive court notices and exercise their right of access to justice to protect their violated rights, and it limits the accessibility and efficiency of court operations delivered to the public through electronic means.

2.3. Ensuring the rights of persons with disabilities, the elderly, and residents in remote areas when conducting judicial proceedings electronically

A pressing issue in the digital era is the digital divide and inequality. The digital divide¹¹ refers to the gap between people who are able to use information and communication technologies and those who are not. Effective measures are needed to protect people with disabilities, the elderly, low-income individuals, and residents in remote areas from the negative effects of the digital divide.

As of 2025, Mongolia's fibre-optic network reaches a total length of 51,939 km, and all provincial and district centres, as well as major settlements, are fully connected to mobile and fixed-line communication networks. However, the National Human Rights Commission has noted that not all citizens of Mongolia can equally benefit from the development of digital technologies. There are approximately 187,000 citizens aged 65 and above, most of whom are not able to actively participate in the digital environment, and as of 2023, over 107,000 people with disabilities are officially registered. Accessible digital environments – including devices that operate via voice, sign language-based information, and user-friendly platforms, have not yet been adequately developed for these groups. For example, while 69% of the elderly and 80.3% of persons with disabilities require access to public e-services, they are unable to use these services due to issues such as poor website and app visibility, lack of font enlargement options, and the absence

¹¹ 24th Report on the Situation of Human Rights and Freedoms in Mongolia

of systems that read selected text aloud.

Furthermore, according to Mongolia's 24th Report on the Situation of Human Rights and Freedoms while the goal of making digitalisation accessible to persons with disabilities is broadly reflected in the country's policies and legislation, the elderly have been largely overlooked. For example, the 'Vision-2050' long-term development policy's 2021–2030 implementation plan (Article 2, Clause 2.6.14), the Digital Development Policy (Articles 4.1.4 and 5.2.4), and laws such as the Law on the Rights of Persons with Disabilities (Article 11), the Law on Broadcasting, the Law on Communications, the Law on Public Information Transparency, the Law on Social Welfare, the Law on Public Radio and Television, the Criminal Procedure Law, and the Civil Procedure Law all include provisions aimed at increasing the digital participation and skills of persons with disabilities and other target groups. However, these policies and laws do not specifically address increasing the digital participation and accessibility for the elderly, instead grouping them under 'other target groups.' The Law on the Elderly includes provisions aimed at supporting their development and participation, increasing access to services, promoting the use of modern technologies, and supporting learning and development, but it does not identify responsible parties. As the proportion of elderly people in the total population increases, there is a growing need to enhance assistance, services, and information accessibility directed toward them.

Although technological solutions to make public and private sector e-services accessible to persons with disabilities and the elderly have been integrated into systems such as e-Mongolia, E-PUB e-hurteemj, Handpro, "TUSLAMJ", the virtual sign language interpreter platform "Chimege", and e-job, and while tools for delivering information to people with hearing impairments are improving, initiatives and activities to enhance the digital skills and knowledge of the elderly remain scarce.

The Judicial General Council (JGC) approved the "Court Building Standard-5" on January 23, 2025. According to this standard, persons with special needs are defined as persons with disabilities, the elderly, and young children. The general requirements for court buildings specify:

Court buildings must be equipped with the necessary infrastructure and technical facilities for persons with disabilities to access court services;

Information and communication technology infrastructure must be in place to conduct court proceedings both in courtrooms and online, to allow parties to submit documents electronically, to review case materials, and to receive court services either in person or remotely;

The main service areas of the court must be furnished with equipment, furniture, and facilities enabling persons with disabilities to access services;

Restrooms for men, women, and persons with special needs must be available;

Furthermore, by Resolution No. 40 of March 20, 2025, the "Court Service Standard" was approved, which provides for communication via email and electronic systems when delivering court services. However, it does not set out or regulate specific service conditions tailored for persons with special needs. From this, it can be observed that the currently applicable standards regulate the requirements for persons with disabilities to access court services only in a more general manner. Although the definition of persons with special needs includes the elderly, the relevant arrangements have not been incorporated into this standard, which constitutes a shortcoming.

In practice, some courts provide documents and claim templates in embossed (Braille) script for persons with visual impairments. However, due to the absence of a unified standard, these measures are observed to fall short of fully meeting their needs.

To identify the challenges faced by residents of remote areas in participating in judicial proceedings, it is useful to examine the distance they must travel from their place of residence to access court services, as well as whether they have the necessary means to receive relevant information. For example, Govi-Altai province, which has the lowest population density in the country, 0.4 persons per square kilometre, may serve as a case study. The court of this province is located in Altai city, the provincial centre, while the most remote soum (administrative unit) is Altai soum. In other words, the distance from Altai soum to the court building of provincial courts is 369 km. This means that a resident of Altai soum must spend on average 8 hours and 28 minutes by car to access court services and participate in judicial proceedings.

Furthermore, considering fixed internet users by location, 76.03 percent are in Ulaanbaatar city and only 23.97 percent are in rural areas, with some regions not even connected to the telephone network. This indicates that citizens living in certain remote areas have very limited conditions and opportunities to participate in judicial proceedings online.

On October 1, 2020, the Government of Mongolia, under Resolution No. 90 "On Certain Measures Regarding the Unified System of State Services," introduced the unified state service system, e-Mongolia, enabling citizens to access 181 services from 23 state organizations online. However, residents of remote areas often cannot fully benefit from the system due to insufficient smartphones and internet connectivity that meet the system's technical necessities.

In summary, it can be observed that in practice, the rights of the elderly, persons with disabilities, and residents of remote areas to access courts, receive court services, and participate equally in judicial proceedings are being violated. In other words, even though the foundation of judicial proceedings – attending the court building and participating in hearings, exist, a person's age, disability, or place of residence can prevent them from fully exercising these rights. Furthermore, these barriers cannot be

entirely addressed through the digitalisation of judicial proceedings, as some households lack access to telephone or internet networks and are not equipped with the necessary technical devices.

Therefore, in order to ensure that individuals can exercise their fundamental rights within judicial proceedings, both the technology enabling access to court buildings – such as entrances and exits, travel time, costs, and the provision of information, and the digitalisation of court services must be designed in a manner that aligns with the legal framework and addresses the specific characteristics and needs of the elderly, persons with disabilities, and residents of remote areas. This approach will enhance the accessibility of court services and make them more effective.

CONCLUSION

In the era of technology, the full digitalisation of courts is inevitable. While no one disputes that both legal regulation and flexible supporting technology are necessary for digitalizing court operations, it is crucial that these elements develop in a coordinated and mutually reinforcing manner. In doing so, particular attention must be paid to enhancing citizens' access to courts and upholding the principle of justice. In other words, legal regulations and technological development should be designed to prevent the digital divide from creating inequality. Failure to ensure that technology meets the needs of participants could hinder the court's ability to properly apply the law, while unclear legal regulations or provisions may create confusion and undermine public trust in the judiciary.

Moreover, the digitalisation of courts is not an issue that concerns the judiciary alone; without state involvement, policy direction, and support, it is impossible to ensure justice.

Therefore, this presentation denotes and underscores some of the challenges faced in civil judicial proceedings for the reasons mentioned above. Specifically, regarding electronic evidence and digital signatures, the legal framework is not yet fully developed, and the necessary electronic platforms and unified systems for their use in courts have not been sufficiently established. As a result, their application is not fully standardized, which reduces the accessibility of court services and, in turn, can negatively affect citizens' trust in the judiciary.

Furthermore, the difficulties encountered in judicial proceedings conducted under special procedures are linked to the fact that legal regulations, corresponding technology, and the development of electronic platforms have not progressed in a coordinated manner. In particular, the delivery of court notifications depends not only on the court's own digitalisation efforts but also on the digitalisation and policies of other government agencies, as well as the coherence of the applicable legislation.

Moreover, research indicates that government digitalisation policies have not fully addressed the needs of the elderly, persons with disabilities,

and residents of remote areas. As a result, the principle of equitable distribution of court services is compromised. Therefore, when developing the corresponding legal framework and technology, it is essential to take into account the specific characteristics and special needs of these groups.

Therefore, it is essential to further refine the legal regulations related to court digitalisation and to rapidly and efficiently develop the court's electronic platforms. This issue requires attention not only at the judicial level but also as a matter of state policy, as it is crucial for ensuring citizens' right to be notified by the court and their ability to participate in judicial proceedings in a digital environment and a growing digital judiciary.

DIGITIZING THE COURT SYSTEM AS AN INSTRUMENT TO INCREASE ACCESSIBILITY IN JUSTICE: ESTONIAN EXPERIENCE

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It can hardly be denied that digital technologies now play an important role in almost all areas of society – including the justice system. While the main functions and tasks of the judiciary have remained largely unchanged, a range of digital tools are now available and increasingly used, raising the question, if and to what extent they are about to alter the traditional methods of judicial work. It is often argued that digital technologies can – firstly – improve the functionality of the court system and – secondly – reduce costs compared to the traditional judicial working methods.

On the other hand, the accessibility of justice is one of the key concepts in assessing the efficiency and appropriateness of a legal system. There can be numerous types of barriers that limit accessibility for litigants. Physical, communicative, geographical, financial-economic and technological obstacles can all affect the ability of individuals to understand, participate in, and benefit from the legal system. As a result, important rights may remain without the necessary protection. Therefore, accessibility is at its core a question of fairness, equality before the law, efficiency and, last – but not least, – trust in the legal system.

In this short article, I would like to give you an overview of the Estonian experience with the digitalisation of court proceedings and try to assess whether and how the introduction of digital tools can overcome the above-mentioned obstacles and thus, improve the accessibility of justice.

In Estonia, the implementation of digital tools to enhance the efficiency and effectiveness of the judicial system has been underway for over two decades. This is a multifaceted process that cannot be accomplished overnight.

1. POSSIBILITY OF DIGITAL COMMUNICATION

A starting point is to create a possibility of **digital communication and data exchange** between the court and persons involved in the court proceedings. It goes without saying that digital information exchange surpasses traditional paper-based exchange in speed and convenience in many aspects. Since 2006, digital document exchange between the court and the litigants has been possible in Estonia, and has gradually become

required. Documents can be sent to the court via e-mail, or preferably, entered into a specially designed electronic platform. The courts digitalise (scan) and electronically save any documents still received on paper.

Of course, such electronic communication requires an ability to securely identify people digitally. Estonia employs a national ID card that allows for both the digital identification of persons as well as signing documents electronically. Likewise, various electronic databases, including the electronic filing system of court documents, can be accessed with the ID card. On the other hand, judges, as well as other government actors, are required to sign official documents – like court judgments – electronically, since 2013.

The online availability of legal information is another important aspect. In Estonia, the electronic State Gazette was officially introduced in 2002 and the database has been fully digital since 2010. The consolidated versions of all legal acts are available online free of charge for everyone. There is a search engine that facilitates finding relevant legislation. All previous versions of legal acts can also be retrieved. In addition, the digital State Gazette contains the texts of all case law. Court decisions and substantive rulings that have come into force are published in the digital State Gazette database. Thus, existing case law is also freely accessible to anyone interested. Moreover, the nationwide calendar of court hearings can be found in the electronic State Gazette.

Another important factor – for both the courts and the litigants – is the **accessibility of data stored in different databases**. It can be burdensome to gather information from numerous databases, especially if they are maintained by different bodies: e.g the Register of Popular Statistics (data and addresses of individuals), the Commercial Register (information on business companies), the Land Registry (information concerning immovable property), the Tax Authority, etc. To facilitate access to various databases, Estonia introduced a system called „X-Road“ in 2001. This is an interoperable open-source platform for data exchange that links numerous public and private databases. For example, if the court needs information about a specific company, it can access the Commercial Register directly and retrieve the required data.

A highly valuable resource is the **X-Law (ExtendLaw) application** – a private legal-tech initiative which has been made accessible to judges and other court personnel across Estonia. Integrated with the digital State Gazette, X-law enables users to easily navigate between legislative texts and associated legal materials. For instance, by clicking on a specific paragraph of a law while using the application, users can access links to parliamentary materials (such as explanatory memoranda), pertinent case law, and scholarly commentaries. A notable feature of X-Law is its AI-powered summarisation tool, which generates concise summaries of key statements from relevant case law, thereby enhancing the efficiency of legal research and analysis.

2. ELECTRONIC CASE MANAGEMENT

To systematically process and securely store electronically submitted documents and related data, an electronic filing system—known as the E-file system—is essential.

In Estonia, the development of the E-file system, officially referred to as the Court Information System (KIS), began in 2004. Over the years, the system has undergone continuous upgrades, with new versions and functionalities being introduced to meet evolving needs.

In its current form, the system used in Estonian courts comprises two interconnected components: (1) the Court Information System (KIS) and (2) the Public E-File.

- The KIS serves as the unified internal platform of case management for all courts at all levels in Estonia. The system encompasses all documents pertinent to each individual case in chronological order, including submissions from the parties involved as well as records generated by the court itself. Beyond document storage, the system tracks all procedural actions undertaken during the course of proceedings, such as the service of court documents and their receipt by litigants. All information pertaining to any individual court case is thus maintained in the system. Judges and court staff can access it any time to manage case registrations, hearings, judgments, and related tasks.
- On the other hand, the Public E-File is a digital portal that enables individuals or legal entities to participate in legal proceedings electronically, track procedural deadlines, and monitor the progress of their cases. Through the Public E-File, users can submit procedural documents, including applications to initiate legal proceedings (e.g., file lawsuits), and receive real-time updates on case developments. Litigants are notified when the court issues an order or other procedural decisions. Access to the Public E-File is secured via ID-card, Mobile-ID, or Smart-ID authentication, ensuring data privacy and security. Importantly, litigants can only view cases in which they are directly involved.

Both of these components (the KIS and the Public E-File system) enable users to access the **digital court file**, i.e the electronic version of a court case file. It consolidates all documents, evidence, and procedural information related to a case in a single digital format.

The transition to electronic case management and the digital court file is part of the broader objective of establishing a paperless judiciary. Estonia has actively pursued this initiative since 2017, with a gradual increase in the number of cases processed entirely without paper. As of 2023, all civil and administrative proceedings in Estonia are fully digital.

3. VIRTUAL COURT PROCEEDINGS

Another feature worth mentioning is the possibility to conduct court hearings virtually, using video conferencing platforms such as Zoom, Microsoft Teams, or specialised court software. The COVID-19 pandemic significantly accelerated both the development and acceptance of this practice.

Under Estonian law, courts may conduct hearings via video conference when deemed appropriate. Similarly, witnesses and experts may be examined remotely if the court considers it justified. The law also sets out specific technical requirements that must be met for such hearings. All oral proceedings are recorded, allowing for later review.

However, this does not imply that the majority of court hearings in Estonia are now conducted online. Both judges and litigants generally prefer in-person sessions, finding them more direct and straightforward. Virtual hearings are primarily reserved for cases where attending in person would be impractical or burdensome. It is also important to consider challenges such as technical issues, digital inequality, and concerns around data security and privacy—factors that must be carefully managed to maintain the integrity of judicial proceedings.

CONCLUSION

It is safe to say that digitizing court proceedings generally improves accessibility especially for people in remote or underserved areas, by enabling online filing, virtual hearings, and easy access to case information. It can also enhance **efficiency**, reduce delays, and lower the cost of legal processes. Additionally, digitization supports **transparency** and better recordkeeping.

However, challenges remain, such as the **digital divide**, potential **cybersecurity risks**, and the need for proper training and infrastructure. It is evident that efforts to improve the existing digital tools should be ongoing, to ensure adaptability to future challenges and continued ability to support the judiciary effectively. With careful implementation, digitization can make the judicial system more inclusive, transparent, and efficient.

PLENARY SESSION 2.
USING CASE STUDY (DATABASE, CASELAW) TO
ACHIEVE CONSISTENCY IN LAW APPLICATION

A JUDICIAL CASE STUDY IN ENSURING UNIFORM APPLICATION OF LAW AND ITS FUNCTION

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PREAMBLE

The first part of this presentation highlights how, since 2021, case law has come to play a central role in ensuring the uniform application of law. The second part provides a fundamental explanation of the concept of case law and its application, while the third part seeks to identify the pressing issues currently facing case study in Mongolia.

1. ROLE OF "CASE LAW" IN ENSURING UNIFORM APPLICATION OF LAW AND ITS IMPORTANCE

The Article 14.1 of the Constitution of Mongolia provides that "All persons lawfully residing within Mongolia shall be equal before the law and the Court."

To uphold the constitutional principle of equality before the law and the courts, the Renewed Law on Courts of 2021 reaffirmed that one of the duties of the Supreme Court is to ensure the uniform application of law.

Article 25.4 of the Law on Court specified that "The Supreme Court shall ensure the uniformity of the application of the law by reviewing the decision of the appellate court in accordance with the grounds and procedures provided for in the law" and provided list of grounds to be considered for review level in the 25.7.5 of the law which includes "eliminate differences in the application of the law by the first instance and appellate instance courts; "interpreted and applied the law differently from the official interpretation of the Supreme Court" and "of general importance in principle in establishing a new legal concept or application of law".

In other words, the duty to ensure uniform application of law is established through linking grounds to file an appeal to the review court to solely issues of legal application and interpretation.

The reasoning and substantive arguments in appeals to the review court form the foundation of case law. Without examining case law, it is

impossible to determine whether the law is being applied uniformly.

Moreover, with respect to the ground of eliminating differences in the application of law by first-instance and appellate courts, the scope is not confined to the case at hand. It is also relevant to examine whether courts at the same level have applied the law consistently in similar cases, or whether their application has diverged from each other or from earlier decisions.

This may be regarded as horizontal consistency in the application of law, meaning that court decisions should remain consistent regardless of the rapporteur judge or the panel assigned.

Therefore, in order to determine whether the legal ground of 'eliminating differences in the application of law' exists, it is necessary to examine how lower courts have interpreted and applied the law in similar cases.

Secondly, with respect to the ground 'interpreted and applied the law differently from the official interpretation of the Supreme Court' as provided by law, it is necessary to examine how the review court has applied the law in specific cases. This reflects vertical consistency in the application of law and clearly plays a central role in case law.

With regards to the fourth ground specified in the law – of general importance in principle in establishing a new legal concept or application of law – is potentially the most significant requirement in ensuring uniform application of law. In this matter, court decisions of each court level are considered as an important source for case law.

Moreover, restricting leave to appeal to the review court to appeals consistent with ensuring the uniform application of the law is not unique to one country.

In the legal tradition of the so-called 'continental legal system,' codified laws enacted by the legislature are regarded as the primary legal source, and the judiciary's role is understood in a relatively narrow sense, in which courts rely solely on the enacted laws as their source of authority. However, where the court has established constant uniform application of law, it has been required to apply the principle of jurisprudence constante in later decades. In other words, when the law is applied uniformly, or when a series of court decisions in similar or identical cases reach the same outcome, the principle of jurisprudence constante applies and serves as a source of judicial precedent.¹ This principle of jurisprudence constante stems from the decisions of higher courts and is implemented through the grounds and criteria for filing appeal under the review procedure.²

In countries where court decisions are traditionally regarded as an

¹ Vincy Fon & Francesco Parisi, "Judicial Precedents in Civil Law Systems: A Dynamic Analysis", 26(4) *Intl' Rev. Law & Econ.* 519, 523 (2006).

² Aleš Galič, "A Civil Law Perspective on the Supreme Court and Its Functions", 81 *Studia Iuridicia* 44, 45-53 (2019).

official legal source, the doctrines of stare decisis and precedent apply, unlike jurisprudence constante, in that they require lower courts to follow their own previous decisions as well as those of higher courts, regardless of whether uniformity in the application of law has been established on a particular issue. A system allowing appeals that require lower courts to follow the decisions of higher courts plays a crucial role in implementing these doctrines.

In conclusion, case law is an important leverage in ensuring uniform application of law.

2. CONCEPT OF CASE STUDY AND ITS APPLICATION

In our country, many issues regarding the concept of case review and its application have not yet been sufficiently clarified.

First, we may ask: what is the subject of case study? When deciding a case, the court applies the law by interpreting it in light of the established facts. In this sense, applying an abstract legal rule to a concrete fact, and the result it produces, can be seen as the subject of case study.

Since the fundamental function of the court is to resolve specific cases and disputes, case study cannot exist independently of the facts. Prior to 2021, however, the interpretation of abstract legal rules by courts in Mongolia was directed at clarifying preliminary circumstances and the content of legal norms, rather than being treated as a subject of case study.

From this, it can be concluded that the outcome of applying and specifying an abstract legal norm in light of the concrete facts of a case can be regarded as the subject matter of judicial case study.

Secondly, questions on the Supreme Court's application of case law would be raised

To examine similar court decisions made by the Supreme Court, these databases including website link: shuukh.mn, case management system, internal resolution system and Linked at: legaldatal.mn are indeed used.

As noted above, when filing an appeal under the review procedure, it is necessary to examine how the courts have applied the law in similar cases. Likewise, if the case proceeds to a hearing before the review court, it is also necessary to study how similar cases have been decided in the past.

For the Supreme Court, previous judgments in similar cases serve as the primary source of study. The formal procedure and order for conducting case studies are specified in internal regulations, and this duty is carried out by judges' research assistants. In this regard, the term 'similar resolution of the Supreme Court' is used; however, the methodology for determining what constitutes a similar resolution has not yet been fully established. In current practice, identifying and defining a similar resolution is primarily based on the specific legal provision applied in the case that resolved the dispute.

Moreover, it is important to examine whether the review court has previously decided any cases on the same legal issue, taking into account the composition of the dispute and the facts involved.

Thirdly, there is the question of how effectively the study of case law supports the uniform application of the law. To address this, we will briefly look at some examples where uniformity in the application of law was achieved through case study at the review court.

The Supreme Court of Mongolia has decided several cases concerning disputes over whether the imposition of resource use fees based on Article 47, Paragraph 47.1 of the Law on Minerals – which was later annulled by the Constitutional Court, was justified.

In the Resolution No.25 of the Supreme Court issued in 2025, it concluded that "tax assessment act is not compliant with the principles of "rule of law" and "legality" provided in the Constitution and the General Administrative Law of Mongolia. In this regard, the Supreme Court of Mongolia, in its 2024 Resolutions No. 131 and 132, concluded that 'relying on a law that has already been annulled or has no legal effect is incorrect,' which is relevant to this case."

In other words, based on studying how the Supreme Court previously reviewed and decided this issue, the Court has relied on its earlier resolutions in subsequent similar disputes, thereby ensuring uniformity in the application of the law.

3. CURRENT ISSUES IN THE JUDICIAL CASE STUDY

There are several issues to consider in developing judicial case study in Mongolia. Addressing these five issues will require the cooperation not only of all participants in the adjudication process, but also of legal educators, the education system, and the bar association.

1. In terms of database, Mongolia's court decision database, (shuukh.mn), is designed for openness and transparency of the court decisions and not for judicial case study. Types of disputes and search function of the database is not for the case study. Generally, platforms on court digitalisation in Mongolia have limited functions in interacting with litigants and parties involved in the case.

In countries with well-developed judicial case studies, led by the United States, a case compilation³ system operates. Unlike our national "shuukh" platform, this system is designed to ensure the consistency, uniformity, and accessibility of judicial precedents. Moreover, the search functions of modern specialized digital databases are dedicated entirely to case law research and are characterized by their ability to highlight the interconnections between judicial precedents. While "Legaldata" brings significant progress

³ Case Reporter

by enabling search by the keyword in the database, its functions are still not adequate for proper case study.

2. Prior to 2021, Supreme Court decisions were not regarded as a legal source nor considered binding, as the principle of legislative supremacy prevailed. Consequently, no practice had developed of classifying Supreme Court decisions according to their binding effect.

While judges themselves may be able to recognize which decisions resolve more fundamental legal principles or establish stronger precedents, external parties—such as litigants, lawyers, advocates, and researchers, have limited means of knowing this.

The only regulation aimed at promoting uniform application of the law is the publication of important case decisions in the State Information Journal, which is only now beginning to be implemented.

As mentioned above, some foreign case compilations promote a unified understanding for the public of which decisions are significant by publishing court decisions that set judicial precedents. Beyond mechanically compiling decisions, the substantive quality of a decision and its application provide its authority as a precedent.

Not only common law countries, but also some continental law countries that promote the uniform application of law have developed systems similar to case compilations.

For instance, China has adopted the 'Measures for Efforts on the Uniform Application of Law,'⁴ which provide methods for identifying similar or identical cases and define what constitutes a judicial precedent. Most importantly, they specified the composition of the Judicial committee responsible for the matter.

For Vietnam, whose Chief Justice visited Mongolia just last week, "Regulation on Developing, Informing and Applying Judicial Precedents"⁵ were approved in 2013 and provided that the judicial committee would be established. The main responsibility of the Judicial committee is to select cases of higher importance in the judicial precedence.

It would be possible to conduct an in-depth study of the working principles of such committee.

3. Specialization in judicial case analysis and human resources is of considerable importance. In our country, where the legal education system and law schools do not focus on judicial case study, methodologies for analysing court decisions have not been developed. It would not be inaccurate to say that the main field of legal research is centred on abstract

4 "Measures for Efforts on the Uniform Application of Law" <https://www.chinalawtranslate.com/en/SPC-Implementing-Measures-for-Efforts-on-the-Uniform-Application-of-Law/>

5 判例の選定, 公布及び適用手続きに関する議決(2019年6月18日)

legal interpretation.

Training and discussions on judicial case study are insufficient, resulting in a significant shortage of experienced personnel in this field. In some foreign countries, research committees or councils focus exclusively on judicial case study, creating a bridge between legal research and judicial authority, while also developing young researchers and preparing human resources. In other words, specialized personnel with proper methodology ultimately serve as the key to ensuring the uniform application of the law.

4. As noted in the previous part, the methodology for identifying similar decisions of the Supreme Court has not been clearly established, and the methodology for judicial case study remains underdeveloped and not fully consolidated. Specifically, the methodology of judicial case study should be clarified by addressing fundamental questions such as: What is the purpose of judicial case study? Which parts of a court decision are significant and constitute the subject of study? And how should similar cases and decisions be identified?

5. The development of judicial case study should not be the sole responsibility of the court. Litigants have the right to require courts to apply the law uniformly, and within this framework, they must base their appeals under the review court on judicial case study.

However, in practice, there is no established format or criteria for appeals filed under the review procedure, and it is doubtful whether some even consider the grounds for their appeal.

By contrast, in some foreign countries, a unified standard for filing appeals is established by setting clear requirements. For example, an appeal may be required to specify the content of the request to review a court decision, cite relevant judicial precedents (table of authorities), and explain any discrepancies between different courts' rulings."

CONCLUSION

This article aims to highlight judicial case study as a key tool for ensuring the uniform application of the law, while introducing fundamental issues related to its concept and application. It also seeks to identify the challenges facing judicial case study in Mongolia and to touch upon some possible approaches to addressing them.

Let me conclude this with the words of former U.S. Supreme Court Justice O.W. Holmes.

The prophecies of what the courts will do in fact, and nothing more pretentious, are what I mean by the law.⁶

Thus, judicial case study is the key tool for anticipating the decisions a

⁶ Oliver W. Holmes, "The Path of Law", 10 Harv. L. Rev. 457, 461 (1897)

court is likely to make.

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PLENARY SESSION 3. AI AND THE COURTS IN DIGITAL ERA

AI AND THE COURTS IN DIGITAL ERA

MAKSYUTA ELENA TAGIROVNA
Justice of the Supreme Court of Kazakhstan

On behalf of the judiciary of the Republic of Kazakhstan, I cordially welcome you to our international event. It is a great honor for us to participate in such an event held for the alumni of the Open World Program.

Visiting courts and learning about the culture of the United States is a meaningful and inspiring experience in everyone's life. Therefore, it is a great pleasure to share our experience with each other.

With the development and rapid growth of the IT industry, the world is undergoing dramatic changes. Artificial intelligence has become one of the most revolutionary technologies of our time. As the President of the Republic of Kazakhstan Kasym-Jomart Tokayev noted at the Digital Bridge 2023 International Forum, AI is capable of radically changing lifestyles, automating numerous work processes and creating enormous economic value.

As part of the program aimed at transforming Kazakhstan into an IT-country, the government has approved strategic documents and adopted the legislative framework regulation in the field of digital development. These measures have paved the way for accelerated technological development and transfer of public services into electronic format.

The results have not been long in coming. In 2023, Kazakhstan ranked 24th among 193 countries in the Global e-Government Development Index (28th in 2022).

The judicial system has also made a significant contribution to these achievements. Since 2020, the UN has been assessing digitalization in the field of justice, and Kazakhstan demonstrates confident progress in this area.

Today, digital tools are used at all stages of judicial activity—from filing documents and automated case assignment to conducting hearings and issuing decisions.

The introduction of innovative technologies into judicial proceedings is geared towards simplifying procedures and increasing the accessibility, transparency, and openness of justice.

The main goal is to create convenient, user-friendly services that enable individuals to interact with the courts at any time and with maximum comfort.

How has e-justice developed in Kazakhstan?

The beginning of the journey: from electronic documents to online services

Kazakhstan has taken a significant step forward in the digitization of the judicial system, transforming traditional justice into modern and accessible "digital justice." This process began in 2006 with the introduction of an electronic document management system and today includes advanced technologies, artificial intelligence, and convenient services for both litigants and judges.

Integration with government databases has simplified the work of judges: the necessary information is available at the click of a button, without the need to submit any hard copies of requests.

Technologies that simplify work

A proprietary program or 'Situation Center' has been created to process the enormous amount of information.

It is a unified system for monitoring the activities of the Republic's courts, allowing for round-the-clock online collection and analysis of current judicial information. At the same time, the work of local courts is being tracked according to more than 850 indicators.

All potential disruptions in the work of the courts, including technical ones, and cybersecurity threats are immediately recorded without a cumbersome notification system and are quickly eliminated.

Complaints received in real time can be verified instantly by way of allowing to virtually participate in the process.

The development of electronic and digital justice in Kazakhstan: the path to innovation

The first steps were taken with the creation of an electronic document management system, which laid the foundation for further innovation.

The justice system then launched a mobile version of the virtual office for users, accessible on smartphones and tablets using a QR code to sign documents. Today, 95% of filings (more than 100,000 per month) are submitted electronically while paper documents get digitized. The parties can view the status of their case in their personal account, and notifications are sent by SMS or email, thus replacing paper summonses.

Integration with government databases has simplified the work of judges: the necessary information is available at the click of a button, without any need for requests on paper.

Technologies that simplify work

A key achievement was the 'Court Office' service, which allows applications, complaints, and petitions to be filed online at any time, without

visiting the courthouse. All court documents are now generated electronically, signed with a digital signature, and securely stored in an electronic archive, thus eliminating the possibility of their alteration or deletion.

A single point of contact with the courts

An information and analytical system called **TØRELIK** has been created for judges. Integration with the databases of state bodies has simplified the work of judges: the necessary information is available in one click, no requests on paper needed.

All courtrooms are equipped with audio and **video recording systems (AVF)**, which are connected to a single network. This has made it possible to store recordings indefinitely (audio) and for one year (video), as well as to provide remote access to trial materials for judges and participants.

AVF systems have made online court hearings a reality. Thanks to video conferencing, prosecutors, lawyers, and even arrested defendants can participate from their offices or places of detention. Electronic courtrooms (1,176 nationwide) and automated workstations allow documents to be submitted in digital format and automatically incorporated in the case file.

Court proceedings without borders

One can now participate in the court hearing from anywhere in the world.

The example of the notorious Bishimbayev case, which was watched by residents of many countries in real time, confirms the accessibility of our processes to everyone.

Digital analytics and artificial intelligence

An analytical system called Digital Analytics of Judicial Practice, which utilizes AI elements, is based on 100 million electronic documents. It analyzes 15 million decisions and 50 million units of metadata, helping to predict the outcome of cases and ensure uniformity of practice.

The revolution of extraterritoriality and robotization

Robotic systems already process a third of cases (665,000 out of 2 million), including sanctions to restrict the travel of debtors or the issuance of court orders for alimony and traffic violations, thus considerably saving the judges' time.

Starting in 2022, extraterritorial jurisdiction will be introduced in civil proceedings: disputes can be heard in any court rather than only in the jurisdiction at the place of residence. This enables the system to evenly distribute the workload and eliminate the influence of local elites. From 2025, this principle will apply to administrative disputes, giving a plaintiff the right to choose the court institution for the purpose of guaranteed impartiality.

Introduction of 'intelligent assistants' for judges is likely to become the next stage. The 'Judge's Scheduler' module organizes the schedule of hearings and provides up-to-date information on cases. The 'Court Practice' service which utilizes text mining technology, helps to quickly find court documents by keywords. A special module suggests legislative norms, restrictions, and even details such as the type of correctional facility or the amount of compensation when drafting sentences.

The introduction of new technologies does not replace judges, but serves as a support tool. According to European Principles (European Ethical Charter 2018), judges retain the right to reject AI decisions and adjudicate cases in the traditional manner. This strengthens trust in the system and allows Kazakhstan to respond to contemporary challenges by creating fair and accessible justice system for all.

SCOPE AND LIMITATIONS OF THE USE OF ARTIFICIAL INTELLIGENCE IN JUDICIAL PROCEEDINGS

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"The efficiency of judicial ... institutions depend on the knowledge and skills of the personnel working there, the management implemented by leaders at all levels, and the extent to which scientific achievements and modern techniques and technologies are applied."¹

ABSTRACT

This paper does not address the first stage of judicial digitalization, such as e-filing, e-court, and e-case management, but rather focuses on the subsequent stage and the emerging issue of applying artificial intelligence in judicial proceedings. It reviews the research and recommendations have been provided by international scholars regarding the scope and limitations of such use and highlights issues that need to be considered in the context of Mongolia.

KEYWORDS

Judicial proceedings, artificial intelligence, court, judge, judicial process, management.

1. INTRODUCTION

Countries around the world are giving special importance to the digitalization of judicial activities to ensure transparency, openness, accessibility, and timeliness of services for citizens, while guaranteeing that judges conduct judicial proceedings independently and impartially.

This presentation does not focus on **e-filing²**, **e-court³**, or **e-case management⁴** systems — concepts that have already been introduced in the judicial practices of several countries and are now actively discussed and successfully established within this country. Instead, it seeks to briefly examine the relatively new concept of **the use of artificial intelligence (AI) in judicial proceedings**, drawing on the legal regulations and experiences of certain foreign countries, and to highlight key issues that should be considered in the context of our country.

¹ Chimidlkhamb Ganbat. On the Implementation Status of the Strategic Plan of the Judiciary and Future Goals. Judicial Power/Authority 2, 2003, p. 27

² "Electronic Filing" – The process of submitting petitions, complaints, statements, and supporting documents electronically to the authorized institution.

³ "e-court" – A system that uses the digital environment to make the adjudication process faster, more transparent, and accessible by receiving and reviewing complaints, petitions, explanations, and evidence electronically, and allowing participants in the case to take part remotely in the adjudication process.

⁴ "e-case management" – A system for managing, monitoring, and exchanging cases, complaints, petitions, and decisions through a unified electronic platform.

2. GENERAL UNDERSTANDING OF ARTIFICIAL INTELLIGENCE

The origin of the concept of artificial intelligence is closely associated with the renowned English scientist Alan Mathison Turing. However, the specific term "Artificial Intelligence" was first introduced⁵ by Professor John McCarthy during the summer of 1956 at a project meeting and conference held at Dartmouth College in Hanover, New Hampshire, United States. The project team, which included pioneering computer scientists such as Marvin Minsky and Claude Shannon, gathered to explore the possibility of creating machines capable of imitating human intelligence. Since then, artificial intelligence has evolved into machine-based systems⁶ that can make predictions, provide recommendations, and support decision-making within defined human-set objectives, influencing both real and virtual environments. Today, it has matured into an interdisciplinary science⁷ positioned at the intersection of fields such as informatics, cybernetics, neurobiology, and psychology.

In simple terms, artificial intelligence refers to technology that aims to enable computers to perform a wide range of tasks by embedding human-like capabilities—such as data processing, decision-making, problem-solving, language understanding, and learning.

Since artificial intelligence develops optimal recommendations for solving assigned tasks and problems based on analytical studies of data, the type and quality of the data used for training and practicing AI directly determine the quality of its decisions and solutions. Therefore, the "raw material" for AI—data—must be accurate, relevant to the current context, and well-structured to ensure that the outcomes are reliable and meaningful. If the data does not meet these requirements, it must be finetuned to meet the requirements or "cleaned" before use.

Researchers argue that, based on big data⁸ —defined by four main characteristics: volume, variety, velocity, and veracity—this technology is capable of understanding, analysing, and making decisions using multiple algorithms such as machine learning, natural language processing, and deep learning. Research and development are actively underway, from a theoretical perspective, it is projected to evolve through three main stages⁹:

- 5 A general understanding of artificial intelligence can be obtained from: Margaret A. Bodin, *Artificial Intelligence: A Very Brief Introduction* (translated by T. Ariunsanaa), Ulaanbaatar: Nepko, 2021; and Henry A. Kissinger, *The Age of Artificial Intelligence: Humanity's Future* (translated by T. Ariunsanaa), Ulaanbaatar: Nepko, 2025.
- 6 15 USC Ch. 119: National Artificial Intelligence Initiative. <https://uscode.house.gov/view.xhtml?path=/prelim@title15/chapter119&edition=prelim> (Last accessed: 2025.05.03)
- 7 For further details see Lisa Messeri, M. J. Crockett, "Artificial intelligence and illusions of understanding in scientific research", *Nature* 627, 2024, p.49–58. <https://doi.org/10.1038/s41586-024-07146-0> ys. (Last accessed: 2025.05.03)
- 8 Big data is a general term for a large volume of complex information that cannot be processed, analyzed, or managed using traditional methods and techniques. A general understanding of big data can be obtained from: Dawn E. Holmes, *Big Data: A Very Brief Introduction* (translated by T. Ariunsanaa), Ulaanbaatar: Nepko, 2021.
- 9 For further details Michelle Vaccaro, Abdullah Almaatouq, Thomas Malone, "When combinations of humans and AI are useful: A systematic review and meta-analysis", *Nature Human Behaviour* 8, 2024, p.2293–2303 and "Understanding the different types of artificial intelligence", <https://www.ibm.com/think/topics/artifi>

1. Narrow AI – artificial intelligence designed to solve a specific task or problem,
2. General AI – artificial intelligence capable of performing a wide range of intellectual activities similar to humans,
3. Super AI – artificial intelligence surpassing human capabilities in reasoning, learning, judgment, and cognition.

At present, humanity has developed the first type, narrow artificial intelligence, training it to perform human-defined tasks faster, better, or with higher accuracy. It is currently being advanced through three main models:

- Predictive – for forecasting¹⁰,
- Prescriptive – for providing instructions¹¹, and
- Generative – for creating.¹²

Unlike humans, however, artificial intelligence does not fully reveal how it processes the given data or how it has learned. It does not explain its decisions in a human-like way. Since most users can only see the final output and assess performance based on results, many countries have required AI developers to build artificial intelligence with clear limitations: to "encode what must not be done," to "operate only within the scope of the data provided", and to "analyse and make decisions only within the boundaries of the assigned task.

From the devices we use daily—such as laptops, desktop computers, tablets, mobile phones, and even headphones—to software like Google Maps, Google Translate, Facebook, and Instagram, all are based on artificial intelligence. Keeping this in mind, and considering that artificial intelligence can process massive amounts of data in a short time, improve the accuracy of information and analysis, reduce time loss and risks, increase productivity, and save costs, it is becoming increasingly evident day by day that AI has

cial-intelligence-types (Last accessed: 2025.05.03)

- 10 Predictive analytical models are models that use statistical algorithms and machine learning on historical data to identify the general patterns of events that are likely to occur in the future, expressing them numerically, and thereby make projections and predictions. Examples include determining credit risk and detecting suspicious transactions. Vaibhav Kumar, M. L, "Predictive Analytics: A Review of Trends and Techniques", International Journal of Computer Applications. 182. p. 31-37. 10.5120/ijca2018917434. (Last accessed: 2025.05.03)
- 11 This type of artificial intelligence, which aims to assist in making the best course of action and optimal decisions to achieve the desired outcome by considering situational and time constraints in an adaptive manner, uses algorithms that integrate and analyze predictive results. For example, it is widely used in healthcare, climate, and transportation ticketing. Katerina Lepenioti, Alexandros Bousdekitis, Dimitris Apostolou, Gregoris Mentzas, "Prescriptive analytics: Literature review and research challenges", International Journal of Information Management 50, 2020, p.57-70. <https://doi.org/10.1016/j.ijinfomgt.2019.04.003> (Last accessed: 2025.05.03)
- 12 GenAI is a model capable of responding by learning from large volumes of data through complex algorithms and deep learning, in order to create novel content such as text, images, music, video, and computer code, based on user inputs and instructions. Examples include ChatGPT, Siri, Alexa, and Gemini. Cecilia Ka Yuk Chan, Wenjie Hu, "Students' voices on generative AI: perceptions, benefits, and challenges in higher education", International Journal of Educational Technology in Higher Education 20, 2023, p.43 <https://doi.org/10.1186/s41239-023-00411-8> (Last accessed: 2025.05.03)

significant social and economic benefits. Therefore, it is not difficult to understand why countries around the world are paying special attention to artificial intelligence and competing to apply it widely in sectors such as agriculture, climate, health, finance, transportation, and education.

As artificial intelligence rapidly integrates into our daily lives, taking over activities that we once performed with our own intellect—such as processing, organizing, analysing, and making choices—it is, on the one hand, opening new opportunities to accelerate the socio-economic development of nations. On the other hand, researchers conclude¹³ that it is fundamentally transforming human lifestyles and marking the beginning of the Fourth Industrial Revolution.

3. THE USE OF ARTIFICIAL INTELLIGENCE AND JUDICIAL PROCESS

The primary need and requirement for introducing artificial intelligence into daily life is to ease human labour and make decisions and operations faster, more effective, and more optimal.

Once upon a time, in order to enable artificial intelligence to recognize a cat with 95% accuracy, it was necessary to code and input about 100,000 images of cats¹⁴. However, AI has rapidly evolved in a short period of time and is now already being applied in many countries to alleviate the excessive workload of courts, improve the quality and effectiveness of decisions and operations, and, through efficient judicial processes in the shortest possible time, ensure citizens' right to have their cases and disputes resolved fairly and promptly. It is also serving the goal of making judicial operations open, transparent, efficient, and fair to the public.

Current Situation in Mongolia

In Mongolia, the introduction and use of artificial intelligence is still in its early stages. As a technology capable of processing, analysing, and deriving optimal solutions from large and complex datasets that are difficult to handle with traditional methods, through the application of complex algorithms such as machine learning, natural language processing, and deep learning. AI is being introduced and developed mainly in the private sector, particularly in healthcare, banking and finance, marketing and communications, and transportation, rather than within government institutions.

At the national level, there is not yet a unified, standardized dataset specifically designed for AI use that meets all requirements. Therefore, in 2023, the Government of Mongolia decided to "create and introduce a National Big Data Repository¹⁵ aimed at establishing conditions for nationwide integrated

¹³ Klaus Schwab. "The Fourth Industrial Revolution What It Means and How to Respond", <https://www.foreignaffairs.com/world/fourth-industrial-revolution>, "What is Industry 4.0?" <https://www.ibm.com/think/topics/industry-4-0> (Last accessed: 2025.05.03)

¹⁴ "Five years ago, AI was struggling to identify cats. Now it's trying to tackle 5000 species", <https://qz.com/954530/five-years-ago-ai-was-struggling-to-identify-cats-now-its-trying-to-tackle-5000-species>. April 11, 2017 (Last accessed: 2025.05.03)

¹⁵ "On creating a big data repository". <https://legalinfo.mn/mn/detail?lawId=1696041545511> (Last accessed:

data processing, analysis, and use in decision-making, while enhancing transparency and accessibility of information".

As a result, it is now possible to systematically develop and manage data collected by state institutions within their legal mandates—comprising 3 core databases and 152 specialized databases – and to plan and implement big data and AI policies and regulations at the national level in a coherent manner. Within specific sectors, particularly in the operations of the judiciary and law enforcement institutions, the introduction and use of AI is likewise still at the stage of research and experimentation.

For instance, in connection with the legislative amendments adopted by the legislator on **December 17, 2021**, and **June 5, 2024**, to the Criminal Procedure Law, the Civil Procedure Law, and the Administrative Procedure Law – introducing provisions related to the collection, examination during trial, and evaluation of electronic-based evidence – within the scope of research and study, the following international conferences have been organized:

- The Judicial General Council of Mongolia organized the "Digitalization of the Judiciary of Mongolia" International Conference on March 23–24, 2023;
- The German and European Jurisdiction Centre for the School of Law within the National University of Mongolia, organized the International Scientific Conference on "Electronic Judiciary and its Development Trends" on January 28, 2025;
- The University of Internal Affairs of Mongolia organized the International Scientific Conference on "Opportunities and Needs for the Use of Artificial Intelligence in Legal Process" on April 17, 2025;
- The Mongolian Bar Association, the Ministry of Justice and Internal Affairs, the School of Law of the International University of Ulaanbaatar, and the Mongolia-Korea Institute of Law jointly organized the International Scientific Conference on "Artificial Intelligence and Legal System" on May 14, 2025.

As for pilot implementation, the Criminal Investigation Department of the General Police Authority, in cooperation with Chimege Systems LLC, introduced the "Meduuleg AI" system, an AI-based tool for converting interviewee speech into text, starting from January 1, 2025.¹⁶ As a result, the time previously spent on recording statements—about 1–2 hours—has been reduced to 20–40 minutes, saving significant time. Moreover, the statements, along with both audio and video, can now be stored and attached to the case file, creating opportunities for the court to examine and evaluate such evidence.

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16 Ubn.mn. (2025, May 3). The police are using "meduuleg AI," a speech-to-text program, in investigative work. <https://ubn.mn/p/75972> ((Last accessed: 2025.05.03)

In addition, the Traffic Police Department has begun implementing measures to detect traffic violations and impose accountability through an AI-based camera monitoring system.¹⁷ Meanwhile, the Judicial General Council is developing and introducing the "E-Court 2.0" core system, with relevant development work currently underway.

International Trend

Artificial intelligence (AI) is a general concept that represents many different algorithms with distinct functions and characteristics.

Across the world, countries are widely applying AI in the legal field by leveraging its ability to analyse large databases, assess situations, provide evaluations and conclusions, summarize and synthesize complex documents, and even draft legal texts. Specifically, AI is being used to:

- conduct legal research and analysis,
- perform legal translations,
- draft arguments, legal document templates, and summaries,
- determine claim values, check and allocate filings,
- verify the accuracy of cited or referenced sources and evidence in claims and responses,
- identify applicable laws relevant to disputed facts,
- record statements and hearing minutes,
- redact sensitive information in statements, minutes, and court decisions,
- analyze the frequency of similar case decisions issued in the past within a given context, predict the likelihood of possible case outcomes, and propose potential solutions based on analytical conclusions,
- calculate and determine the type and extent of legal liabilities that may be imposed by the court,
- provide legal advice on specific legal issues,
- support mediation and resolve certain types of disputes and cases.

In terms of judicial processes, countries are primarily utilizing AI to improve judicial management, with their future outlooks and ongoing developments are built around common principle that the final decision must be made by a human judge.

For example, in the judicial system of the Federal Republic of Germany,

¹⁷ Delgersaikhan, B. (2025, May 3). Artificial intelligence-based camera surveillance system will realistically reduce traffic accidents and congestion (Last accessed: 2025.05.03)

the Law on the Introduction of Electronic Files and Promotion of Electronic Legal drafts stipulate that, commencing from January 1, 2026, all civil, administrative, social, and criminal proceedings in the country will transition to an electronic file system.¹⁸ Consequently, all submissions to courts—including statements, responses, and evidence – are now being digitized, creating broad opportunities for the use of AI in judicial proceedings.

One example of this is that in the country, it was revealed that automobile manufacturers namely Volkswagen AG and Mercedes-Benz Group AG installed devices in their diesel-propelled vehicles that falsely displayed lower emission levels during diagnostics and testing, leading to thousands of lawsuits. Consequently, the Ministry of Justice of the state of Baden-Württemberg, in cooperation with IBM, developed and introduced into practice an artificial intelligence system named OLGA, designed to distinguish disputes of such common types of disputes from other types of disputes, scrutinise data related to the case, and assist lawyers and judges by quickly preparing the information required for decision-making.

As a result of this "pilot" program, the introduction of artificial intelligence into court management allowed data from multiple sources to be classified by content and type, to identify and compare their similarities and differences, to filter thousands of pages of documents more quickly and accurately, to retrieve relevant information from various documents by using specific search criteria, and to prepare drafts of court documents based on the search results illustrating the possibility to reduce by more than fifty percent the time courts spend on adjudicating certain types of cases.¹⁹

Furthermore, the District Court of Frankfurt in the state of Hessen, in cooperation with IBM, developed an artificial intelligence system called FraUKE (Frankfurter Urteils-Konfigurator Elektronisch) and applied it to adjudicate the most frequent disputes in the district court, cases related to air passengers (on average between 10,000–15,000 cases per year). As a result, it has been able to drastically reduce the time the court previously spent collecting repetitive and duplicative evidence and information, making assessments, and preparing draft decisions in order to resolve a large number of disputes with similar content.

Another example is the People's Republic of China, which has, and since 2016, been actively developing a system called the "smart court", aimed at facilitating judicial operations and enhancing the effectiveness, transparency, and accessibility of decisions.²⁰ By utilizing modern advanced technologies such as information technology,

¹⁸ BGBl.I 2017, 2208. Gesetz zur Einführung der elektronischen Akte in der Justiz und zur weiteren Förderung des elektronischen Rechtsverkehrs. https://www.bgbli.de/xaver/bgbli/start.xav?start=%2F%2F%5B%40atr_id%3D%27bgbli117s2208.pdf%27%5D#/switch/tocPane?_ts=1748840697901 ((Last accessed: 2025.05.03))

¹⁹ OLGA: AI support for the processing of mass trials – CoE CEPEJ – Strasbourg, 04.12.2023. <https://rm.coe.int/ai-de-spoenle-olga/1680adcc6f> ((Last accessed: 2025.05.03))

²⁰ General information about the country's e-courts can be found in the article "Experiences of some foreign countries on e-courts" https://www.judcouncil.mn/site/news_full/10293 Available in Mongolian language. (Last accessed: 2025.05.03)

big data, blockchain, and artificial intelligence, this system seeks to digitize judicial operations, making them transparent, fast, and efficient. The country plans to fully implement the system by 2025²¹, with the expectation that it will play an important role in reforming the judicial system, improving the capacity of judges, and strengthening the rule of law.

Within the framework of the smart court system, Chinese courts have developed and introduced a variety of AI, including "Computer Sentencing," "Netcom Law Chain," "206," and "The Copyright AI Intelligent Review Tool", which are capable of understanding legal terminology and logical reasoning, compiling vast amounts of information, and quickly processing content according to user requirements.

As a result, complex processes that traditionally required significant time, effort, and costs, such as case registration, evidence collection, trial proceedings, and decision-making, are being digitized. This ensures that case investigations, trials, and decisions are open, transparent, and fair to the public, while also guaranteeing citizens the right to have their cases adjudicated fairly in court, regardless of geographical location.²²

According to the Supreme People's Court of the People's Republic of China, by introducing the smart court system nationwide, the country has enabled:

- the electronic submission of complaints, claims, responses, and evidence, as well as participation in court hearings,
- the use of blockchain technology to digitally register and store evidence, and to prevent alterations or forgeries of such information,
- the resolution of certain types of disputes, such as those related to e-commerce, through artificial intelligence,
- the identification of case and claim types via the "Smart Case Registration" system, which also suggests applicable legal norms and acts and precedents of similar disputes previously decided by courts,
- the automatic registration and centralized monitoring of judicial decisions, which are viewed as not only easing the workload of judges and judicial administrative staff and reducing the overall judicial burden, but also as saving citizens' time and costs associated with attending court, submitting explanations, and providing testimony, who are seeking to resolve their cases and disputes in

²¹ Chinese courts must implement AI system by 2025. https://english.court.gov.cn/2022-12/12/c_1053712.htm (Last accessed: 2025.05.03)

²² For further details Changqing Shi, Tania Sourdin and Bin Li, "The Smart Court – A New Pathway to Justice in China?" (2021) 12(1) International Journal for Court Administration 4. <https://doi.org/10.36745/ijca.367> болон Wanqiang Wu, Xifen Lin. "Access to technology, access to justice: China's artificial intelligence application in criminal proceedings", For further details, see <https://doi.org/10.1016/j.ijlcj.2025.100741>. (Last accessed: 2025.05.03)

court. Furthermore, with the assistance of artificial intelligence, it will provide the opportunity to resolve disputes quickly and efficiently, thereby bringing judicial services closer to citizens, making them more accessible, and increasing public trust and confidence in the courts by ensuring transparency and openness of information.²³

In the meantime, China established the Hangzhou Internet Court in Hangzhou in 2017, which has jurisdiction to adjudicate civil administrative cases and disputes related to e-commerce, intellectual property, and internet services, making it the first court of its kind in the world. Today, such fully digital courts operate in Beijing, the capital city, Hangzhou of Zhejiang Province, and Guangzhou of Guangdong Province, meanwhile there are one internet tribunal each in Chengdu of Sichuan Province, Suzhou of Jiangsu Province, and Changchun of Jilin Province.

Compared to the Civil Resolution Tribunal in British Columbia, Canada, and the Online Dispute Resolution (ODR) systems used in U.S. states such as California and New York, this internet court is structurally independent, operates in a fully digitalized manner, and employs sophisticated artificial intelligence and blockchain technologies, functioning 24 hours a day, 7 days a week.

As exemplified above, in order to improve judicial management, countries have been developing and introducing into judicial processes various types of artificial intelligence, such as COMPAS²⁴, ASS²⁵, and ASR²⁶, tailored to their specific national contexts. Since it is not possible to list all of them here, let us briefly review the recommendations provided by international policymakers and researchers regarding the introduction and use of artificial intelligence in judicial proceedings.

4. CERTAIN ISSUES TO CONSIDER IN THE USE OF ARTIFICIAL INTELLIGENCE IN JUDICIAL PROCEEDINGS

The development of artificial intelligence (AI) in the legal field can be traced back to Professor L. Thorne McCarty's 1977 project, TAXMAN I, which sought to apply certain basic AI techniques to corporate tax law in order to generate legal interpretations and reasoning²⁷. From the mid-2010s onward,

²³ China launches artificial intelligence platform to boost judicial efficiency. https://english.court.gov.cn/2024-12/05/c_1050751.htm (Last accessed: 2025.05.03)

²⁴ COMPAS (Correctional Offender Management Profiling for Alternative Sanctions) is an artificial intelligence based criminal risk assessment program used in the United States. This system is applied to evaluate the risk of reoffending of a suspect, as well as to generate information that helps judges determine appropriate punishment to be imposed.

²⁵ ASS (Automated System for Sentencing) is an artificial intelligence program used in the courts of Singapore to support judicial decision-making. After entering the basic data of a case (such as the circumstances and type of crime), the AI analyses previous court decisions for similar cases and suggests the appropriate type and level of sentence for the case.

²⁶ ASR (Automated Speech Recognition System) is an artificial intelligence-based system used in the courts of the Republic of Estonia to electronically record court proceedings.

²⁷ The "Cognitive Theory of Legal Argument" developed by L. Thorne McCarty can be further explored in his article The Taxman Project: Towards a Cognitive Theory of Legal Argument, published in Bryan Niblett (eds.), Computer Science and Law. Cambridge: Cambridge University Press, 1980, p. 23.

with the advancement of technologies such as big data, deep learning, natural language processing (NLP), and predictive analytics, AI has been increasingly applied in areas such as legal analysis, prediction, and process simplification.

In particular, since OpenAI publicly released ChatGPT-3.5 on November 30, 2022, an AI program capable of responding to user questions in text form and engaging in dialogue, the process of introducing and using AI in judicial proceedings has accelerated in many countries, including the United States and the United Kingdom. AI systems such as ChatGPT, Claude, and Gemini, which generate information, are now being widely applied in providing legal advice, conducting legal analysis, drafting documents, and automating judicial processes. Consequently, this emerging technology, rapidly being adopted and used in the legal field, has also become the subject of intensive academic study to examine its impacts. As evidence of this, more than 3,000 research articles related to the use of AI in judicial processes have been published on digital platforms such as Web of Science, ResearchGate, and ScienceDirect over the past three years.

As a presenter, based on the studies, reports, and recommendations I have read and reviewed, I will provide an overview of the main issues that international researchers have identified as particularly important to consider when introducing AI into judicial proceedings.

4.1 On Transparency, Acceptability, and Public Trust

In the early stages, artificial intelligence was developed by coding into algorithms the views, norms, and standards that people considered proper, ethical, and just. Today, however, most AI systems in use are based on machine learning methods, meaning that they learn independently by themselves. Although developers monitor the outcomes produced by these systems, it remains unclear exactly what and how they have learned, and they do not explain why a particular decision was made. For this reason, researchers often refer to them as "black boxes."²⁸

This very "unknown" characteristic may create difficulties in its application to the judicial process, which is required to follow a procedure specifically established by law, to explain in the legality and justification of the decisions made a transparent and clear manner and to negatively affect the transparency and acceptability of judicial decisions.²⁹

Therefore, a number of documents such as UNESCO's Recommendation on the Use of Artificial Intelligence in Judicial and Dispute Resolution Systems

²⁸ Le Cheng, Xiuli Liu, "Unravelling Power of the Unseen: Towards an Interdisciplinary Synthesis of Generative AI Regulation", International Journal of Digital Law and Governance. 1. 10.1515/ijdlg-2024-0008 (Last accessed: 2025.05.03)

²⁹ John Morison, Tomás McInerney, "When Should a Computer Decide? Judicial Decision-Making in the Age of Automation, Algorithms and Generative Artificial Intelligence" (February 12, 2024). Research Handbook on Judging and the Judiciary (Elgar-Routledge, Law and Society Series) S. Turenne and M. Moussa Eds., Available at SSRN: <https://ssrn.com/abstract=4723280> (Last accessed: 2025.05.03)

(Section 1.13³⁰), The Council of Europe's CEPEJ European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and Their Environment (Core Principle 5³¹), The U.S. Federal Judicial Centre's Introduction to Artificial Intelligence for Federal Judges,³² The Canadian Judicial Council's Use of Artificial Intelligence in Canadian Courts (Recommendation 2³³), and The Supreme People's Court of China's Opinions on Regulating and Strengthening the Application of Artificial Intelligence in the Judicial Field (General Principle 5³⁴) emphasize that the use of AI in judicial processes must remain under human involvement and oversight, in order to protect human rights and safeguard judicial independence and the impartiality of judges. All of these highlight that the final judicial decision must remain the responsibility of the human judge, while AI should be used only as a supportive tool in judicial activities.

4.2 On Fairness, Non-Discrimination, and the Explanation of Judicial Precedent

The use of artificial intelligence in legal proceedings can increase the effectiveness, speed, and consistency of judicial decisions and processes. However, this advantage largely depends on the quality of the data on which the AI is trained, as well as the adjustments made by its developers. This is because artificial intelligence does not think like a human being. Also, to achieve the goals set, it works in ways different from humans and does not take into account the culture or mindset of a particular country.

If the training data is biased or "outdated," the AI tends to amplify such distortions during its self-learning process.³⁵

Therefore, once AI is deployed, it will take time for it to detect, correct and control hidden and implicitly encoded discrimination and injustice related to race, age, gender, religion, or social origin.³⁶

Thus, when using artificial intelligence in judicial proceedings, constant attention must be paid to ensuring fairness. It is also noted that, in training,

30 Draft guidelines for the use of AI systems in courts and tribunals. <https://unesdoc.unesco.org/ark:/48223/pf0000393682> (Сүүлд үзсэн: 2025.05.03)

31 European ethical Charter on the use of Artificial Intelligence in judicial systems and their environment. <https://www.europarl.europa.eu/cmsdata/196205/COUNCIL%20OF%20EUROPE%20-%20European%20Ethical%20Charter%20on%20the%20use%20of%20AI%20in%20judicial%20systems.pdf> (Last accessed: 2025.05.03)

32 An Introduction to Artificial Intelligence for Federal Judge. https://www.fjc.gov/sites/default/files/materials/47/An_Introduction_to_Artificial_Intelligence_for_Federal_Judges.pdf (Last accessed: 2025.05.03)

33 Guidelines for the Use of Artificial Intelligence in Canadian Courts. <https://cjc-ccm.ca/sites/default/files/documents/2024/AI%20Guidelines%20-%20FINAL%20-%202024-09%20-%20EN.pdf> (Last accessed: 2025.05.03)

34 The Supreme People's Court the Opinions on Regulating and Strengthening the Applications of Artificial Intelligence in the Judicial Fields (2022) <https://www.chinajusticeobserver.com/law/x/the-supreme-people-s-court-the-opinions-on-regulating-and-strengthening-the-applications-of-artificial-intelligence-in-the-judicial-field-20221208> (Last accessed: 2025.05.03)

35 Luciano Floridi, Josh Cowls, (2019). "A Unified Framework of Five Principles for AI in Society", Harvard Data Science Review. 10.1162/99608f92.8cd550d1 (Last accessed: 2025.05.03)

36 S.Wachter, B.D. Mittelstadt, C. Russell, (2020). "Why Fairness Cannot Be Automated: Bridging the Gap Between EU Non-Discrimination Law and AI", ArXiv, abs/2005.05906 (Last accessed: 2025.05.03)

testing, and deploying AI, it is necessary to use diverse datasets and to regularly monitor ³⁷whether the data used and the judicial precedents applied can adequately evaluate the complex legal conditions, social values, individual rights, and the unique characteristics of each disputed case.

4.3 The Issue of Data Quality and Misinformation

As mentioned earlier, the outcomes of artificial intelligence directed toward specific objectives largely depend on the quality of the data used to train the system. If non-legal content data is used in training AI, then the responses it generates may rely on such non-legal sources. Where the legal norms and judicial precedents used to train AI historically favoured certain populations, social, or economic groups, or contained incomplete, erroneous, misleading, or outdated information, the AI system tends to inherit these biases from the data and further amplify distortions. This was clearly identified in external audits conducted on AI applications such as COMPAS.

Furthermore, current widely used AI systems operate on algorithms known as LLMs (large language models, AI technologies that generate text based on large datasets), which do not focus on the "truthfulness or accuracy" of data and statements, but rather predict, through statistical and algorithmic methods, the most probable sequence of words based on frequency.³⁸ This makes it possible for them to generate false or misleading narratives and fabricated information. It is becoming clear that in addition to the issue of whether the data meets quality requirements, attention needs to also be paid to how such qualified data is processed.³⁹

Therefore, when using information obtained with the help of AI in judicial proceedings, it is necessary to carefully verify its accuracy, particularly when AI is used to prepare evidence, conduct legal analysis, and draft judicial decisions or legal documents. Such results must be scrutinized from both ethical and legal perspectives.⁴⁰

4.4 Professional and Legal Liability

Another issue arising from the use of artificial intelligence in legal processes, particularly in judicial decision-making, concerns liability when data processed with the help of AI contains defects. Should such liability fall on the developer of the AI, or on the user—the judge? Or should the liable party differ depending on the stage of the process at which the defect occurred? Clarifying this question is crucial in determining the future of AI in judicial proceedings.

³⁷ Gutiérrez JD, "Critical appraisal of large language models in judicial decision-making", *Handbook on Public Policy and Artificial Intelligence*. Cheltenham, UK: Edward Elgar Publishing, 2024. P.337.

³⁸ Way Chan, Jeffrey Foster, Linda Henkel, (2024). "Large language models (LLMs) and the institutionalization of misinformation", *Trends in Cognitive Sciences*. 28. 10.1016/j.tics.2024.08.007 (Last accessed: 2025.05.03)

³⁹ Henry A. Kissenger, Previous quote 5, p.93.

⁴⁰ Courts of New Zealand, Guidelines for Use of Generative Artificial Intelligence in Courts and Tribunals. <https://www.courtsofnz.govt.nz/assets/6-Going-to-Court/practice-directions/practice-guidelines/all-benches/20231207-GenAI-Guidelines-Judicial.pdf> (Last accessed: 2025.05.03)

The absence of a clearly identified party responsible for errors or defects occurring during judicial proceedings, on the one hand, increases the likelihood that judicial operations and decisions will contain substantive and procedural legal errors; on the other hand, it risks undermining and eroding public trust in justice, the law, and the judicial system.

Therefore, the section 1.12 of UNESCO's Recommendation on the Use of Artificial Intelligence in the Judiciary and Dispute Resolution Mechanisms advises that whenever AI is used in judicial processes, it is necessary to ensure accountability by regularly informing and reporting on why and how AI was introduced and what outcomes were achieved (or not achieved). Furthermore, the use of AI should remain at the discretion of the judge, and any party whose rights or interests are affected as a result of outcomes generated by AI should be guaranteed the right to challenge such outcomes, as well as any decisions based upon them, by demanding verification of their validity.

4.5 Issues Related to Data Protection

Since artificial intelligence operates on big data, characterized by four main features: volume, variety, velocity, and veracity—the issue of data protection has in recent years become one of the key topics of international concern.

In particular, when AI is used in judicial processes for purposes such as conducting legal research and calculations, keeping records, drafting court decisions and legal documents, estimating sentences and liabilities, and performing statistical analyses, it involves training on large datasets that may contain personal and sensitive information. Therefore, it is imperative, both legally and ethically, to establish standards for ensuring the security of such data, to exercise oversight, and to regularly monitor and update the databases used in AI training.

4.6 Judicial Independence

The use of artificial intelligence in judicial proceedings has sparked active international discussions on its impact on human rights, fairness, and judicial independence. This is because, at present, it is not possible to fully automate all processes and stages of judicial proceedings.⁴¹

Most AI systems commonly applied in judicial processes are trained on past court precedents. Moreover, the algorithms used often fail to provide a clear and transparent explanation of why a particular conclusion or response was reached. Researchers note that this lack of clarity may negatively affect the jurisdiction, independence of the judiciary to decide each case or dispute by considering the specifics and characteristics of the case⁴², and the right of

⁴¹ Christopher Markou, Simon Deakin. "Ex Machina Lex: Exploring the Limits of Legal Computability", Simon Deakin and Christopher Markou ed., *Is Law Computable? Critical Perspectives on Law and Artificial Intelligence*. Hart publishing, New York. 2020.p.33

⁴² Richard M. Re, Alicia Solow-Niederman, "Developing Artificially Intelligent Justice" 22 Stanford Technology Law Review 242 (2019), UCLA School of Law, Public Law Research Paper No. 19-16, Available at SSRN: <https://ssrn.com/abstract=3390854> (Last accessed: 2025.05.03)

individuals to have their disputes resolved fairly.

For this reason, it is emphasized that the integration of AI into judicial proceedings must ensure transparency, prevent courts and judges from becoming overly reliant on technology, and clearly identify accountability at each stage of the judicial process, thereby safeguarding the judge's authority and control over the final decision-making power.

4.7 Issues Related to Ensuring the Right of Access to Justice

With the introduction of machine learning algorithms in the private sector, operational costs have decreased, and efficiency has improved. As a result, many countries around the world have begun integrating such AI systems into the public sector also, particularly to carry out routine administrative tasks and enhance performance. Nevertheless, it must be noted that the promised benefits of these algorithms can only be realized if public officials apply artificial intelligence in their work with a high degree of awareness and caution.⁴³

In particular, the fundamental purpose of judicial proceedings goes beyond merely reducing costs and increasing economic efficiency, it is much broader, as it is directed at establishing law and justice in society in both formal and substantive terms. Therefore, assessing the impact of AI solely from the standpoint of economic efficiency would be inadequate.

Researchers note that⁴⁴ the introduction of AI into judicial proceedings may have both macro- and micro-level impacts on citizens' right of access to justice. Specifically, at the macro level, countries with stronger economies are more likely to successfully utilize AI by ensuring internet accessibility, the scale, accuracy, and security of databases, as well as by developing human resources and building the population's capacity to use AI, thereby securing citizens' access to justice. By contrast, countries with weaker economies may face substantial challenges, as they would be required to spend significant resources to ensure data quality and security, to monitor the use of AI, and to develop technologies compatible with their legal systems, while also suffering losses due to shortages in skilled personnel and limited technical literacy and access among the population.

At the micro level, economically advantaged groups of the population would have greater opportunities to use AI to protect their rights and interests. This could, however, create conditions that undermine the impartiality, equality, and accessibility of the judiciary. Therefore, it is recommended that the potential impacts of AI on judicial proceedings be realistically assessed at both macro and micro levels, and that its integration into practice should

⁴³ Steven M. Appel, Coglianese Cary, "Algorithmic Administrative Justice", Marc Hertogh, and others (eds), *The Oxford Handbook of Administrative Justice*, Oxford Handbooks. Oxford University Press. New York. 2022. P.496

⁴⁴ Socol de la Osa DU, Remolina N. "Artificial intelligence at the bench: Legal and ethical challenges of informing—or misinforming—judicial decision-making through generative AI", *Data & Policy*. 2024;6: e59. doi:10.1017/dap.2024.53 <div></div> (Last accessed: 2025.05.03)

proceed in a gradual and phased manner.

5. CONCLUSION

At one time, in order for artificial intelligence to be able to recognize a cat with 95% accuracy, it was necessary to code about 100,000 images of cats. Since then, AI has rapidly advanced in a short period of time and is now already being applied in many countries to ease excessive judicial workloads, improve the quality and efficiency of decisions and operations, and ensure citizens' right to have their cases and disputes resolved fairly through efficient judicial processes in the shortest possible time.

In conclusion, within the scope of this report, countries that have introduced and utilized AI in judicial proceedings are predominantly developing it in the areas of legal research and analysis, drafting of legal documents, and improving court management.

From the presenter's perspective, although the introduction and use of AI in Mongolia is still at an early stage, its integration into judicial proceedings is only a matter of time.

Therefore, in order to accelerate this process and keep pace with global development trends, it is necessary to intensify the ongoing digitization of the judiciary (e-filing, e-court, and e-case management), to give due importance and attention to the quality and accuracy of data from now on, and to thoroughly study the legislation and practical implementation of foreign countries that have already introduced and applied AI in judicial proceedings. By learning from their mistakes and creatively adapting their successful practices tailored to the local context, it is deemed that it is possible to implement judicial digitization successfully within a relatively short period of time.

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PLENARY SESSION 4.
CYBER SECURITY ISSUES IN COURTS

CYBERSECURITY WITHIN THE JUDICIAL INFORMATION SYSTEM OF THE REPUBLIC OF MOLDOVA: CHALLENGES, GOOD PRACTICES, AND RECOMMENDATIONS

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ABSTRACT

The digitalization of justice in the Republic of Moldova aims to improve efficiency, transparency, and public trust through the Judicial Information System (JIS). Comprising integrated case management, electronic case files, a national court portal, and digital hearings, the JIS modernizes judicial processes but simultaneously increases exposure to cybersecurity risks. Although reported incidents declined between 2023 and 2024, emerging threats such as AI-driven phishing and adaptive malware require continuous adaptation. Drawing on international cases, this article examines key cybersecurity challenges, evaluates existing mitigation measures, and proposes strategic recommendations to enhance the resilience of Moldova's judicial digital infrastructure in line with global good practices.

1. INTRODUCTION

The digitalization of justice is no longer an option limited to states with advanced technological infrastructure; rather, it has become an essential prerequisite for any judicial system seeking operational efficiency, decision-making transparency, and the consolidation of public trust (Serrano Iova, 2025). In an era defined by global interconnectivity and structural dependence on digital infrastructures, the way courts manage data, judicial processes, and citizen interaction has emerged as a fundamental indicator of democratic governance quality (DCAF, 2020).

In the Republic of Moldova, the digitalization of justice is driven simultaneously by domestic imperatives and international obligations. Domestically, the need lies in combating corruption, reducing opportunities for undue influence in case allocation, enhancing transparency in judicial proceedings, and optimizing workflows to alleviate administrative burdens on judges and auxiliary staff (Turcanu et al., 2021). Internationally, commitments under the Association Agreement with the European Union and cooperation with the Council of Europe necessitate administrative modernization and alignment with European standards on data security and digital governance (EEAS, 2023).

The Judicial Information System (JIS) constitutes the central pillar of this transformation, with clear strategic objectives: the automation of judicial processes from case registration and randomized distribution to the automated generation of statistics and reports; the centralization and

standardization of databases; and the establishment of a secure, resilient digital infrastructure aligned with international security requirements (DAI Global Digital, 2024).

The JIS of the Republic of Moldova consists of four primary components:

Integrated Case Management Program (PIGD): a unified application for automated documentation, recordkeeping, and monitoring of electronic case management and other procedural materials issued by or submitted to courts.

e-Judicial File Solution (SI e-DJ): an advanced digital platform for creating and managing electronic case files accessible to parties. It enables electronic filing of claims and the electronic distribution of case materials.

National Court Portal (PNIJ): a comprehensive system providing a single access point to information regarding all courts, thereby sustaining a virtual environment for communication between citizens and the judiciary. The PNIJ contains court lists, agendas, rulings, summonses, judicial practice, and other case-related information, published in accordance with legislation.

Judicial Hearings IT Solution (SlaS): an application for videoconferencing, as well as audio/video recording of court hearings through specialized equipment and software, approved under Government Decision No. 593 (2017). The principal objective of SlaS is to enhance the technical and informational quality of judicial proceedings, ensuring transparency and public access to justice.

Nevertheless, digitalization amplifies cybersecurity risks. The interconnection of courts, remote access, and integration with other governmental platforms creates additional attack surfaces, while reliance on digital infrastructure increases the potential impact of security incidents (Ciobanu, 2020). Official statistics reveal a decline in reported incidents, from 601 in 2023 to 320 in 2024, reflecting the effectiveness of measures such as strengthened security policies, infrastructure upgrades, and personnel training (CSM, 2024). However, emerging threats, including the use of artificial intelligence in sophisticated phishing attacks, adaptive malware, and critical infrastructure compromise, necessitate continuous adaptation of security architectures (Nott, 2025).

International experiences, such as the partial compromise of the U.S. PACER system in 2025 (Politico, 2025) and the 2023 cyberattack on the International Criminal Court (Voelkerrechtsblog, 2025), illustrate that digitalized justice systems represent both a strategic asset and a critical vulnerability. Against this backdrop, the present study seeks to address three core questions:

- What are the principal cybersecurity challenges facing the JIS?
- Which mechanisms and policies currently mitigate the risk of cyberattacks?

- How can the resilience of judicial information infrastructures be enhanced in line with international good practices?

2. THEORETICAL AND LEGISLATIVE FRAMEWORK

Cybersecurity, in its narrow sense, can be defined as the set of technical, organizational, legal, and procedural measures designed to protect information systems and the data they handle from unauthorized access, breaches of integrity, loss of availability, and falsification of data origin.

In both doctrine and international practice, the field rests on four cardinal principles: confidentiality (data access is restricted to authorized entities), integrity (ensuring accuracy and completeness of data), availability (guaranteeing access to data and services when required), and non-repudiation (preventing denial of actions performed or communications transmitted) (Becher & Torka, 2024). Within the judicial context, these principles extend beyond their technical dimension, acquiring a profound legal significance, as their compromise may directly undermine the right to a fair trial, the principle of transparency, and public trust in justice.

The importance of these principles is heightened by the sensitive nature of judicial data. Electronic case files may contain personal data of a sensitive nature, information on ongoing criminal investigations, digital evidence, financial records, or materials subject to professional confidentiality. Any cyber incident affecting these resources generates not only technical repercussions but also procedural and reputational consequences, potentially calling into question the validity of judicial acts (Kulothungan, 2025; Nott, 2025). Accordingly, in the judicial sector, cybersecurity is inseparable from the protection of fundamental rights and from adherence to constitutional principles of separation of powers and judicial independence.

In the Republic of Moldova, the current legislative framework is structured around Law No. 175/2023 on Cybersecurity, which partially transposes the provisions of Directive (EU) 2016/1148 (NIS Directive) and Directive (EU) 2022/2555 (NIS2 Directive) concerning measures for a high common level of security of network and information systems (EEAS, 2023). The law imposes explicit obligations on public authorities, including courts, in identifying and classifying critical infrastructures, reporting cyber incidents, and implementing preventive measures. It also establishes a sanctioning framework for non-compliance, thus marking a significant step toward enhancing institutional accountability.

This legislation is complemented by data protection regulations, partially harmonized with Regulation (EU) 2016/679 (GDPR), by Law No. 71/2007 on State Registers, and by regulations governing the interoperability of public systems. These introduce additional technical and organizational requirements for lawful and secure data processing, including mandatory data protection impact assessments for judicial information systems (DAI Global Digital, 2024).

At the level of technical standardization, Moldovan authorities have acknowledged the relevance of ISO/IEC 27001 as the international standard for information security management and the NIST Cybersecurity Framework (CSF), which outlines a cyclical model of risk management based on five functions: identification, protection, detection, response, and recovery. In line with paragraph 46 of Government Decision No. 593 of July 24, 2017, approving the Technical Concept of the Judicial Information System, information security is to be ensured by the owner, holder, and technical operator, in accordance with ISO/IEC 27001:2006 and ISO/IEC 27002:2008 standards. The Decision further emphasizes that the Judicial Information System is a hard and software product fully compliant with user requirements, including information security. To guarantee security at the techno-logical infrastructure level, periodic security audits are mandated in cooperation with the system owner and holder.

In practice, each court develops an internal cybersecurity and data protection policy aligned with both the national policy framework and the sectoral policy governing the Judicial Information System. Internal court policies are operationalized through internal regulations, risk-based internal managerial control, annual action plans, and strategic development plans.

An analysis of the theoretical and legislative framework thus indicates that, while the Republic of Moldova has made substantial progress in aligning with European and international standards, persistent shortcomings in application, monitoring, and strategic integration maintain the overall level of cyber risk at a medium-to-high threshold. Reducing this risk requires a shift from a predominantly formal-normative approach to an operationally integrated one, in which the legislative framework, internal procedures, and technical infrastructure are developed and assessed in synchronization, drawing upon international best practices.

3. METHODOLOGY

This study employs a qualitative, descriptive-analytical methodology designed to examine the current state of cybersecurity within the Judicial Information System (JIS) of the Republic of Moldova and to identify critical areas requiring improvement. This approach is justified by the specificity of the field under analysis, where the technological, normative, and institutional dimensions are inseparable, and causal relationships cannot be reduced to isolated quantitative indicators.

The empirical foundation of the research rests primarily on a documentary analysis of official reports produced by the Superior Council of Magistracy and the Agency for Digitalization in Justice and Judicial Administration. These sources provide key data and evaluations regarding the infrastructure, architecture, and cybersecurity policies applied to the judicial system. They were complemented with official statistics on reported cyber incidents in 2023 and 2024, which enabled the identification of recurring attack vectors and the assessment of operational impacts on courts.

To broaden this base, the study conducted a critical review of national and international academic literature, including peer-reviewed articles, reports by international organizations (DCAF, 2020; DAI Global Digital, 2024), and comparative studies on judicial infrastructure security in other jurisdictions, such as the United States and international courts (Voelkerrechtsblog, 2025; Politico, 2025). This step situated Moldova's experience within a comparative framework, highlighting both best practices and emerging risks in the global cybersecurity ecosystem.

Methodologically, the study applied comparative analysis to evaluate the extent to which Moldova's national legal framework aligns with established international standards, such as ISO/IEC 27001 and the NIST Cybersecurity Framework (CSF), while identifying potential gaps or incompatibilities (EEAS, 2023).

A central methodological component involved legal interpretation of the relevant legislative provisions, with particular attention to the relationship between legal requirements and the technical measures implemented in practice. This approach made it possible to identify dysfunctions resulting either from legislative ambiguities or from gaps between imposed standards and institutional implementation capacities.

Finally, the analysis followed a corroborative and triangulated strategy, in which findings from official sources were validated and enriched through comparison with secondary literature and independent assessments by international cybersecurity governance experts. This strengthened the robustness of the conclusions and ensured that the recommendations integrate both strategic perspectives and operational as well as policy requirements.

The chosen methodology moves beyond a descriptive account of the existing framework. Instead, it integrates technical, legal, and organizational dimensions into a systemic analysis capable of revealing critical interdependencies and providing a solid basis for future decision-making on judicial cybersecurity in the Republic of Moldova.

4. ANALYSIS OF THE JUDICIAL INFORMATION SYSTEM (JIS). LEGAL PERSPECTIVE

The Judicial Information System (JIS) of the Republic of Moldova constitutes the essential digital infrastructure for judicial proceedings, playing a decisive role in safeguarding the constitutional principles of free access to justice, the right to a fair trial, and judicial transparency (Constitution of the Republic of Moldova, arts. 20, 21). By design, JIS integrates critical functions that extend beyond the technical administration of case files; it also serves as a mechanism for fulfilling state obligations under international instruments, including Article 6 of the European Convention on Human Rights (Council of Europe, 1950).

The JIS architecture is built around a central server hub administered

by the Agency for Digitalization in Justice and Judicial Administration, whose responsibilities are defined by the 2023 Cybersecurity Law and Law No. 220/2007 on State Registers and Records. This central hub ensures interoperability with all courts from local tribunals to the Supreme Court of Justice through encrypted end-to-end protocols designed to prevent interception and alteration of case data in transit. From a legal standpoint, protecting these data flows is not merely a technical necessity but also a statutory obligation under the Law on Personal Data Protection No. 133/2011, which requires adequate measures to secure confidentiality and integrity.

The centralization of judicial data within JIS reduces informational fragmentation and facilitates the unification of judicial practice. However, it simultaneously raises the risk of a single point of failure, where a successful cyberattack could compromise not only data availability but also the continuity of judicial proceedings. The legal consequences could be severe: nullification of electronic evidence, adjournment or suspension of hearings, violations of procedural deadlines under the Civil and Criminal Procedure Codes, and impairment of the principle of procedural celerity.

A particularly important component is the mechanism of random case allocation, regulated by the Superior Council of Magistracy. Operated through certified algorithms, this system is designed to guarantee judicial impartiality and prevent undue interference. Its integrity is safeguarded through cybersecurity measures; yet, any compromise of the source code or unauthorized access to algorithmic logic could generate legitimate suspicions of bias, gravely undermining public trust in justice and exposing the state to domestic and international litigation.

Operationally, JIS is interconnected with other government systems, including the State Population Register and the databases of the Ministry of Internal Affairs. While this interoperability enhances procedural efficiency, it also imposes additional obligations to comply with the principle of data minimization and strict access control, as required under GDPR and national law. A breach in any partner system could trigger direct legal liability for judicial institutions, including administrative sanctions by the National Center for Personal Data Protection.

Furthermore, user activity logs and audit trails within JIS carry significant evidentiary weight and may be used in disciplinary or criminal proceedings against personnel who violate established protocols. By law, such logs must be preserved and secured in a manner that guarantees their authenticity and integrity, ensuring their admissibility as evidence in court.

A comprehensive legal analysis of JIS cannot overlook the human factor. The level of digital literacy among staff, compliance with internal security protocols, and the organizational culture of courts directly affect cyber resilience. Without continuous juridical-technical training programs, the risk of human error remains high, and incidents can have disproportionate legal consequences compared to their initial technical cause.

5. CHALLENGES AND VULNERABILITIES

Currently, the Judicial Information System (JIS) undergoes annual audits conducted by specialists from the Information Technology and Cybersecurity Service, contracted by the Agency for Digitalization in Justice and Judicial Administration. These audits cover software updates for court information systems and conclude with recommendations for additional IT resources (programs, computers, servers). Such recommendations are incorporated into the annual procurement plans of the courts. Beyond audits, the Cybersecurity Service also provides real-time assistance in resolving security incidents, upon request, typically via electronic communication.

A persistent shortage of specialized personnel in cybersecurity constitutes a critical vulnerability. At the level of individual courts, either no cybersecurity or JIS management positions are included in staffing structures, or existing positions remain unfilled. This shortage manifests not only in technical expertise but also in the legal interpretation of cyber incidents, undermining the handling of digital evidence and the correct application of procedural rules.

The Integrated Case Management Program (PIGD) currently allows the identification of any action performed within the system, including the executor and the timestamp. These actions may be tracked by operational staff and local PIGD managers, while broader auditing and oversight functions rest with the Cybersecurity Service, the Agency for Digitalization in Justice, and judicial inspectors of the Superior Council of Magistracy.

Equally important is the issue of cultural and institutional resistance to digital transformation. In many courts, reluctance persists toward fully adopting digital procedures, either due to skepticism regarding their security or adherence to traditional workflows. Analytically, this resistance reflects a problem of institutional governance and leadership, hindering the consistent enforcement of cybersecurity policies. In a context where cyber threats are rapidly evolving including through the use of artificial intelligence in increasingly sophisticated and hard-to-detect attacks, the persistence of outdated practices amounts to deliberate exposure to risk.

At the national and local levels, the Superior Council of Magistracy and the Agency for Digitalization in Justice actively promote online access to judicial services. These efforts increase transparency, accessibility, and public trust. Locally, courts have established consultative councils that include representatives of the judiciary, legal professions, civil society, and the media. These forums promote digital solutions, address problems collaboratively, and facilitate dialogue with service beneficiaries.

The challenges identified are interdependent rather than isolated. For instance, the absence of regular testing exacerbates the shortage of qualified staff, while institutional resistance delays the deployment of real-time monitoring systems. Without a coherent, integrated strategy that addresses

these vulnerabilities simultaneously, the JIS risks systemic incidents that could undermine the overall functioning of justice in the Republic of Moldova.

6. CRITICAL DISCUSSIONS

The findings of this study demonstrate that cybersecurity within the Judicial Information System (JIS) of the Republic of Moldova lies at the intersection of technical requirements, institutional constraints, and legal imperatives. In relation to the first research question, what are the main cybersecurity challenges within JIS? The analysis revealed a series of structural, operational, and cultural vulnerabilities. The shortage of specialized personnel in judicial cybersecurity at the court level produces a significant gap between the desired level of resilience and the actual capacity for implementation. At the same time, persistent institutional resistance to the adoption of standardized digital procedures reflects an organizational culture in which technological innovation is perceived less as an optimization tool and more as a source of risk.

Regarding the second research question, which mechanisms and policies currently reduce the risk of cyberattacks, the study confirms that JIS operates within a relatively coherent techno-legal framework. The 2023 Cybersecurity Law, harmonized with European directives, provides a solid legal foundation, while the adoption of ISO/IEC 27001 and the NIST Cybersecurity Framework (CSF) establishes a clear strategic direction (EEAS, 2023). Nevertheless, disparities remain in the ability of courts to fully apply these standards. While audit mechanisms exist and recommendations are systematically issued, their effectiveness depends on the consistency of system updates, the robustness of incident-response processes, and the integration of external threat intelligence into judicial cybersecurity practices.

Concerning the third research question, how can judicial IT resilience be improved in line with international standards and best practices the study points toward a multi-layered approach. At the operational level, establishing a dedicated judicial cybersecurity unit within the Agency for Digitalization in Justice could consolidate expertise and enable faster responses to incidents, building upon the existing functions of the national Cybersecurity and IT Service.

A central theme of the discussion is the transformation of organizational culture within courts. Despite advanced technical infrastructure, real resilience remains heavily dependent on the human factor. Documented incidents from 2023, in which human error facilitated the compromise of judicial data, underscore the need for continuous professional training and internal awareness campaigns as indispensable complements to technical measures (Brown, 2024).

The integrated analysis of findings suggests that answers to the three research questions must be framed in terms of interdependence between technology, institutions, and legal culture. An effective judicial cybersecurity

model cannot be built solely on infrastructure investments; it must be reinforced through strategic governance, inter-institutional coordination, and continuous adaptability to the evolving cyber threat landscape.

A critical challenge identified relates to the interconnection and interoperability of judicial IT systems with those of the prosecution service and police. The study reveals a developmental gap: the Judicial Information System and its Integrated Case Management Program are significantly more advanced than the internal systems used by police and prosecutors, creating barriers to interoperability. Addressing this asymmetry requires parallel modernization programs for partner institutions to ensure connectivity and functional integration. A noteworthy example of best practice is the interoperability already achieved between the Integrated Case Management Program used by courts and the e-Judicial File solution used by attorneys, which facilitates online filing of claims and digital interaction with case materials.

7. CONCLUSIONS AND RECOMMENDATIONS

A detailed analysis of the Judicial Information System (JIS) demonstrates that cybersecurity in Moldova's judicial infrastructure cannot be understood solely as a technical issue but must be treated as a core component of the right to a fair trial and the preservation of public trust in justice. The vulnerabilities identified, including the shortage of specialized personnel, the partial integration of real-time monitoring, and institutional resistance to change, reveal a systemic fragility with direct implications for both the functioning of courts and the protection of judicial data.

From the perspective of international obligations and standards of good judicial governance, strengthening the cybersecurity of JIS requires a multi-layered approach that combines:

Advanced technical measures, including modernization of IT architecture, consistent application of security updates, and deployment of integrated detection-and-response solutions.

Continuous professional training, not only for specialized IT staff but also for judges and clerks, with emphasis on digital security and the protection of electronic evidence.

Concretely, it is recommended that a national annual penetration-testing program be implemented under the coordination of the Agency for Digitalization in Justice, with mandatory participation from all courts. Such a program would ensure systematic evaluation of resilience and early identification of critical vulnerabilities.

A further strategic pillar is the full integration of ISO/IEC 27001 and the NIST Cybersecurity Framework (CSF) across all JIS processes, accompanied by periodic external compliance monitoring. This step would raise Moldova's cybersecurity to European standards and facilitate international cooperation,

particularly in cross-border cases.

In addition, the development of rapid incident-response protocols, with maximum reaction times established and tested through simulation exercises, would substantially improve crisis management capacity. These protocols should be complemented by enhanced cooperation with international partners both within the European judicial network and specialized cybersecurity organizations to exchange best practices and technical assistance.

Overcoming institutional resistance to digitalization requires a cultural transformation strategy in the judiciary. This should include information campaigns, visible leadership engagement in promoting digital tools, and feedback mechanisms through which judges and support staff can report difficulties and propose improvements.

Equally important is the parallel modernization of IT systems across all legal institutions, including courts, prosecution offices, and police. This would prevent developmental gaps and ensure true interoperability and interconnection of digital platforms.

In conclusion, cybersecurity in the JIS must be treated as a strategic priority for the justice system. The measures proposed cannot be implemented in isolation or on an ad hoc basis. Only through coordinated action, supported by adequate resources and sustained political will, can the Republic of Moldova ensure the protection of its digital judicial infrastructure and reinforce public trust in justice in the digital era. Ultimately, strengthening judicial cybersecurity is not only a matter of technical resilience but also a fundamental safeguard of democratic governance and a strategic requirement for Moldova's deeper integration into the European legal and digital space.

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THE INDONESIAN JUDICIARY IN THE ERA OF ARTIFICIAL INTELLIGENCE CHALLENGES AND SOLUTIONS

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INTRODUCTION

Indonesia has been promoting judicial reform for decades, aiming to create a fair, clean, transparent and high-quality judiciary. The era of digital transformation has also brought about a new paradigm in the Indonesian judicial system. Artificial Intelligence (AI) has increased efficiency, but it also poses fundamental challenges to the core values of the judicial profession. With the rapid growth of the Fourth Industrial Revolution globally, artificial intelligence (AI) has emerged as an essential catalyst for transformation, even within the legal field. The integration of AI into the judiciary is no longer an option. It has become essential for maintaining the courts' efficiency, accuracy, and modernity while preserving their dignity and grandeur, while maintaining the dignity and majesty of the judicial institution.

The Supreme Court has endeavoured to integrate technology into the administration of information required by internal organisations, as well as those seeking justice and court users, through its various policies. Nevertheless, there are still numerous complaints from individuals who are pursuing justice, despite the advancement of necessities. However, the Supreme Court and the judicial bodies that fall under it continue to recognise the necessity of a comprehensive and integrated technology information management system policy to speed up and simplify the performance of tasks and functions within each work unit at the internal level. Consequently, it is anticipated that the calibre of information services provided to the public will be enhanced.¹

From 2005 to 2009, the Supreme Court implemented various programmes with the following achievements: (1) a Bureaucratic Reform programme focusing on organisational restructuring, improving work procedures, developing human resources, improving the remuneration system and managing technology and information support; (2) the formation of Special Judicial Reform Working Groups (Pokja) to accelerate the implementation of priority judicial reform agendas; (3) a reduction in the backlog of cases, from 20,314 cases in 2004 to 11,479 cases in 2009; (4) efforts to improve the quality of judges and judicial officials through the establishment of an Education Centre in Megamendung, West Java, and the reform of the curriculum and development of teacher qualifications; (5) Improvement of the recruitment system for prospective judges and improvement of the selection process

¹ the blueprint for the reform of the Supreme Court 2010–2035, published 2010

for court chiefs; (6) Encouraging information disclosure through Supreme Court Chief Justice Decree No. 144/KMA/SK/VIII/2007 on Information Disclosure in Courts; and (7) Strengthening the internal oversight system and strengthening relations with the Judicial Commission.²

The Supreme Court's framework for 2010 to 2035 indicates that the path of information technology reform is designed to establish information management that guarantees accountability, credibility, and transparency while evolving into a modern integrated IT-based organisation, is a crucial element in promoting the realisation of a great Indonesian judiciary. Therefore, all stakeholders within the Supreme Court and its subordinate judicial bodies have placed IT improvement as one of the priorities for change.

The direction of information technology reform is to establish a modern, integrated IT-based organisation that ensures accountability, credibility, and transparency, as outlined in the Supreme Court's blueprint from 2010 to 2035. This is one of the critical pillars that will contribute in the establishment of a great Indonesian Judiciary. Therefore, all stakeholders within the Supreme Court and its subordinate judicial bodies prioritise IT improvement as a key area for reform.

The Supreme Court of Indonesia has initiated digital transformation by enacting Supreme Court Regulation (PERMA) No. 1 of 2019 concerning Electronic Case and Court Administration. This policy seeks to implement the concepts of efficient, fast, and efficient judiciary in line with the regulations of Law Number 48 of 2009 about Judicial Power.

The Supreme Court's commitment to modernisation is demonstrated by the introduction of several new regulations, specifically:

- Supreme Court Regulation of the Republic of Indonesia Number 7 of 2022 regarding Amendments to Supreme Court Regulation Number 1 of 2019 on Electronic Administration of Cases and Trials in Court;
- Supreme Court Regulation Number 8 of 2022 concerning Amendments to Supreme Court Regulation Number 4 of 2020 on the Electronic Administration and Trial of Criminal Cases; and
- Supreme Court Regulation of the Republic of Indonesia Number 6 of 2022 on the Electronic Administration of Legal Remedies and the Trial of Cassation and Judicial Review in the Supreme Court.
- Supreme Court Regulation of the Republic of Indonesia No. 3 of 2022 by the Supreme Court of the Republic of Indonesia about Electronic Mediation in Court

The implementation of a variety of policies indicates that the Supreme Court's endeavours to establish a modern judiciary are carried out consistently and extensively.

² the blueprint for the reform of the Supreme, 2010

The digital transformation of the court, on the other hand, has not yet included the development of features based on artificial intelligence (AI) to support decision-making, decision prediction, and case data analysis. This presents a number of difficult ethical and practical conflicts. AI presents the promise for enhanced efficiency, consistency and accuracy within the judicial process. On the contrary, its implementation exposes Indonesian judges to essential issues concerning judicial independence, substantive justice, and human values that algorithms cannot entirely replicate. Moreover, the deficiency in socialisation and comprehension of digital technology further complicates the adaption process of judges' professions in the era of AI.

The phenomenon of AI in the Indonesian court system brings up the following issue:

What Challenge do Indonesian judges have regarding implementation of artificial intelligence and what is the solution? The objective of this research is to examine the challenges encountered by Indonesian judges in implementing the use of artificial intelligence in the court and the second, to develop strategic solutions that will maximise the utilisation of technology while preserving the fundamental principles of justice and the noble values of the Indonesian judiciary.

A qualitative methodology was used in this study, combining methods from policy analysis and literature review. Data were collected from various primary and secondary sources, including legislation, court decisions, academic articles, and news related to the progression of AI in the legal systems of Indonesia and other countries. The data were assessed contextually to identify challenges and suggest strategic solutions.

Throughout this paper, we will examine the obstacles that Indonesian judges encounter when attempting to accomplish simple, quick, and low-cost justice while simultaneously preserving independence, substantive value considerations, and human wisdom, which are the fundamental components of justice.

1. THE TRANSFORMATION OF ELECTRONIC JUDICIAL PROCEEDINGS IN INDONESIA

The groundwork for Indonesia's digital court system was laid years before the visible transformations took place. As early as 2004, the Supreme Court began implementing technology-based solutions to address the unique challenges posed by Indonesia's geographical landscape as an archipelago with over 17,000 islands serving a population of 278 million people³. These challenges included significant barriers to justice access, disproportionately high case loads relative to court officials, and widespread public dissatisfaction with court services. The initial focus was on creating

³ Waitukan, Maria Fransiska Digital Transformation and New Technologies: Lessons Learned from Indonesia, <https://www.unodc.org>, August, 29,2025, https://www.unodc.org/dohadeclaration/en/news/2021/28/digital-transformation-and-new-technologies_-lessons-learned-from-indonesia.html

basic digital infrastructure and building awareness within the judiciary about the potential benefits of technology. Limited IT facilities and unreliable internet connections in certain regions posed significant early challenges, requiring government support to develop necessary network infrastructure throughout the country's 900+ courts⁴.

The Supreme Court's first substantial regulatory framework came with Supreme Court Regulation No. 3 of 2018 concerning Online Court Case Administration, which established the e-Court system for civil, religious, military, and administrative lawsuits⁵. This system enabled users to register lawsuits, pay court and summons fees, and exchange documents online, representing a significant step toward digitalization. Between July 2018 and August 2019, the system gained notable traction with 5,064 civil cases registered, 12,063 religious civil cases registered, and 19,034 registered e-Court users⁶. These early attempts showed that people wanted digital legal solutions and that the courts were committed to modernising their processes. This paved the way for more extensive digital changes in the years to come.

A significant milestone in Indonesia's judicial digitalization came on August 19, 2019, when the Supreme Court issued Regulation No. 1 of 2019 regarding the Administration of Lawsuits and Court Proceedings by Electronic , which effectively replaced the previous year's regulation⁷. This was followed the next day by the launch of the e-Litigation application, designed to make court processes "faster, simpler, and less expensive. The new system expanded electronic access to court data for prosecutors, legal affairs bureaus, and in-house lawyers, representing a significant advancement over the previous e-Court system. The e-Litigation application allowed for the integration of court schedules with the Court Tracking Information System (SIPP), enabling better case tracking and management⁸.

The COVID-19 pandemic, which struck Indonesia in early 2020, served as an unexpected catalyst for judicial digitalization. As the government implemented large-scale social restrictions (Pembatasan Sosial Berskala Besar or PSBB), courts faced a complicated dilemma: how to continue judicial processes while complying with health protocols⁹. The Supreme Court responded by adopting digital acceleration for criminal cases using a number of strategies, such as online trials, online paper filings, online judgements, and allowing parties to download copies of decisions via e-Berpadu (which translates to "harmony" in English).

4 .Waitukan, Digital Transformation and New Technologies: Lessons Learned from Indonesia ;

5 <https://conventuslaw.com>, August, 29, 2025, <https://conventuslaw.com/report/indonesia-e-court-on-line-court-case-administration/>

6 <https://ssekom/>, August,29,2025, <https://ssekom.com/blog/court-proceedings-go-digital-in-indonesia/>

7 <https://ssekom.com/>,2025

8 <https://ssekom.com/>, 2025

9 Muhidin,Eman Suparman,Indra Prawira,M.Guntur Hamzah, Digital Acceleration During Covid-19 Pandemic:How the Indonesian Constitutional Court Brings The Citizen Justice,August,29,2025, <https://iacajournal.org/articles/10.36745/ijca.504>

The Electronic Integrated Criminal Files, known as e-BERPADU, is an application that encompasses various services, including the electronic delegation of criminal case files, requests for electronic seizure approval, requests for electronic search authorization, electronic detention extensions, applications for electronic suspension of detention, requests for electronic visitation permissions, applications for electronic evidence borrowing, and diversion determinations. This application seeks to facilitate and enhance the efficiency of court responsibilities and associated law enforcement officers in arranging the judicial process for the involved parties.

The digital transformation advanced significantly with the introduction of Supreme Court Regulation No. 6 of 2022 on the Electronic Administration of Cassation and Case Review Legal Remedy Submissions and Proceedings at the Supreme Court, which was further refined by Chairman of the Supreme Court Decree No. 207/KMA/SK.HK2/X/2023 in December 2023. These regulations provided comprehensive guidelines for electronic submissions of cassation (appeals) and case review requests, marking a major departure from the traditional manual, paper-based processes that had previously necessitated physical document submissions and in-person court visits¹⁰.

As per the new framework, cassation applications could only be submitted through the e-court application after applicants received notification of the appeal decision or the last-stage decision. Court registrars issued electronic deeds of cassation statements once fees were received, and the District Court was instrumental in processing these electronic petitions. The regulations upheld conventional timetables, mandating petitioners to file cassation memoranda within 14 days of receiving the application, while respondents were allotted the same duration to submit counter-cassation memoranda. The procedure also implemented electronic document examination, allowing parties seven days to access case files via the court information system. Applicants for case reviews based on new evidence were required to submit electronic documentation of this evidence, with oath-taking ceremonies for Novum discovery conducted remotely in accordance with contemporary legal standards. These improvements included a thorough digital transformation of several intricate judicial procedures.

The Supreme Court unveiled a new app named Smart Majelis (Majelis means Judges Panel) on August 19, 2023, to mark the 78th anniversary of the court. The Smart Majelis application represents a significant step toward modernizing judicial administration by enhancing both the efficiency and impartiality of judge selection and assignment.¹¹ In 2023, the Supreme Court's Smart Majelis application has been developed and is currently being implemented in the tribunals of first instance. This application facilitates the appointment of justices by evaluating their expertise, competence, caseload,

¹⁰ [www.allenandgledhill.com , August, 29, 2025 , https://www.allenandgledhill.com/publication/articles/26952/refined-details-for-electronic-cassation-and-case-review-submissions-advancing-s-supreme-court-digitalisation](https://www.allenandgledhill.com/publication/articles/26952/refined-details-for-electronic-cassation-and-case-review-submissions-advancing-s-supreme-court-digitalisation)

¹¹ www.allenandgledhill.com, 2025

and potential conflicts of interest, thereby enhancing its transparency and objectivity. By using algorithmic analysis of relevant factors rather than potentially subjective human decisions, the technology aims to reduce opportunities for bias or external influence in judicial assignments.¹² This innovation is particularly noteworthy given Indonesia's historical challenges with judicial corruption and perceptions of partiality.¹³ In August 2025, the Supreme Court's Smart Majelis application was developed. It is currently being implemented in the tribunals of first instance. This application facilitates the appointment of judges by evaluating their expertise, competence, caseload, and potential conflicts of interest, thereby enhancing its transparency and objectivity.

The Smart Majelis application offers the following benefits in greater detail¹⁴ :

- Innovation in the selection of the judging panel

The Smart Majelis application is a robotics technology application that is based on artificial intelligence. It is designed to autonomously select a panel of judges based on the qualifications, competencies, and duties of the judges. This initiative is a response to the challenges posed by the traditional system, which has been deemed susceptible to subjective intervention, lack of transparency, and inequality in case distribution.

- The Supreme Court is currently processing the application.

The Supreme Court has implemented Smart Majelis to manage judicial review and cassation cases. The Supreme Court is currently conducting an evaluation of court administrators in all subsidiary courts as a subsequent development step. The objective of this evaluation is to determine the suitability and requirements of each court to facilitate the national implementation of this application.

- The tribunal's decision is irrevocable.

Technically, cases that have been assigned a registration number will be transmitted to the Smart Panel system, which will subsequently suggest the composition of the panel of judges to the Chief Justice of the Supreme Court or the chief of the relevant court. This system is entirely automated and cannot be manually overridden, apart from specific circumstances, such as illness or leave. Any modifications must be accompanied by a written justification that is documented in the system.

- The practical application made by the best officials of the Supreme Court

¹² Ibid.

¹³ Rafsi Albar, Justice-on-Demand at the Indonesian Constitutional Court?, August ,29, 2025, <https://verfassungsblog.de/justice-on-demand-at-the-indonesian-constitutional-court/>

¹⁴ <https://marinews.mahkamahagung.go.id/>, August , 29 , 2025 <https://marinews.mahkamahagung.go.id/berita/5-hal-penting-yang-harus-kamu-ketahui-tentang-smart-majelis-0ga>

The best young officials of the Supreme Court independently developed this application. The development team, which is coordinated by the Bureau of Law and Public Relations of the Supreme Court, is comprised of a few good men that were selected tightly by the head of bureau. It is anticipated that the Smart Majelis application will be extensively utilized by all tribunals by the conclusion of 2025.

Targeting the end of 2025, the Supreme Court intends to implement Smart Majelis in various courts that have been designated by the Directorate General of each judicial environment. This includes appellate and first instance courts. Pilot projects will be conducted in various courts.

By considering the applications mentioned above, the Supreme Court has shown its commitment to establishing an innovative, modern court. By using applications that are based on technology, there is an aspiration to reduce the frequency of interactions between court officials and service users. This initiative is intended as a measure to mitigate the potential for misconduct or the emergence of unethical behavior among judicial officers.

Today, judges utilize artificial intelligence applications that are accessible through the website. This privilege is available through numerous applications; however, there is no official application from the Supreme Court that is designed to assist judges in the preparation and drafting of their decisions. This may be a distinct consideration for the Supreme Court to regulate the precision of the data utilized by judges by implementing an innovation related to artificial intelligence in the formulation of decisions.

2. THE CHALLENGES FACED BY INDONESIAN JUDGES IN THE AGE OF ARTIFICIAL INTELLIGENCE

Human judges, once considered one of the least likely to be replaced by machines, face the challenge of giving up some decision-making power and artificial intelligence as judicial artificial intelligence continues to improve and is applied in depth. Some scholars have pointed out that if artificial intelligence can make persuasive arguments and surpass human judges in writing judgments, then artificial intelligence that is more reliable and cost-effective than humans should be regarded as a judge.¹⁵

At present, the application of some artificial intelligence in judicial practice has shown better accuracy than the prediction accuracy of human judges. However, judicial artificial intelligence also has its inherent limits. It is not easy for algorithmic decision-making to achieve absolute objectivity and precision, and in the face of complex and difficult cases, artificial intelligence may be able to promote formal justice, but it is difficult to achieve substantive justice. Therefore, it is necessary not only to take a rational view of the challenges brought by judicial artificial intelligence but also to accept the fact that the era of artificial intelligence is coming and actively promote the transformation and upgrading of the role and function of judges to respond

¹⁵ Volokh, E. 2019. Chief Justice Robots. Duke Law Journal 68(6):1134–92

to the new demand for the role positioning of judges in the era of artificial intelligence.¹⁶

Artificial intelligence's accountability dilemma is also a significant concern. Judges are accountable for their decisions in the conventional legal system. Nevertheless, this distinction may become muddled when artificial intelligence (AI) is implemented. Who is responsible for the potential consequences of errors in artificial intelligence-based decision-making? This inquiry necessitates the establishment of a comprehensive framework that outlines the methods for not only holding judges accountable for their decisions but also extracting accurate and reliable information from artificial intelligence recommendations.

Furthermore, the proficiency of judges in employing emerging technologies is a significant issue. Judges who are not well-versed in the technology or lack a comprehensive understanding of the operations of AI may be unable to assess the decisions made by the system. This lack of familiarity with the technology may not only restrict their ability to fulfill their legal obligations but also result in an excessive reliance on systems that may not be entirely dependable.

Integrity in the justice system also raises concerns about the ethical and legal values that should be upheld in a broader context. Judges are confronted with the responsibility of guaranteeing that the fundamental principles of justice are not undermined using technology. They possess the capacity to regulate themselves to capitalize on the benefits of technology while simultaneously safeguarding the human rights of individuals and preserving the integrity of the justice system.

The analysis of the obstacles that justices encounter in the age of AI is therefore essential. When utilizing AI to aid in decision-making, judges must possess a strong sense of sensitivity and resolve the challenges of objectivity, efficiency, accuracy, and competence. The practice of decision-making by justices has begun to be influenced by using AI technology in the field of law, which is facilitated by predictive analysis tools, algorithm-based law, and decision support systems. It is anticipated that AI will enhance the efficacy and accuracy of case management; however, the integration of this technology into established legal processes presents new obstacles.

In summary, the challenges that Indonesian judges encounter in the era of artificial intelligence can be simplified as follows:

a. Judicial Discretion vs. Efficiency Challenge

The tension between judicial discretion and efficiency represents one of the most fundamental dilemmas in AI integration within Indonesia's judiciary. On one hand, AI technologies offer unprecedented capabilities

¹⁶ Xu, Z. (2021). Human Judges in the Era of Artificial Intelligence: Challenges and Opportunities. *Applied Artificial Intelligence*, 36(1). <https://doi.org/10.1080/08839514.2021.2013652>

for processing large volumes of cases quickly and consistently, potentially addressing the critical backlog issues that plague Indonesia's court system. As noted in global research, AI justice may "lower the administrative burden of cases" and "dramatically increase court efficiency and reduce backlogs, providing standardized outcomes faster and at lower cost."¹⁷ These efficiency improvements are especially significant in Indonesia, where court resources are frequently limited and delays in case resolution can compromise access to justice.

However, the human aspect that is so important in judicial decision-making runs the risk of being degraded in the quest for efficiency through automation. An essential component of the justice system that cannot be automated is judicial discretion, which includes the ability to take into account specific facts, context, and circumstances.

The collaboration between AI and human judges must preserve the humanistic essence of law. This humanistic core contains moral reasoning, empathy, and the consideration of unique situations that may elude AI systems built on historical data patterns.

Artificial intelligence (AI) has the ability to analyze thousands of court decisions in a matter of seconds, identify patterns, and recommend consistent rulings for similar cases. This significantly expedites the judicial process and alleviates the accumulated workload of judges. In contrast, judges are not devices that generate judgments. Judicial discretion represents the fundamental principle of the judiciary. A judge has to evaluate the distinctive aspects of the case, the defendant's history, the community's perception of justice, and details that are sometimes hard to define for artificial intelligence. The role of the judge may be reduced to a mere "approval" of the algorithm if the judge relies on AI.

We, Indonesian judges, are worried that relying too much on AI suggestions could slowly destroy the knowledge and instincts that we have gained over many years of experience. As one top judge said in interviews, The art of judging involves more than applying rules to facts. It requires wisdom, compassion, and understanding of local contexts that machines cannot replicate. This feeling is a reflection of a larger worry that human judgment will be devalued in favor of machine efficiency. This could turn judges from knowledgeable legal experts into people who just check the results of algorithms.

b.The Conflict Between Hidden Bias and Pseudo-Objectivity Challenge

AI systems typically present an aura of technical objectivity, creating the perception that algorithmic decisions are inherently neutral and free from the subjective biases that might affect human judges. This perception of objectivity represents a key appeal of judicial AI, particularly in contexts like

¹⁷ Rt Hon Sir Robert Buckland , JUDGES AND JUDGEMENT: SETTING THE SCENE, Harvard Kennedy School, November 2023

Indonesia, where concerns about judicial corruption and bias are prominent. Proponents argue that AI systems can "restrict improper judicial discretion [and] prevent personal biases and preferences of individual judges"¹⁸

In Indonesia, the issue of hidden bias is especially troubling since AI systems trained on prior court rulings may store historical differences depending on race, religion, socioeconomic level, and geographic area. If these prior judgements show patterns of discrimination, AI systems that learn from them may keep these trends going and make them seem more objective. For instance, if particular demographic groups have historically gotten heavier punishments for identical offenses, an AI system trained on this data can suggest similar differences while presenting them as scientifically generated results.

Another dimension of this dilemma involves political bias, which research suggests may be particularly difficult to detect and address compared to demographic biases. As noted in research on algorithmic political bias, "There are (in a democratic society) strong social norms against gender and racial biases. This does not hold to the same extent for political biases" ¹⁹In Indonesia's judicial context, where concerns about political influence on the judiciary persist, the potential for AI systems to embed and conceal political biases represents a significant threat to judicial integrity.

The insidious challenge posed by the conflict between pseudo-objectivity and hidden bias is that the appearance of objectivity may discourage critical scrutiny of AI recommendations. Many individuals, including judges, litigants, and the general public, may presume that algorithmic outputs are naturally impartial, neglecting to consider the potential biases of these decisions. This necessitates the establishment of critical AI literacy within the judiciary and the implementation of comprehensive auditing mechanisms to detect and correct biases in judicial AI systems.

AI is perceived as an impartial and objective instrument due to its lack of human emotions. On the other hand, artificial intelligence acquires knowledge from preexisting data. AI will learn and amplify the bias if past judgement data in Indonesia contains prejudice (e.g., bias against certain gender, religious, or socio-economic groups). A judge is obligated to recognize and rectify this structural bias, rather than perpetuating it through the purportedly neutral AI "recommendations."

c. Transparency and Accountability Challenge

The transparency deficit in many AI systems creates significant challenges for judicial accountability and due process. Often described as the "black box" problem, this dilemma refers to the difficulty in understanding how complex AI systems, particularly those using deep learning algorithms,

¹⁸ Buckland, Judges And Judgement: Setting The Scene,2023

¹⁹ Peters U. Algorithmic Political Bias In Artificial Intelligence Systems. *Philos Technol.* 2022;35(2):25. Doi: 10.1007/S13347-022-00512-8. Epub 2022 Mar 30. Pmid: 35378902; Pmcid: Pmc8967082.

arrive at specific decisions. As Mustafa (2025) notes, tools such as SHAP (SHapley Additive exPlanations) and LIME (Local Interpretable Model-agnostic Explanations) play a pivotal role in elucidating the decision-making processes of AI systems.²⁰

Artificial intelligence has the capacity to render legal conclusions. The process by which an AI reaches a conclusion is frequently a "black box" that is impossible to trace. In the considerations, a judge is required to provide a precise explanation for their decision. The principles of judicial accountability and transparency are compromised if the judgement is based on an algorithm that is not explicated. In the event that the AI is inaccurate, who is accountable? The algorithm creator or the judge?. The black box problem threatens fundamental judicial principles requiring that decisions be explainable and based on legally relevant reasoning. In most legal systems, including Indonesia's, judges must provide rational explanations for their decisions that reference applicable laws, precedents, and factual findings. This requirement serves multiple purposes: it enables review and appeal, ensures decisions are based on proper legal grounds rather than improper considerations, and promotes public confidence in the judiciary. When AI recommendations influence judicial decisions without transparent reasoning, these essential functions are compromised.²¹

Addressing the transparency and accountability dilemma requires developing technically sophisticated and legally appropriate explanation frameworks for judicial AI. These frameworks must balance the complexity of AI systems with the need for comprehensible explanations that satisfy legal requirements and public accountability expectations. As Mustafa (2025) emphasizes, "human oversight remains a critical component, as it allows judges to review AI-generated recommendations and provide context that machines may overlook.²²

d. Resistance and Competence Challenge

Judicial environments are often characterized by tradition and a strong adherence to time-honored practices. This cultural backdrop creates a barrier to the acceptance of AI, as many legal professionals express concerns about potential job displacement, fearing that automation may undermine their roles and reduce their significance within the judicial process.²³

The integration of AI into judicial processes demands significant adaptation efforts from judges and court staff, creating resistance

20 Cecep Mustafa, When AI Meets Integrity: The Data-Driven Overhaul of Justice in Indonesia August, 29, 2025, <https://dandapala.com/opini/detail/when-ai-meets-integrity-the-data-driven-overhaul-of-justice-in-indonesia>

21 Putra, Panca & Fernando, Zico Junius & Nunna, Bhanu & Anggriawan, Rizaldy. (2023). Judicial Transformation: Integration of AI Judges in Innovating Indonesia's Criminal Justice System. Kosmik Hukum. 23. 233. 10.30595/kosmikhukum.v23i3.18711.

22 Mustafa, When AI Meets Integrity: The Data-Driven Overhaul of Justice in Indonesia, 2025

23 Hilliard, Dominique L. Exploring the Underutilization of AI in Courtroom Decision-Making Processes. PhD diss., Walden University, 2025. <https://search.proquest.com/openview/b3e4b5c04ed2897380f9a12a60e-0ba4e/1?pq-origsite=gscholar&cbl=18750&dissy>

and competence challenges that must be addressed for successful implementation. Research on technology adoption identifies several common concerns that contribute to resistance, including fear of change, job security anxieties, loss of familiarity, fear of increased workload, and generational differences in technology acceptance. In order to critically utilise AI, judges must possess a fundamental understanding of its operation and be technologically literate.²⁴

Moreover, the adoption of AI in judicial contexts is hindered by significant gaps in technological literacy among judges and court staff. Many individuals within the judicial system may lack the requisite skills or familiarity with digital tools, leaving them ill-equipped to engage meaningfully with AI applications.²⁵ This digital divide can create further reluctance to embrace AI, as the lack of training or expertise not only fosters apprehension but also limits the effective integration of technology into daily operations. Furthermore, without adequate support and education on AI functionalities, there is a substantial risk that judicial staff may dismiss or underutilize these tools, ultimately stalling progress and innovation in an era defined by rapid technological change.

Overcoming resistance and competence barriers requires comprehensive strategies that address both technical skill development and psychological concerns. As suggested in research on AI reskilling, these strategies should include "transparent communication," "training and reskilling," "involvement in decision-making," "career pathway and development," and "mentorship and support". For Indonesian judges, specifically tailored approaches that respect judicial independence while providing necessary technical education will be essential for successful AI integration.

The integration of AI in judicial processes requires an intentional focus on overcoming resistance and enhancing competence through targeted training initiatives. Building technological literacy among judges and court staff is not merely an ancillary consideration; it is an essential prerequisite for the effective implementation of AI systems within the judiciary. Such training programs should encompass hands-on workshops, ongoing education incorporating advances in AI, and discussions on ethical considerations, ensuring that judicial professionals are not only prepared to use AI but also equipped to engage critically with its implications on justice and society at large.²⁶

24 Princes, Elfindah, Rasji Rasji, and Michael. 2025. "The Concept of Justice in AI-Driven Legal Decision Making". Bit-Tech 8 (1):78-86. <https://doi.org/10.32877/bt.v8i1.2338>.

25 Bello, Olalekan, and Cecile Ogufera. The emerging artificial intelligence legal-judicial system's interface: assessing the state of Nigeria's judicial system's readiness for a revolution. (2024). https://figshare.le.ac.uk/articles/journal_contribution/The_Emerging_Artificial_Intelligence_Legal-

26 26 Yoon, Albert H. Technological Challenges Facing the Judiciary. Legal Tech and the Future of Civil Justice (2023): 19-90.

3. ADDRESSING THE CHALLENGE OF ARTIFICIAL INTELLIGENCE FOR INDONESIAN JUDGES

a. Creating a Balanced Human-AI Integration Framework

An equitable integration framework that distinctly defines the responsibilities of human judges and AI systems is crucial for resolving the challenges identified in this study. This framework should establish AI as an augmentative technology that enhances judicial judgment without supplanting it, maintaining vital human features while using technological advantages when they provide distinct benefits.

This human-centered approach demands the establishment of specific guidelines and protocols that define the appropriate use of artificial intelligence (AI) tools in judicial proceedings. These guidelines may indicate that AI systems are appropriate for routine administrative duties, legal research, identifying relevant precedents, and emphasising potential inconsistencies in decision-making patterns. Nevertheless, human judges should continue to be the primary authority for making final decisions that involve moral judgement, discretion in sentencing, or novel legal issues. They are capable of considering contextual factors and demonstrating clemency. These guidelines ensure that AI is used as a tool by judges, rather than as a replacement for judicial judgement.

The balanced integration framework should also include review mechanisms that regularly assess how AI tools are affecting judicial processes and outcomes. These mechanisms might involve periodic audits of AI-assisted decisions compared to non-assisted ones, evaluations of whether AI recommendations are being followed uncritically or engaged with thoughtfully, and assessments of how AI implementation affects different demographic groups. Regular review ensures that AI integration remains aligned with judicial values and allows for corrective measures when problems emerge.

b. Improving Transparency and comprehension in AI Systems

Addressing the black box problem requires concerted efforts to enhance transparency and explainability in judicial AI systems. Technical approaches might include the development and implementation of explainable AI (XAI) techniques specifically designed for legal contexts, such as SHAP (SHapley Additive exPlanations) and LIME (Local Interpretable Model-agnostic Explanations). It has a pivotal role in elucidating the decision-making processes of AI systems.²⁷

In order for these tools to be effective within legal reasoning frameworks, they must be modified to emphasise relevant considerations, precedents, and logical routes that are consistent with the decision-making processes of judges. Procedural transparency measures are necessary in addition to

²⁷ Mustafa, When AI Meets Integrity: The Data-Driven Overhaul of Justice in Indonesia, 2025

technological adjustments to ensure proper disclosure when utilising AI systems in court procedures. In this direction, potential actions include notifying parties when AI has assisted in decision-making, documenting AI-generated recommendations in case files, and incorporating justifications for the use of AI recommendations in judicial reasoning. When instituting initiatives to enhance transparency, it is essential to balance the prerequisite for accountability with practical concerns regarding information overload and the efficacy of procedures.

Evolving legal frameworks must also establish clear criteria for algorithmic explanation in court situations. These guidelines should specify the individual responsible for providing an explanation of AI-assisted judgements, the manner in which such explanations should be communicated to a variety of stakeholders (e.g., litigants, judges, appeal tribunals), and the types of explanations that are deemed appropriate. In order to ensure that these criteria are technically feasible and legally significant, it is imperative that legal professionals, computer scientists, and ethicists collaborate to create them.

In addition, public transparency initiatives can contribute to the development of trust and comprehension regarding judicial AI applications. These may involve the publication of anonymised AI recommendations alongside final decisions in cases where AI tools were employed, the establishment of public portals that provide an explanation of the operation of judicial AI systems, and the establishment of advisory committees with a diverse representation of stakeholders to provide input on AI implementation. These initiatives assist in the demystification of AI applications and offer opportunities for public scrutiny and feedback.

c. Improving Transparency and comprehension in AI Systems

Addressing competence gaps and resistance requires developing comprehensive education programs that equip judges with the knowledge and skills needed to engage critically with AI technologies. These programs should move beyond technical training to include conceptual education about how AI systems work, their limitations and potential biases, and strategies for evaluating algorithmic recommendations within judicial frameworks. As research on AI reskilling emphasizes, effective training addresses not only technical skills but also psychological concerns and generational differences.

AI systems in judicial procedures require procedural transparency and technology solutions to enable proper disclosure. Such procedures may include informing parties when AI technologies assist decision-making, documenting AI-generated recommendations in case records, and explaining how AI proposals were weighed in judicial reasoning. Transparency should balance accountability with information overload and procedural efficiency.

The law must also change to provide explicit algorithmic explanation

criteria in courts. These guidelines should clarify what constitutes a sufficient explanation for AI-assisted judgements, who provides them, and how they should be delivered to stakeholders (judges, parties, appellate courts, etc.). Legal specialists, computer scientists, and ethicists must work together to create technically viable and legally relevant rules.

Trust in judicial AI applications can also be built through public openness. These could include publishing anonymised AI recommendations alongside final decisions in cases where AI tools were used, creating public portals that explain judicial AI systems, and creating advisory committees with diverse stakeholder representation to provide AI implementation input. These projects demystify AI applications and allow public feedback.

d. Comprehensive Education and Training Programs

One of the most immediate challenges refers to the need for complete training for legal judges and professionals. As artificial intelligence systems become more widespread in cases of management, legal research and decisions support tools, judges must acquire a basic understanding of these technologies. This necessity underlines a fundamental change in the skills required within the legal profession. The judges will increasingly be equipped not only with traditional legal wisdom, but also with analytical skills to effectively interpret the intuitions based on artificial intelligence.

Educational institutions and professional training programs must adapt the curricula to include training on artificial intelligence and its implications in the legal context. Otherwise, he risks leaving the judges poorly prepared to navigate in an evolving legal scene in which artificial intelligence tools are increasingly influential

Continuing education and training should be an essential component of the professional development of justices. Curricula that encompass the practical application of new technologies in the legal context should be developed by legal education institutions and training centres. This encompasses a comprehension of the impact of bias in machine learning algorithms and big data on the outcome of legal decisions. For instance, judges must comprehend the potential impact of unbalanced social and economic factors on the historical data utilised by AI, which can result in systemic discrimination.

Additionally, this skill improvement pertains to the judge's capacity to uphold accountability in decisions that involve intervened AI. Judges are required to provide a rationale and justification for their decisions, which may involve articulating the factors that were derived from the analysis of the evidence. This will bolster public confidence in the judicial system, as judges are not only decision-makers but also administrators and guarantors of the ethical and equitable use of technology. In this context, the significance of communication and interpersonal skills is also heightened. It is imperative that judges have the capacity to engage in discussions with attorneys, peers,

and other pertinent parties regarding the outcomes of applications. The capacity to convert intricate data and analytical results into legal language that is comprehensible will enhance the transparency and accessibility of the legal system for all parties involved.

Consequently, the debate regarding the competence of justices is no longer limited to formal legal knowledge in the context of artificial intelligence. It is inevitable that there will be new requirements for technical skills, analytical abilities, and effective communication. This capacity development will be a critical component in the preservation of the judicial system's integrity in the face of the accelerated advancement of technology.

While the judges adapt to these emerging technologies, their roles will evolve, requiring a recalibration of their responsibilities. Instead of being simply referees of the law, the judges pass to the facilitators of a more integrated legal system, in which their judgment has increased from guided intuitions by the AI. In embracing these changes, the judiciary is about to advance its main mission: to provide fair justice, accessible and efficient to all components.

4. CONCLUSION

Indonesia has been promoting judicial reform for decades, aiming to create a fair, clean, transparent and high-quality judiciary. The era of digital transformation has also brought about a new paradigm in the Indonesian judicial system. Artificial Intelligence (AI) has increased efficiency, but it also poses fundamental challenges to the core values of the judicial profession. With the rapid growth of the Fourth Industrial Revolution globally, artificial intelligence (AI) has emerged as an essential catalyst for transformation, even within the legal field. The integration of AI into the judiciary is no longer an option. It has become essential for maintaining the courts' efficiency, accuracy, and modernity while preserving their dignity and grandeur, while maintaining the dignity and majesty of the judicial institution.

The Supreme Court has endeavoured to integrate technology into the administration of information required by internal organizations, as well as those seeking justice and court users, through its various policies. Nevertheless, there are still numerous complaints from individuals who are pursuing justice, despite the advancement of necessities. However, the Supreme Court and the judicial bodies that fall under it continue to recognise the necessity of a comprehensive and integrated technology information management system policy to speed up and simplify the performance of tasks and functions within each work unit at the internal level. Consequently, it is anticipated that the calibre of information services provided to the public will be enhanced.

The Supreme Court's framework for 2010 to 2035 indicates that the path of information technology reform is designed to establish information management that guarantees accountability, credibility, and transparency

while evolving into a modern integrated IT-based organisation, is a crucial element in promoting the realisation of a great Indonesian judiciary. Therefore, all stakeholders within the Supreme Court and its subordinate judicial bodies have placed IT improvement as one of the priorities for change.

A significant milestone in Indonesia's judicial digitalization came on August 19, 2019, when the Supreme Court issued Regulation No. 1 of 2019 regarding the Administration of Lawsuits and Court Proceedings by Electronic.

Today, judges utilize artificial intelligence applications that are accessible through the website. This privilege is available through numerous applications; however, there is no official application from the Supreme Court that is designed to assist judges in the preparation and drafting of their decisions. This may be a distinct consideration for the Supreme Court to regulate the precision of the data utilized by judges by implementing an innovation related to artificial intelligence in the formulation of decisions.

While the judges adapt to these emerging technologies, their roles will evolve, requiring a recalibration of their responsibilities. Instead of being simply referees of the law, the judges pass to the facilitators of a more integrated legal system, in which their judgment has increased from guided intuitions by the AI. In embracing these changes, the judiciary is about to advance its main mission: to provide fair justice, accessible and efficient to all components.

The challenges that Indonesian judges encounter in the era of artificial intelligence can be simplified as follows:

1. Judicial Discretion vs. Efficiency Challenge
2. The Conflict Between Hidden Bias and Pseudo-Objectivity Challenge
3. Transparency and Accountability Challenge
4. Resistance and Competence Challenge

The Solution of Artificial Intelligence for Indonesian Judges

To Addressing the Challenge of Artificial Intelligence for Indonesian Judges , some solutions given as follow ;

1. Creating a Balanced Human-AI Integration Framework
2. Improving Transparency and comprehension in AI Systems
3. Improving Transparency and comprehension in AI Systems
4. Comprehensive Education and Training Programs

While the judges adapt to these emerging technologies, their roles

will evolve, requiring a recalibration of their responsibilities. Instead of being simply referees of the law, the judges pass to the facilitators of a more integrated legal system, in which their judgment has increased from guided intuitions by the AI. In embracing these changes, the judiciary is about to advance its main mission: to provide fair justice, accessible and efficient to all components

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DIGITALIZATION OF THE JUDICIARY IN MONGOLIA, LEGAL ISSUES AND GAPS

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1. PREAMBLE

Rationale

The long-term development policy of Mongolia "Vision-2050," approved by Resolution No. 52 of 2020, the State Great Khural of Mongolia states that "With the transition to e-services state services shall become prompt and immediate irrespective of time and distance", while the fifth objective of this policy document, under the section on Governance, it stipulates "Develop a responsible, citizen-centered judiciary."

The "Judiciary Development Policy of Mongolia", approved by Resolution No. 33 of 2024 by the State Great Khural of Mongolia, states: "Ensure the independence of the judiciary and establish a responsible, citizen-centered judicial system"; and further provides that "Improve the effectiveness and accessibility of digital services of the judicial authority, and create the conditions for citizens to access services electronically in stages." Also, Objective 3.1 stipulates to "Introduce digital technology into judicial activities to make them efficient and free of unnecessary procedures"; and "Establish a digitalized system and legal framework for case adjudication in stages."

Pursuant to Article 71.1.11 of the Law on Courts, the Judicial General Council shall "approve and implement a unified policy on the introduction of information technology, court services, and new forms of court management into the courts," and pursuant to Article 71.1.12 shall "develop and ensure the proper operation of a unified system for registration and monitoring of case adjudication, and software for conducting court hearings electronically."

In addition, under the "Implementation of the Program" section of the National Program against Corruption, Clause 4.1.5 sets forth to "Strengthen the fairness, transparency, and independence of judicial and law enforcement agencies, and improve cooperation."

Article 5.1.6 of the Law on Public Information Transparency states that "The public information infrastructure shall be interrelated, under a unified

policy and planning," and Article 5.1.7 stipulates that "The public information custodian shall not demand information from a person or legal entity that is already available to them or that can be obtained or exchanged using the public information infrastructure."

The package of laws on digital development legislates "data" as a key factor of digital transformation, establishing the infrastructure for its collection, processing, transmission, and use, as well as regulating the possibilities, applications, and security of conducting work and services electronically.

Pursuant to Article 71.1.11 of the Law on Courts, the following works have been carried out, which created the basis for bringing judicial digitalization to the next policy level and for technological innovation. Specifically:

Resolution No. 322 of the Judicial General Council dated December 07, 2022, "On Approving a Unified Policy on the Introduction of Information Technology, Court Services, and New Forms of Court Management into the Courts";

Resolution No. 44 of the Judicial General Council dated February 01, 2024, "On Approving the Enterprise Architecture and the Feasibility Study of the Judicial Digital Solution";

Order No. 105 of the Chairperson of the Judicial General Council dated June 10, 2024, "On Approving the Task to Develop and Implement the Soft Infrastructure of the Enterprise Architecture and Feasibility Study of the Judicial Digital Solution";

Technical specification (task) dated June 20, 2024, of the Chairperson of the Judicial General Council "On Procurement of Equipment for Court Hearings and Archives."

Goal

The e-court system is strategically aligned with the broader objectives of the judiciary, and aims to create a comprehensive (soft and hard) infrastructure with advanced technologies to introduce new forms of information technology, court services, and management into the courts, while ensuring efficiency, accessibility, transparency, and security.

Objectives

In order to implement the main objectives of the e-court system—improving the efficiency, transparency, and accessibility of judicial proceedings—the following objectives have been defined:

Improve efficiency: Optimize court operations to reduce the time required to resolve cases. In addition, automate routine tasks that require significant time and human resources;

Enhance accessibility: Make judicial services, such as case information,

document preparation, and participation in virtual court hearings remotely, more accessible to the public;

Transparency and accountability: Increase transparency of court operations and decisions in order to strengthen public trust in the judicial system;

Data-driven decision-making: Utilize data analytics to support policy decision-making and improve judicial administration;

Integration and interoperability: Ensure that the electronic court system can seamlessly interact with other government systems such as law enforcement, detention centers, and administrative agencies;

Security and confidentiality: Protect information containing classified case materials and comply with laws and regulations on the protection of state, official, and personal data;

Scalability: Create a system capable of adapting to growing judicial workload, integration with new technologies, and future expansions;

Cost-effectiveness: Implement the system in a cost-effective manner, ensuring good returns on investment;

User satisfaction: Develop a user-friendly and comprehensible system that meets the needs of all stakeholders, including judges, lawyers, court staff, and the public.

2. LEGAL REGULATION RELATED TO THE DIGITALIZATION OF THE JUDICIARY OF MONGOLIA

Human life is expressed as a history of continued but eternal change and technical judicial development. Today, we live in a time of rapid digital development, referred to as the Fourth Industrial Revolution. Each industrial revolution has provided opportunities to make human life easier, save time, and strive for a better life. Therefore, every technology is aimed at improving the quality of human life and creating a happy and peaceful way of existence. However, without laws regulating social relations, it is impossible to implement them in an orderly, clear manner, and, when necessary, through enforcement.

In connection with conducting judicial proceedings and court services electronically, the Law on Courts and procedural laws, along with digital package laws on judicial development, have been adopted and are being enforced by the "State Great Hural" (Mongolian State Parliament)

Law on Courts of Mongolia:

This law defines the "E-Court Platform" as the main software, hardware, database, and other component systems that are intended for collecting, processing, searching, sending, receiving, and using information in judicial activities, and for ensuring its security. Law on Courts includes the following

provisions related to digitalization:

- 71.1. The General Council shall exercise the following powers to ensure the independence of the judiciary:
 - 71.1.11. Approve and implement unified policies for introducing new forms of information technology, judicial services, and management into the operations of the Court Administration Office;
 - 71.1.12. Develop and ensure the normal operation of a unified system for registration and monitoring of judicial proceedings, and software for conducting court sessions electronically;
 - 71.1.14. Approve the procedures for organizing the work of recording and archiving audio for electronic courts, or develop software for conducting court sessions electronically, in cases specifically provided by law, for resolving disputes related to e-commerce/online sales, contracts and transactions made in cyberspace: internet services, copyright and other related rights of works published online for the first time, disputes related to infringement of copyright and other related rights in works published or distributed on the Internet, disputes concerning internet domain names, ownership, and its infringement;
 - 71.1.28. Define, introduce, develop, and ensure the security of electronic platforms, software, and technical requirements to be used in judicial proceedings adjudicating cases and disputes by a court, in accordance with relevant procedural laws;
 - 71.1.29. Establish specialized electronic databases for cases within judicial proceedings in relation to public information infrastructure;
 - 71.1.30. Create conditions so that information available within judicial proceedings, or retrievable using public information infrastructure, shall not be required from individuals or legal entities.
- 12.16. Court operations shall be electronically open and transparent to the parties to the case, their representatives, and lawyers, in the following manner:
 - 12.16.1. Provide parties to the case, their representatives, and lawyers with access to the court electronic platform to view electronically the case materials of civil and administrative cases, complaints, claims, petitions filed by the parties, supporting evidence, and judicial rulings and decisions made during the proceedings; and enable the receipt, delivery, and communication of information and documents through information systems specified by law;
 - 12.16.2. During judicial proceedings to investigate administrative offenses and resolve criminal cases, provide parties to the case, their representatives, and lawyers with electronic access to the digital

processing of petitions and complaints, decisions, resolutions, and orders issued by the court, prosecutor, investigator, or officially authorized, expert conclusions, evidence collected in the case file, and the course of the judicial proceedings; thus, enabling the receipt, delivery, and communication of information and documents through information systems specified by law.

- Other provisions related to digitalization: Articles 12.2.2, 12.2.3, 12.3, 12.14, 12.15, 22.8.

Law on Criminal Procedure

- Article 1.16. Conducting proceedings electronically
 - 1.The court, prosecutor, and investigative body may use electronic platforms in the processing of case documents, issuance of decisions, communication with participants in the case, presentation of case materials to participants, receipt and delivery of documents, and conduction of court hearings;
 - 2.Procedural documents and case files must comply with the technical requirements of the court's electronic platform;
 - 3.For electronic communication with participants in the case, the official e-mail addresses of state bodies and officials, shared system for official document exchange, notification delivery system, the unified state service system, the citizen's e-mail address registered and created in the notification delivery system, other electronic systems capable of identifying and verifying the person, and the e-mail address of the lawyer registered and connected to the electronic system of the Mongolian Bar Association, shall be used;
 - 4.A lawyer may submit documents such as statements, complaints, and requests in electronic form.
- Article 11.11. Criminal case file
 - 5. A criminal case file shall be kept by the investigator during the inquiry and investigation, by the prosecutor if a case file is transferred to prosecutor according to grounds of this law or taken by prosecutor for review, and by the court if criminal case is in adjudication process;
 - 6. Procedural documents and case materials may be in paper or electronic form. Paper documents shall be converted and certified with a digital signature by an employee of the court, prosecutor's office, or investigative authority.

Law on Civil Procedure

- Article 7. Language and the text of case proceedings

- 7.5. Procedural documents and case materials may be in paper or electronic form, and shall comply with the requirements of the court's electronic platform. Paper documents shall be converted and certified with a digital signature by an authorized court administration employee;
- 7.6. Procedural documents such as court notices, records, judicial orders, rulings, and decisions may be maintained electronically and introduced, delivered, and explained to case participants, their representatives, lawyers, and other persons specified by law. Claims, responses, counterclaims, independent claims, motions, and evidence submitted by participants, their representatives, or lawyers may also be presented electronically using the court's electronic platform;
- 7.7. For electronic communication with participants, official e-mail addresses of state bodies and officials, inter-agency document exchange systems, notification delivery systems, the unified state service system, and, the national e-mail address with the registration number of the person authorized to represent a citizen or legal entity without a power of attorney in the unified state information system, and the lawyer's e-mail registered in the Mongolian Bar Association's electronic system, shall be used.
- Article 75³. Filing a case and serving a claim
 - 75³.5. The court may maintain the entire case file, or parts of it, in electronic form. Paper documents submitted to the court shall be converted in compliance with the technical requirements of electronic proceedings. The date of conversion of the paper document, information about the staff member, and the digital signature of the employee who converted shall be attached.
- Article 75⁴ Court notices and records of proceedings
 - 75⁴.2. If a court notice delivered to the address obtained from the State Registration Authority pursuant to Article 754.1 is not received because the respondent does not reside or operate at that address, the court notice shall be sent to the national e-mail address with the registration number of the person authorized to represent a citizen or legal entity without a power of attorney in the unified state information system for communication between state organizations and citizens or legal entities, or to the lawyer's e-mail registered in the Mongolian Bar Association's electronic system;
 - 75⁴.3. In addition to the e-mail address specified in Article 75⁴.2, if the claim includes the respondent's official or personal e-mail address, the court notice shall also be sent to those addresses;
 - 75⁴.4 The notice shall be deemed received if seven days have passed

since the court notice was sent to the e-mail address specified in Articles 75⁴.2 and 75⁴.3 of this law.

- Other provisions related to digitalization: Articles 38.11, 75³.4, 75⁶

Law on Administrative Procedure and Protocols

- Article 8. Language, script, and form of proceedings
 - 8.5. Procedural documents and case materials may be in paper or electronic form.
- Article 10¹. Adjudication of administrative cases electronically
 - 10¹.1 Administrative cases may be adjudicated using the court's electronic platform, and procedural documents and case materials must comply with the requirements of the court's electronic platform;
 - 10¹.2. Paper documents shall be converted and certified with a digital signature by an authorized court administration employee;
 - 10¹.3. Procedural documents and case materials must comply with the technical requirements of the court's/ information system/;
 - 10¹.4. A lawyer shall submit documents such as claims, explanations, complaints, and requests to the court in electronic form. In cases where such submission is not possible due to technical reasons, paper documents may be submitted, provided that the reason for the technical impossibility is substantiated and the documents are subsequently submitted electronically;
 - 10¹.5. For electronic communication with participants in the case, the official e-mail addresses of state bodies and officials, shared system for official document exchange, notification delivery system, the unified state service system and, the national e-mail address with the registration number of the person authorized to represent a citizen or legal entity without a power of attorney in the unified state information system, and the e-mail address of the lawyer registered and connected to the electronic system of the Mongolian Bar Association, shall be used;
- Article 52. Filing of claims, form, and requirements of claims
 - 52.1. A claim shall be filed with the court either in writing or in electronic form, and must be signed by the claimant or their representative.

Law on Infringement Proceedings

- Article 1.5. Language and script of infringement proceedings
 - 3. Procedural documents and case materials of infringement

proceedings may be in paper or electronic form.

- Article 2.1. Court adjudication of infringement cases
 - 3. Adjudication may be conducted using the court's electronic platform, and case documents and materials must comply with the requirements of the court's electronic platform;
 - 4. For electronic communication with participants in the case, the official e-mail addresses of state bodies and officials, shared system for official document exchange, notification delivery system, the unified state service system and, the citizen's e-mail address registered and created in the notification delivery system, the e-mail address of the lawyer registered and connected to the electronic system of the Mongolian Bar Association, and other electronic systems capable of identifying and verifying the person shall be used.
 - 5. A lawyer shall submit documents such as claims, explanations, complaints, and requests to the court in electronic form. In cases where such submission is not possible due to technical reasons, paper documents may be submitted, provided that the reason for the technical impossibility is substantiated and the documents are subsequently submitted electronically;
 - 6. Infringement case files and documents submitted to the court by the delegated/ authorized official or prosecutor may be converted into electronic documents that comply with the technical requirements of the court's electronic platform and certified with the official's digital signature. If paper documents that cannot be submitted electronically at the court level, a court administration employee shall convert them into electronic documents.

Digital Development Package Laws

In connection with conducting judicial proceedings electronically, the issues of electronic signatures and electronic documents inevitably arise.

- The legal basis for citizens and legal entities to use electronic signatures within the digital environment, is established by the Law on Electronic Signatures, regulations related to electronic documents and their execution are governed by the Law on Transparency of Public Information, while relations concerning the creation, storage, and management of electronic documents are governed by the Law on Archives and Records Management. Specifically:
- The Law on Electronic Signatures stipulates through the Article 5.1 "Unless otherwise specified by law, electronic signatures shall be applied to electronic information created, sent, received, stored, or accessible in an electronic environment or the information in

paper form that was converted into electronic form with the help of the information system", Article 4.1.3" "digital signature" shall mean a digital signature that meets the requirements specified in paragraph 6.2 of this Law", Article 6.3: "Digital signatures have the same validity as signatures signed on information in paper form", and

- Article 6.4 of the Law on Civil Servants states "A public servant may use a digital signature when holding a public position and exercising his/her rights and duties", establishing the legal basis for government officials to digitally sign their own legal documents.
- Law on Transparency of Public Information regulates in Article 4.1.9 "electronic document" means information that can be created, processed, stored, sent and received using the information system and in Article 30.5: "Unless otherwise provided by law, an electronic documents are valid in the same as paper documents."
- Law on Archives and Records Management stipulates through Article 4.1.14: "'Signature' means a handwritten signature affixed to a paper document, or an electronic signature as defined in Article 4.1.10 of the Law on Electronic Signatures", Article 37.1: "Within its authority, an organization shall create administrative, organizational, informational, and reference documents in electronic form, unless otherwise provided by law, and in paper form where necessary", and Article 38.2: "An electronic document shall have the same legal validity as a paper document, and in case of discrepancy, the originally authenticated version (hereinafter referred to as the 'original document') shall prevail".
- The Article 4.1.6 of the above law states "'Document' means information recorded on an information carrier" and Article 4.1.7: "'Document component or formation of documents" means information prescribed by laws and standards that are essential for the creation of documents and their official validity", by determining through these provisions that "information" can take the form of both electronic and paper documents.

Thus, by detailing the relevant legislative acts, the intent is to determine whether the legal framework is in place to implement judicial digitalization. Based on the above regulations, the legal framework necessary for the digitalization of courts in Mongolia, particularly the implementation and initiation judicial proceedings in electronic form, is fully in place. Inevitably, as development progresses, new relationships requiring regulation will emerge, and there will be an unavoidable need to further clarify existing regulations. Specific recommendations in this regard are included in the conclusion section.

3. DEVELOPMENT OF JUDICIAL DIGITALIZATION IN MONGOLIA

The development of judicial digitalization in Mongolia can be divided into two main stages, which were formally defined by the Judicial General Council in its Resolution No. 230 of October 17, 2024, "On Establishing Terminology for Digitalization." According to the resolution:

- All system components introduced into court operations up to 2024 shall be referred to as "E-Court 1.0.;"
- The soft infrastructure electronic system components of the enterprise architecture of the new electronic court solution to be introduced from 2025 onwards shall be referred to as "E-Court 2.0," with the electronic address be designated as "e-court.mn."

Since the beginning of judicial information technology development in Mongolia in 1994, significant progress has been made in software, hardware, information security, and data exchange up to 2024. However, with the rapid pace of technological advancement today, it has become imperative for judicial e-solutions to integrate advanced and cutting-edge technologies such as cloud computing, blockchain, artificial intelligence, machine learning, virtual environments, e-pay (e-RAU), and electronic payments systems, thereby establishing a modern and fully integrated data exchange framework.

"E-Court 1.0": 1994-2024

By Resolution No. 09 of 1994, the Judicial General Council secured funding required to establish the unified judicial information network of Mongolia through Government Resolution No. 10, thereby laying the legal foundation for introducing modern technology into the courts and for the digitalization of Mongolia's judiciary.

By adopting Resolution No. 35 of 1994 of the General Council of the Judiciary, the first decision was made to establish a unified judicial information network center within the court administration office, and the staffing positions for one programmer and two operators were approved, thus marking the first appointment of personnel for the digitalization of the courts.

By Resolution No. 13 of March 2, 2007, the Judicial General Council adopted its Strategic Operational Model, and as part of its strategic goal of building a judicial information network and database and servicing with information, the following objectives were set forth: improving the "Judge-2005" court registration software, engaging in the establishment and ensuring the smooth operation of a unified judicial database and network, publishing information and decisions on the Council's official website for public access, connecting courts to the internet, and ensuring the reliable functioning of courts' computer hardware and internal networks.

The Judicial General Council approved, by Resolution No. 24 of August 30, 2013, legal documents including the "General Rules on Judicial

Information Technology Operations," the "Rules for Recording and Archiving Court Proceedings via Audio and Video," the "Rules on Server Rooms and Their Use," and the "Rules on Sending and Receiving Court Documents via Email", that regulated many fundamental changes in digitalization, including the use of court equipment, software, website operation, and the use of passwords.

By Resolution No. 111 of September 10, 2014, the Judicial General Council adopted the New Judicial Management Program. Objective 2 of the program aimed to create sub-software tailored to the functions of courts and judicial administration, ensure their integration, and build a unified system. The program also set objectives to enable online participation in court hearings, submission of complaints and responses electronically, participation in hearings remotely, providing case participants with online access to case progress, and sending information via email, SMS, and mobile applications—thus laying the groundwork for the beginnings of the electronic court system in Mongolia.

The Judicial General Council approved the Strategic Plan of the Judicial Administration Body through Resolution No. 04 of February 10, 2020, with article 3.3.3 of this plan set the objective of developing the electronic court. As part of this measure it was included to create a comprehensive roadmap for the development of the electronic court, define its implementation stages, establish the legal environment for enabling courts to receive claims electronically, communicating electronically with lawyers and parties to cases, making the payment of state stamp duties electronically, and evaluating electronic evidence; to build the infrastructure for the electronic court, secure the necessary funding, and gradually facilitate the transfer of civil and administrative case proceedings into electronic format.

By Resolution No. 01 of January 06, 2022, the Judicial General Council approved the "Regulation on Converting Judicial Archival Documents into Electronic Form," and subsequently, by Order No. 17 of the Chair of the Judicial General Council in 2022, the workplan for digitalization work was issued for the first time. This initiated the process of hiring contract staff for the Judicial Special Archive and court Administration archives, and converting documents into electronic form, thereby giving momentum to the creation of the electronic court.

Thereby, by Resolution No. 332 of December 07, 2022, the Judicial General Council approved the policy document "Common Policy on Introducing Information Technology, Judicial Services, and New Forms of Management in the Courts," which was developed with many stakeholders. In accordance with this policy, the 2024–2027 Strategic Plan included goals and measures to develop judicial information technology in line with Mongolia's development policies and the trend of legal reforms, specifically to develop it under the "Enterprise Architecture of Judicial Electronic Solutions."

Based on these policy documents, the "Enterprise Architecture and

Feasibility Study of Judicial Electronic Solutions" was developed by Astvision LLC and was accepted by Resolution No. 44 of the Judicial General Council in 2024.

The terms of reference for the development and introduction of the soft infrastructure of the enterprise architecture and feasibility study of judicial electronic solutions were prepared by IT Insight LLC and was approved by Order No. 105 of the Chair of the Judicial General Council in 2024.

"E-Court 2.0"

A pressing need has emerged to establish an integrated interagency data exchange system within judicial operations, introduce digitalization into both adjudicative processes and judicial administration, and thereby create citizen-centred court services that strengthen public trust in the judiciary.

In this context, the Judicial General Council, in line with established policies, feasibility studies, and terms of reference, has received professional consultancy services to ensure technical readiness, obtain expert assessments, and has been carrying out, in a phased manner, activities such as procurements, software development, testing, deployment, training, and launch, while simultaneously clarifying the necessary legal framework and developing, amending, or supplementing the relevant rules, procedures, and methodologies.

Let me introduce the preparatory works and progress related to the development, deployment, and debugging of software, i.e., soft infrastructure. The advanced version of E-Court 2.0 consists of the following subsystem components:

Core data system of the judiciary: The information system of judicial institutions;

Case proceedings' systems of the core data spectrum/spectrum of the judiciary: The information system of judicial institutions;

Public System (Portal and Application): A system through which citizens and the public engage with the judiciary using this technological infrastructure;

Judicial electronic archive: A unified electronic database;

Data exchange infrastructure: A system enabling judicial electronic systems to exchange data electronically with each other and with the technological infrastructures of other institutions;

System to integrate with supporting infrastructures: Technological infrastructures that enable specialized interactions to be implemented electronically at a professional level, validated by legal regulations for general use;

Judicial administrative operations system: A comprehensive ERP

system that enables internal operations, resource management, and monitoring activities of judicial institutions to be organized electronically.

What is the Core System of the Judiciary?

It is the core system designed to streamline the operations of all stakeholders into a unified and simplified model, ensuring that data generated in relation to registration, processing, transmission, and reporting is stored centrally and enabling the digitalization of user-side operations."

Core Platform

The core platform is a centralized system accessible via the web by judicial administrative staff and judges. It serves as the central management layer of the Judicial e-Solution, responsible for submitting reports to the public portal for citizens and the wider community, as well as transmitting information to other government institutions.

Depending on the level of access rights, the platform ensures compliance with the Law on the Judiciary of Mongolia, the Law on Privacy, the Law on Personal Data Protection, the procedural laws governing judicial proceedings, the Law on Public Information Transparency, the Law on Cybersecurity, and the Law on Electronic Signatures. It operates without subjective influence and adheres to both international and national IT standards as a secure, web-based application.

Case Registration and Monitoring System

Within the framework of developing a system to implement court-related proceedings electronically, modules will be designed in compliance with relevant laws and regulations, covering criminal, civil, and administrative cases, as well as the registration and processing of complaints, petitions, requests, applications, mediation, judicial proceedings, and dedicated modules for judges and judicial assistants, along with other functional modules.

Users will access the system either through the core platform's module for registered users or by utilizing the national authentication and identification infrastructure. User categories include: the Judicial General Council, Chief Judges, Judges, Court Administrators, Division Heads, Chief Judge's Assistants, Judicial Assistants, Court Clerks, Information and Reference Officers, and IT Specialists.

Citizen and Public System (Portal and Application)

The system that plays the most important role in creating a citizen-centred judiciary is the application and web system intended for citizens and the public.

In the public system, there will be electronic information fields for the Judicial General Council and each court administration office, where legally mandated publicly available information, introduction of the institutions, and

other information can be viewed.

Court Hearing System (E-Courtroom)

The system known as the electronic courtroom or virtual courtroom enables remote court hearings, with digital evidence such as video and audio recordings preserved during hearings. As part of creating the court hearing system, modules will be developed in compliance with relevant legislation, including modules for determining citizen representatives, scheduling hearings, determining court panels, hearing modules, electronic court sessions, electronic repository of court decisions, and others.

Judicial Electronic Archive

A unified electronic repository of information and references will be established, to register case documents received by the Judicial Special Archive and branch archives, along with associated administrative documents, to prepare reports and statistics, and to promptly provide certificates and references at the request of individuals and legal entities.

It is a technological infrastructure allowing the categorized storage, use, and distribution of digital copies of documents in structured formats.

Data Exchange Infrastructure

The **judicial data exchange infrastructure** is a system that enables fast, reliable, and accurate exchange of necessary information between the information systems of judicial institutions.

Integration with Third-Party Supporting Subsystems

It interoperates with separate systems of other government agencies providing supportive functions.

It enables both the import of data from other systems and the extraction of integrated data.

Judicial Administrative Operations System

This system will digitize and convert to electronic form the administrative processes of court offices, create a centralized information database, and improve coordination among units, thereby enabling more efficient resource planning.

Each of these systems will cover all stakeholders involved in judicial operations, from court administration to judicial proceedings, with the aim of making the legal system more **accessible, efficient, and transparent**.

4. PROGRESS OF DIGITALIZATION AND SOLUTIONS

The implementation of the "Judicial Electronic Platform" or "E-Court 2.0" system is being carried out in three stages:

- **Preparatory work;**

- **System development and testing;**
- **Implementation and deployment.**

Preparatory Work

- The following preparatory works have been conducted to establish the "Judicial Electronic Platform" or "E-Court 2.0" system:
- Judicial General Council Resolution No. 322 dated December 7, 2022, "On Approving the Unified Policy for Introducing Information Technology, Judicial Services, and New Form of Court Management";
- The State Great Khural of Mongolia, on November 10, 2023, approved the budget for the "Core Information System for Judicial Case Proceedings" under Annex 2, Investment Projects and Measures, of the Law of Mongolia on the State Budget for 2024.
- Judicial General Council Resolution No. 44 dated February 1, 2024, "On Approving the Enterprise Architecture and Feasibility Study of the Judicial Electronic Solution";
- Order No. 105 dated June 10, 2024, by the Chairman of the Judicial General Council, "On Approving the Terms of Reference for Developing and Deploying the Soft Infrastructure of the Enterprise Architecture and Feasibility Study of Judicial Electronic Solution";
- The terms of reference for the development and introduction of the soft infrastructure of the enterprise architecture and feasibility study of judicial electronic solutions was prepared by IT Insight LLC and was approved by Order No. 105 of the Chair of the Judicial General Council in 2024.
- At the session of the State Great Khural on June 5, 2024, amendments to the Law on Courts, Criminal Procedure, Civil Procedure, Administrative Procedure, and Law on Infringement Proceedings introduced additional provisions for conducting judicial proceedings electronically;
- Contracts were signed in August 2024 with contractors who were selected in compliance with the technical specifications (terms of reference) for "Developing and Deploying the Soft Infrastructure of the Enterprise Architecture and Feasibility Study of Judicial Electronic Solution" and for procurement of "Equipment for Courtrooms and Archiving";
- Within the framework of developing and introducing the soft and hard infrastructure for judicial digitalization, as well as other related preparatory activities, the following works are being carried out:
 - Conducted network analysis, vulnerability assessment, cybersecurity risk analysis, and a network audit by professional

organizations to ensure infrastructure readiness;

- Implementing, in a phased manner, improvements based on infrastructure audits, enhancing internal network architecture, ensuring security, preparing transmission networks of judicial administrative bodies, renovating server rooms for reliable storage of soft and hard infrastructure and information, upgrading power sources, backup power, and cooling equipment, and deployment of a "Call Center" to support system users and users;
- Updating procedures for handling legal documents at the organizational level, including classification, scope of use, roles and responsibilities of stakeholders, workflows, usage, and monitoring. Implementing ISO 9001 quality management system and process re-engineering;
- Within the framework of policies to support the implementation of the electronic system, measures have been taken to **increase and reorganize positions responsible for the continuous operation of the information technology systems**, ensure their stable employment, a project unit was established for successful implementation of the project, **regularly provided staff with training to enhance their digital skills**, linked such training to **performance evaluation**, and offered **special support in human resource management, overtime compensation, and workload management**;
- **Planning to implement an Information Security Management System compliant with ISO/IEC 27001:2022.**

System Development, Testing Core Data System of the Judiciary

By consolidating the activities of stakeholders in the judicial system into a unified and simplified model, the core system stores data generated from recording, processing, transmitting, and reporting information. It serves as the main system that digitalizes the operations of user stakeholders. This shows the overall process of the "E-Court 2.0" project, which is based on this core system.

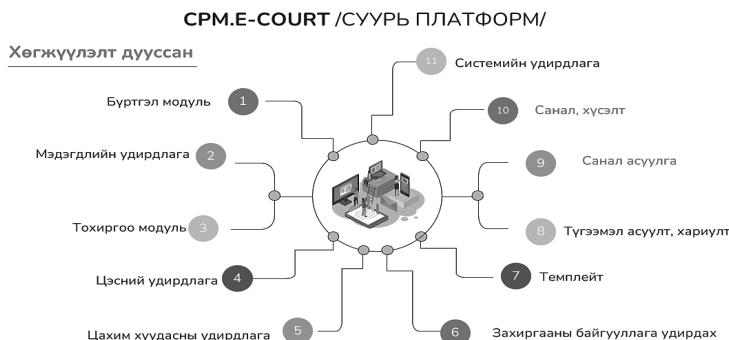
		Үе шат / Систем	Сурье платформ	ХХЦА-ны систем	ИОН портал, апп	Шүүхийн шахим архив	Өглөгдөн сониний дэл бүрэлд	Шүүхийн ERP систем
Хөгжүүлэлт	Шаардлагын тодорхойлж	✓	✓	✓	✓	✓	✓	✓
	И/ОХ логайн	✓	✓	✓	✓	✓	✓	✓
	Back-end хөгжүүлэлт	✓	✓	✓	✓	✓	✓	✓
	Front-end хөгжүүлэлт	✓	✓	✓	✓	✓	✓	✓
Сайжруулалт	Сайжруулалт	⌚	⌚	⌚	⌚	⌚	⌚	⌚
	ЦАТ тест	✓	✓	✓	✓	✓	✓	✓
	Функциональ-тест	✓	✓	⌚	⌚	✓	✓	✓
	Ачлаалын тест	⌚	⌚	⌚	⌚	✓	✓	✓
Чанар, МАБ тест	Эх кодын шалгамт	✓	✓	✓	✓	✓	✓	✓
	Дал бүтцийн шалгамт	✓	✓	✓	✓	✓	✓	✓
	Нэвтрэлтийн шалгамт	✓	✓	✓	✓	✓	✓	✓
	Гарын авалаа	⌚	⌚	⌚	⌚	⌚	⌚	⌚
Нийтийн шалгамт	Сургалт	⌚	⌚	⌚	⌚	⌚	⌚	⌚

✓ Хийгдсэн ⌚ Хийгдэн буй ⌇ Хүзэгдэж буй

Core Platform

The **Core Platform** will serve as a unified web-based system for use by court administrative staff and judges. Through this platform, reports will be submitted to the public portal for citizens and the general public, and information will be transmitted to other government agencies. It will function as a **central management system** for the court's digital solutions. The following requirements have been specified in the terms of reference:

- Authorized users must be able to organize and manage the menu of component subsystems within the core system.
- It must be capable of generating both static and dynamic reports.
- Authorized users must be able to manage classification and reference databases.
- Authorized users (administrators of each organization) must be able to register system users, update relevant information, and manage user access.
- The system must allow all types of searches and filtering.
- The system must automatically record who, when, what, and how changes were made (e.g., new registration, modifications, deletion, activation or deactivation) for each instance.

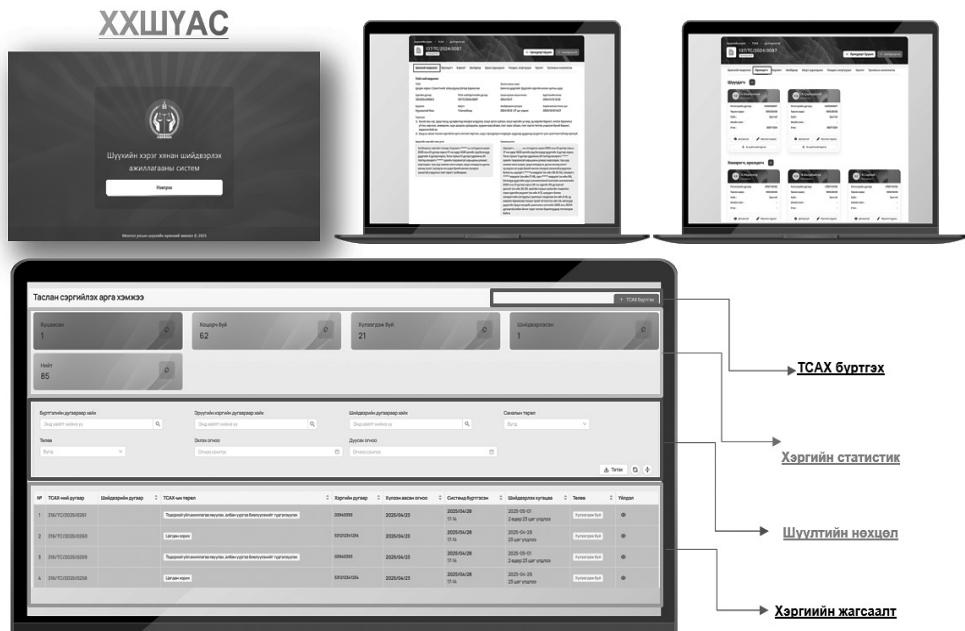


Case Proceedings System of the Core Data System for the Judiciary

Within the scope of creating a system to conduct case proceedings electronically, a system will be developed in compliance with relevant laws and regulations to handle criminal, civil, and administrative cases, as well as petitions, complaints, requests, and applications. It will also include modules for conciliation, case proceedings, and **modules for judges and their assistants**, along with other related modules. The following requirements are specified in the terms of reference:

- Execute the transfer, receipt, and proceedings of criminal cases.
- Receive civil and administrative case petitions, requests, and complaints.
- Track case movement, monitor progress, and manage case transitions.
- Open and manage case files.
- Schedule preliminary court hearings.
- Allow participants to accept and confirm preliminary hearing schedules.
- Use artificial intelligence to propose possible judicial decisions to judges.

ЕСР.Е-COURT /ХЭРЭГ ХЯНАН ШИЙДВЭРЛЭХ АЖИЛЛАГДАНЫ СИСТЕМ/

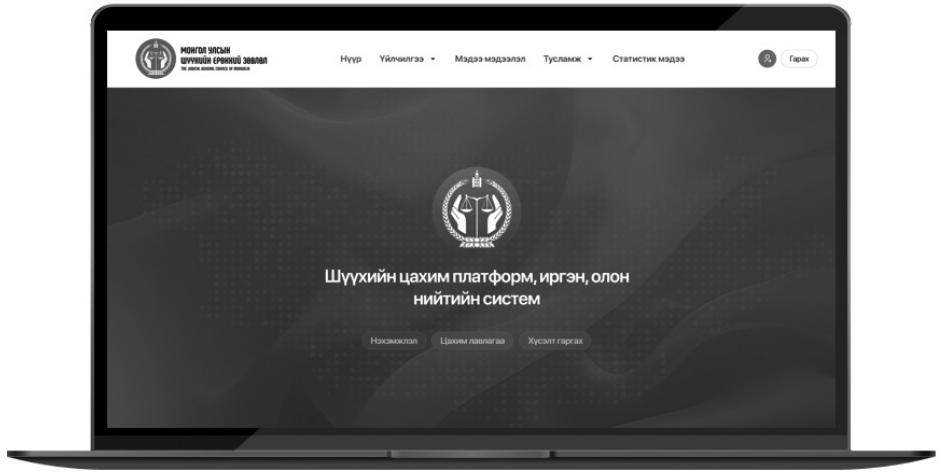


Citizens and Public System (Portal and Mobile Application)

The Citizens and Public System include an electronic platform for both the Judicial General Council (JGC) and each court administration office, allowing access to information that are required to be publicly disclosed by laws, regulations, and rules, as well as organizational introductions and other public information. The terms of reference specifies that the system must meet the following requirements:

- Notifications regarding petitions, requests, complaints, and cases in which the user is involved.
- A notice served to the responsible party
- A notice served to the defendants/accused persons.
- Receive notifications of court decisions, findings, and rulings.
- Select the type of petition and complete an electronic form.
- Attach evidence and other required documents.
- Pay state duty fees.
- Track the progress of a petition.
- Submit complaints and requests to the court.

Иргэд олон нийтийн портал - Нүүр хүудас



Иргэд олон нийтийн мобайл апп



Court Electronic Archive

The Court Electronic Archive is a technological infrastructure that allows digital copies of documents to be stored, categorized in a defined structure, accessed, and distributed. The terms of reference specifies that the system must meet the following requirements:

The system must register and allow searches of case files received in the court's special archives and branch archives, as well as related official records and administrative documents of the court administration, enabling research and generation of all types of reports efficiently and without obstacles.

Information in the register should automatically signal updates or changes depending on the timing of research or report generation.

The system serves as the main platform for data exchange between the court and other participants, including citizens and organizations, ensuring secure management of data and using modern advanced technologies for data exchange.

The electronic archive's database must ensure high reliability, confidentiality, and secure operation.

Backups must be performed at specified intervals.

ШҮҮХИЙН ЦАХИМ АРХИВЫН ЯВЦ



Operations System within Court Administration

This is a comprehensive ERP system designed to organize the internal operations of the organization, resource management, and control activities in an electronic format. The electronic system is being implemented in stages with the following modules:

Human Resources	Orders and Decisions	Case Status Monitoring
Correspondence	Projects and Programs	Work Operations
Orders	Budget Planning	Media Records and Oversight
Official Documents	Meetings	Monitoring and Evaluation
Clients	Report Management	Performance Planning
Court Administration	Procurement	Legal Affairs
Archives	Finance	
Timekeeping	Contract Monitoring	
Assessment	Website Management	

ШҮҮХИЙН ЗАХИРГААНЫ ҮЙЛ АЖИЛЛАГААНЫ СИСТЕМИЙН НЭВТРҮҮЛЭЛТИЙН ЯВЦ

Үе шат	Системүүд	Хөгжүүлэлт	Тест	Сайкруулалт	Сургалт	Интеграци	Зүгшрүүлэлт
I	1. Хүнгий нөөц (10 дэд модуль) 2. Албан хэрэг хөтөлөлт (2 дэд модуль) 3. Гэрээний хяналт 4. Байгууллагын архив 5. Ажил төлөвлөлт (2 дэд модуль) 6. Хурлын удирдлага 7. Цахим хуудасны агуулгын удирдлага 8. Хөргийн хөдөлгөөний статистик 9. Захидал 10. Харилцагч 11. Үнэлгээ 12. Захиалга	✓	✓	✓	✓	✓	✓
II	1. Хяналт, шинжилгээ, үнэлгээ 2. Төсөл хотөлбөр 3. Тайланын удирдлага 4. Хувь эрх эзүй 5. Хэвлэл мэдээллийн бүртгэл, хяналт	✓	✓	✓	✓	✓	✓
III	1. Санхүү 2. Төсвийн төлөвлөлт 3. Худалдан авалт	✓	✓	✓	✓	✓	✓

 Хийгдсэн

✓ Хийгдэж буй

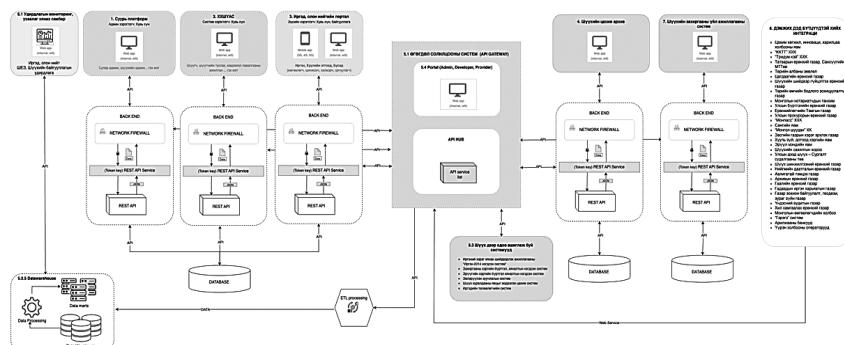
✓ Хүлээгдэж буй

Data Exchange Infrastructure

This is a system that enables the electronic court systems to exchange information quickly, reliably, and accurately with each other as well as with the information systems of other organizations. The following requirements are specified in the work assignment:

- The system allows mutual information exchange between information systems;
- Operates in real-time, quickly and efficiently;
- Can track what data was transmitted, when, and how (e.g., for generating statistical reports and summaries);
- Capable of managing and controlling the operations;
- Ensures reliable connectivity for users accessing the system or integrated supporting subsystems.

ӨГӨГДӨЛ СОЛИЛЦОХ ДЭД БҮТЭЦ



System to integrate with supporting infrastructure and subsystems

There is a technological infrastructure that ensures that specialized communications are implemented electronically at a professional level and are widely used through appropriate legal regulations. Requests have been sent to integrate with over 30 government and other organizations, and the work of connecting them is being carried out in phases.



Artificial Intelligence (AI) Related Tasks

The "E-Court 2.0" system will implement the following AI-related functions:

Modules for Judges and Judicial Assistants in the Case Proceedings System:

- Utilize AI for searching and filtering within the judicial decisions database and legal regulation repository.

Judicial Decisions Database:

- Use AI when publishing the judicial decisions database to automatically anonymize personal and organizational information and make it easier to access and use.
- Apply AI to filter and display similar cases from over 400,000 judicial decisions in the database.

Reporting Requirements:

- Enable automatic conversion of all official state documents, other exchange, court records and meeting notes from Cyrillic script to

traditional Mongolian script.

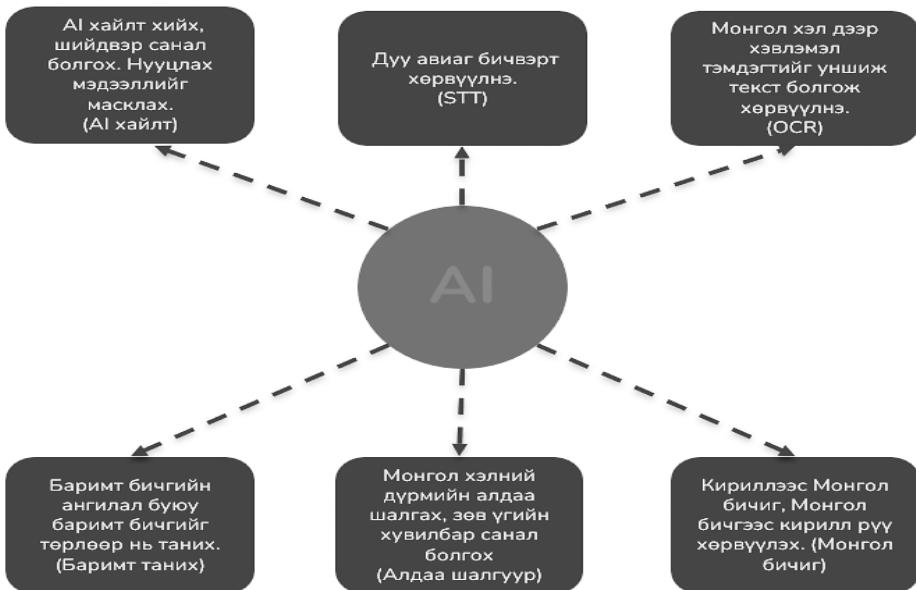
General Requirements for Integration with Other Systems:

- Use Voice-to-Text and Text-to-Voice technologies to convert spoken audio during court sessions into text.
- The system automatically checks the errors and spelling of text
- Enable high-accuracy recognition of recordings, and for uncertain words, suggest alternatives from the Mongolian language lexicon (this functionality may be trained and executed using AI).

Functional Requirements for the E-Archive Module:

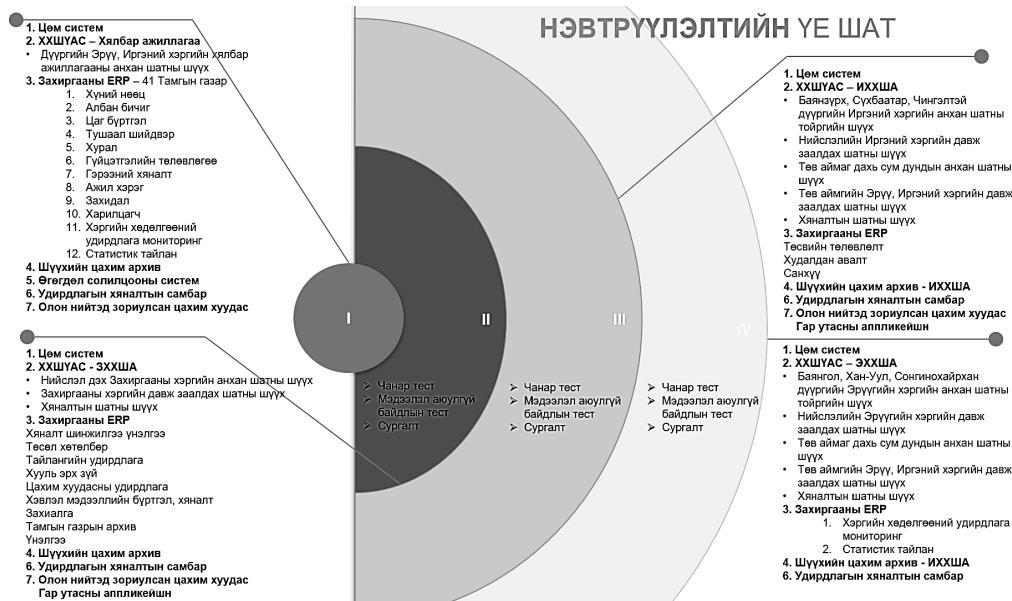
- Automatically detect the type of digitally uploaded document, extract keywords from selected sections and recognize and store the full text of the document.

Ажлын даалгаврын дагуу хийгдэх AI-ийн сервисүүд

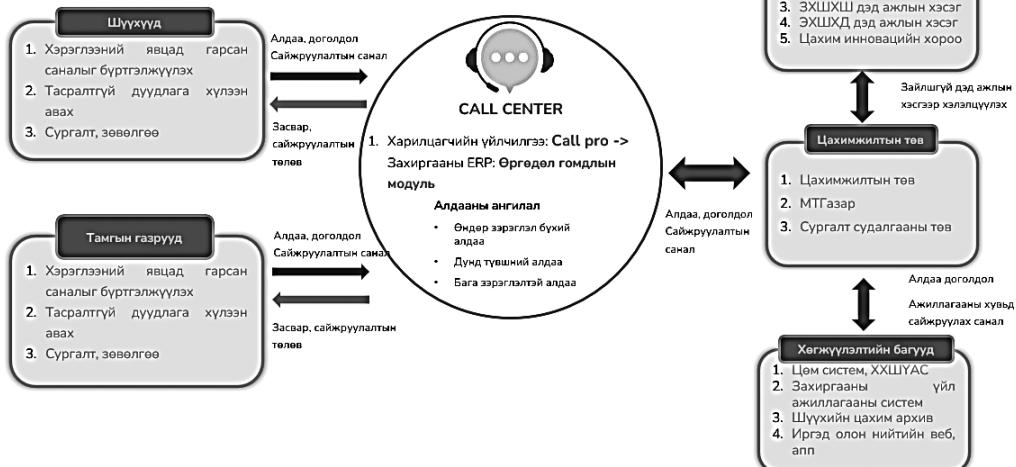


Implementation and Deployment

The implementation of the "e-court 2.0" system is being organized in phases, and improvements are being made through regular user testing, quality testing, and external information security audits. The roll-out of 12 modules of the Court administration ERP system has begun across all Court Administration Offices. Preparatory works are underway to deploy other systems into District Criminal, Civil, and Simplified Procedure Court jurisdictions.



ДЭМЖЛЭГ ҮЙЛЧИЛГЭЭ, САЙЖРУУЛАЛТУУД



CONCLUSION

Although Mongolia's phased development of the judicial electronic system (e-judiciary system), is a positive achievement, it is essential that the legal framework not be confined solely to the judiciary. Rather, it must comprehensively regulate the entire cycle of state operations—from initiation to completion by archiving as digital records—while enhancing the level of citizens' digital participation. Going forward, it will be of critical importance to study international best practices and adapt them to Mongolia's specific context, ensuring alignment between legislation and practice.

The digitalization of judicial processes is not only a tool for simplifying operations but also an effective means of **identifying, reducing, and addressing legal overlaps, gaps, and inconsistencies** in the following ways:

- **Increased transparency:**
 - Court decisions are stored in electronic archives in compliance with laws on personal data protection and other relevant legislation, making the application of law more transparent.
 - Citizens can access court services more efficiently and conveniently.
 - Lawyers and researchers can analyze the uniformity of legal application.
- **Legal overlaps, gaps, and inconsistencies will be identified more quickly:**
 - When courts interpret and apply laws differently in specific cases, it signals potential gaps in the legislation.
 - This information can be studied by lawmakers (State Great Khural) and relevant authorities, and used as a basis to amend and revise laws. State policy is expressed and implemented through law.
- **Reduced corruption and external influence:**

Fully digitized case management (e.g., automated case allocation) reduces human intervention, thereby lowering the risk of undue influence or unfair practices.

Moving forward, the implementation of judicial digitalization requires **improvements and clarifications in the legal framework** in the following areas:

- Currently, there is no legal framework regulating the use of artificial intelligence, which could create gaps in governance.
- Article 12.2.2 of the Law on Courts which states "Court hearings may be held in public, broadcast live on the court's website, or through the media, or through innovative public electronic platforms, in accordance with this law and the law on judicial proceedings, or made available to the public in audio-visual recordings" created conditions that violate Articles 16.13 and 16.17 of the Constitution, which guarantee the protection of personal privacy and fundamental rights. Similarly, Articles 4.1.11, 4.1.12, and 9.1 of the Law on Personal Data Protection that regulate how state and other entities may collect, process, and use personal and sensitive data with the data owner's consent, has created conditions that violate the fundamental rights of the person as stipulated in the Constitution of Mongolia. by facilitating that the court proceedings to be broadcasted and published without consent. This conflict

is considered to create a complete legal gap. To be specific, while a law that conflicts with the Constitution of Mongolia is not considered violation in terms of the hierarchy of laws in practice, but from a legal theory perspective, it constitutes a complete gap i.e. regulatory void.

- Successful implementation of judicial digitalization requires collaboration and information integration with other state agencies, necessitating a unified solution and coordination at the state policy and leadership level.

In conclusion, It is commendable that the "State Great Hural" (Mongolian State Parliament) has quickly established a legal framework enabling judicial proceedings electronically. To fully leverage this framework and ensure that the benefits of electronic/e-court systems are accessible, safe, and efficient for citizens and stakeholders, attention must be paid to carefully balancing personal data protection with transparency, enhancing cybersecurity, integrating archives, and ensuring inter-agency coordination and integration.

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PLENARY SESSION 5.
PUBLIC'S RIGHT TO INFORMATION AND
FAITH IN THE JUDICIARY

EXPERIENCE OF MONGOLIA IN COURT PROCEEDING IN ENSURING THE PUBLIC'S RIGHT TO KNOW

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PREAMBLE

Judicial transparency and openness not only ensure the public's right to know about the judiciary but also serve as an important mechanism for strengthening public trust in the courts. When court proceedings are fully open and decisions are explained clearly, people can understand the justice system better and place their trust in it. Public scrutiny also helps protect courts from improper influence and encourages them to improve through constructive criticism. In this way, the courts strengthen their role as a democratic institution and safeguard every citizen's right to a fair trial.

It has been recognised in the International Covenant on Civil and Political Rights that without an "open court", a person's right to fair trial will not be achieved. Specifically, in Article 14, it has been provided "All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law."¹

In the 1992 Constitution of Mongolia, Article 1.2 stated that "The fundamental principles of the activities of the State shall be democracy, justice, freedom, equality, securing a national unity, and the rule of law" and Article 50.1 provided "Unless otherwise specifically provided by law, the court shall hear cases in open trial". These provisions ensure the principles of democracy and transparency in judicial proceedings, and during this period, measures have continuously been taken within the framework of judicial law reform to uphold these principles.

The principle of judicial transparency enshrined in the Constitution is fundamentally different from the principle of "open trial" found in previous Constitutions, as it represents a shift from "party and state control" over the judiciary to "citizen oversight."

In this article, I aim to share with you the policies, measures, and practices implemented by Mongolia to ensure the public's right to know in judicial proceedings, examine the outcomes achieved, and highlight the

¹ Article 14, International Covenant on Civil and Political Rights (adopted 16 December 1966, UNGA Res 2200A (XXI), entered into force 23 March 1976), <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

issues that require further attention.

1. LEGAL REFORM AND OUTCOME IN EFFORT TO ENSURE PUBLIC RIGHT TO KNOW IN JUDICIAL PROCEEDINGS

Since the adoption of the democratic Constitution in 1992, Mongolia has implemented judicial reforms in phases. In this context, from the perspective of ensuring the principle of transparency in judicial activities and the development of legislation, the process can be divided into the following phases:

Phase I: From 'party and state control to civil oversight' (1993–2013);

Phase II: From 'principles to legal standards' (2013–2021);

Phase III: From 'limited' transparency to openness (2021–present).

a. "Phase I" (From Party and state control to civil oversight)

Mongolia's transition to a democratic system in 1992 required the reform of all state and social institutions. In this context, the Law on Courts, adopted on 4 February 1993, became the first foundational legal document to restructure judicial power and to regulate its transparency and openness from a legal perspective. The concept of the law cited the above-mentioned provision of the International Covenant on Civil and Political Rights and established the general principle of conducting court hearings in open trials² unless the law specifically provides for a closed hearing.³ This led to the creation of public oversight in judicial activities and the establishment of public trust in fair trials.

To further strengthen judicial power and enhance transparency, the Parliament of Mongolia adopted several key documents: through the annex to Resolution No. 18 of 1998, the "Program for Legal Reform," the "Main Directions for Improving Mongolian Legislation by 2000," and the "Action Plan for Implementing Mongolia's Legal Reform Program"; and through the annex to Resolution No. 39 of 2000, the "Strategic Plan for Mongolia's Judiciary." These steps regulated the concept of transparency in judicial activities at the level of policy and planning.

In particular, the "Strategic Plan for Mongolia's Judiciary" adopted in 2000, which included 30 objectives and 101 measures, is significant for incorporating the following measures related to ensuring the public's right to know:

i. Establish mechanisms to protect judicial bodies from media influence and to refine the relationship

² Article 22.2, Law on Courts (1993)

³ Except in cases where it is necessary to protect state, organizational, or individual secrets that must not be disclosed for the purpose of safeguarding human rights, reputation, dignity, national defense, national security, and public order, court hearings at all levels shall be conducted openly. If a court hearing is held in closed session, the ruling section of the court decision shall be publicly announced." — Law on Criminal Procedure of Mongolia, 1963, <https://legalinfo.mn/mn/detail?lawId=7169>

between the judiciary and the media (Measure 1.7.1).
ii) Develop information technologies within judicial bodies to prepare and regularly disseminate information for citizens and the public (Measure 1.7.2).
iii) Establish press and public relations offices within central judicial institutions, tasked with ensuring transparency of judicial activities and freely providing information not specifically classified as secret by law (Measure 1.7.3).
iv) Implement measures to enable citizens to access legal institutions and review their decisions without delay, and to eliminate obstacles in this process (Measure 5.4.1).
v) Establish a mechanism to promptly refute any false or distorted information that undermines the decisions, actions, or reputation of the judiciary and judges, and use this mechanism to provide accurate information to the public (Measure 5.4.2).

In accordance with the "Plan for Legal Reform in Mongolia" adopted by the Parliament in 1998, the Law on Courts of 1993 was revised in 2002, incorporating more detailed regulations on the judicial system, its powers, organization, and the legal basis of its activities.⁴ The revised 2002 Law on Courts remained in effect until the 2013 Package Law on Courts came into force, and during this period, no amendments or changes related to judicial transparency and openness were introduced.

Furthermore, to further deepen judicial reform, subsequent policies and measures were developed within the framework of implementing the "Strategic Plan for Mongolia's Judicial Power" adopted in 2000, laying the foundation for the next stage in systematically enhancing judicial transparency. For instance, the "Program to Deepen Judicial Reform," developed on the initiative of the President of Mongolia, was endorsed at the meeting of the National Security Council on 15 April 2010, thereby coming into effect. Subsequently, to organize its implementation, the Chairman of the Judicial General Council approved the "Main Directions for Accelerating the Implementation of the Program to Deepen Judicial Reform in the Courts" by Order No. 39 dated 10 November 2010. Within the framework of implementing the objectives outlined in these acceleration and deepening programs, the "Electronic Database of Court Decisions" (Direct website: www.shuukh.mn) was launched to ensure judicial transparency and openness. This electronic database serves as a valuable research resource for judges, lawyers, researchers, academics, analysts, and students, enabling consistent and correct application of the law, the establishment of judicial precedents, and the analysis and comparison of court decisions.⁵

Thus, the policy documents adopted and implemented within the

⁴ Parliament of Mongolia, Research Team of the Project "Supporting Citizen Participation in Legislative Process" implemented by the UNDP, Study of the Implementation of the 1992 Constitution of Mongolia, 2016, p.111

⁵ National Legal Institute, "Supporting the Development of the Legal Reform Policy Document" (Annex Report 2), 2016, p.100

judiciary have laid the groundwork not only at the legislative level, but also at the institutional and leadership levels, for strengthening judicial transparency, effectively carrying out judicial reforms, monitoring the implementation of laws, enhancing public trust, and ensuring that justice is delivered in a more open and accountable manner.

In other words, the key feature of this period lies in defining the concept of judicial transparency, planning the measures to be undertaken in this regard step by step, incorporating the relevant provisions, and laying the groundwork for future development.

However, due to limitations in the judicial budget, courtrooms were largely inaccessible to the public, court decisions were relevant mainly to the parties involved rather than the broader public, and the digitalisation of the judiciary was not well implemented. As a result, access to judicial information was insufficient, and the public had limited opportunity to obtain comprehensive information about the courts.

b. "Phase II" (Principles to legal standards)

On 15 April 2013, the Package Law on Courts came into force, incorporating a separate provision on "Openness and Transparency of Judicial Activities."⁶ Within this framework, the law relatively clearly stipulated key measures such as: holding court hearings openly unless otherwise specifically provided by law; ensuring courtrooms meet the conditions and requirements for open hearings, including appropriate organization and standards; allowing citizen representatives to participate in court hearings in accordance with legal procedures; recording the proceedings in audio and video formats for archival purposes; requiring each court to maintain its own website and regularly provide information on its decisions and activities; and informing the public through media about how cases and disputes are resolved, excluding information classified as confidential by law concerning the state, individuals, or legal entities. Through these provisions, the principle of transparency under the previous law began to transition from a mere concept into a "legal standard." In this context:

First, within the framework of standardizing the "open conduct of court hearings," the Judicial General Council (JGC)⁷ assumed the responsibility to establish and enforce the organization and standards of courtrooms that meet the conditions and requirements for open hearings. In this regard, the JGC approved the "General Requirements for Court Buildings" through the annex to Resolution No. 100 dated 1 July 2014, which remained in effect for ten years until the "Court Building Standards" were adopted on 23 January 2025.

Second, since the implementation of the 2013 law, in order to make judicial services transparent, open, and accessible, establish conditions for

⁶ Article 8, Law on Courts

⁷ Hereinafter as "JGC"

public oversight, and increase citizens' trust in the judiciary, the Judicial General Council (JGC) implemented the "Court and the Public" program for 2014–2016 under Resolution No. 114 of 2014. This program aimed to expand the openness of court hearings, make all courts more accessible, and provide technical means for remote observation of hearings by organizing electronic court sessions. Courts gradually introduced the electronic system www.live.shuukh.mn from 2015 to upload recordings of high-profile cases and provide updates on court proceedings. By June 2022, a total of 71,023 court hearings had been conducted online.⁸

Third, in connection with the regulation to record and archive court proceedings in audio and video formats, the Judicial General Council (JGC) approved the "Procedure for Recording and Archiving Court Proceedings in Audio and Video Format" through the annex to Resolution No. 24 dated 30 August 2013. By the end of 2013, audio and video recording and archiving equipment had been installed in 85 courtrooms across 40 courts. The equipment installed in courtrooms not only recorded and archived proceedings but also allowed the testimony of parties, witnesses, and other relevant individuals residing outside the region to be taken from their local courtrooms, thereby saving time for both the courts and citizens and reducing costs and inconveniences.⁹

Fourth, within the framework of the legal requirement to regularly inform the public about court decisions and activities, a working group was established to update the electronic database of court decisions in line with the Package Law on Courts. As a result, it has become possible to access all first instance, appellate, and review court decisions, rulings, judgments, and orders issued since 2011, except those related to individuals, institutions, or state secrets.¹⁰

In addition, during the transitional stage, alongside the electronic database of court decisions, the integrated electronic information system of courts and law enforcement agencies (e-justice.mn)¹¹ was launched in 2018. Its purpose is to provide citizens who interact with the courts and law enforcement bodies with opportunities to access information, monitor

8 M. Dolgorsüren, "Implementation of the Principle of Open Hearing of Cases", 2022, p.9.

9 Judicial General Council Report, 2013, p.16

10 In addition, by entering one's own or the respondent's home address, the system indicates which court has jurisdiction over criminal, civil, and administrative cases and provides all relevant information about that court; when filing a civil lawsuit, it shows the amount of stamp duty to be paid and the method of its calculation; it enables users to clearly view the location of all courts on Google Maps along with information about their type and level; it provides the websites, email addresses, telephone and fax numbers of all courts, as well as announcements of court hearings and case summaries; and by creating a new information and reference section, it has become possible to access comprehensive information in one place regarding the right to file a case with the court.
— Judicial General Council Report, 2015, p.30

11 This electronic database contains information such as the registration and resolution of criminal and misdemeanour cases, the types of decisions rendered, categories of crimes, revenues transferred to the state budget, punishments imposed, and recommendations on preventive measures. It plays an important role in providing citizens with timely and accessible updates on case proceedings, delivering accurate and reliable crime statistics to the public, and ensuring the transparency of law enforcement agencies.
— M. Dolgorsüren, "Implementation of the Principle of Public Hearing of Court Cases", 2022, p.9. (Some sections clarified by the researcher.)

proceedings, and participate in activities. Moreover, since the law requires every court to maintain its own website, the Judicial General Council, by Resolution No. 24 of 30 August 2013, approved the "Unified Regulation on the Information Technology Operations of Courts" as Annex 1. Under Article 8 of this regulation, each court's website must include a set of common and essential menus to ensure citizens' access to necessary information.

Although the legal framework for judicial transparency and openness has evolved into a legal standard and public perception has become relatively more positive¹², certain studies conducted at the time revealed remaining issues. For example, findings from the observation of criminal court hearings showed that in 76.6 percent of cases observers were allowed into the courtroom without hindrance, in 22.7 percent they were admitted only after an identity check, and in 2 hearings, representing 0.7 percent of the total observers were denied entry altogether.¹³

c. "Phase III" (From 'limited' transparency to openness)

In 2021, with the aim of strengthening judicial independence and accountability, the Parliament adopted the revised version of the Law on Courts, which also included provisions regulating judicial transparency and openness. Later, in 2024, a major principle-based amendment was introduced to this law to further ensure judicial transparency, and this change was driven by the following reasons.

Although the Law on Courts enshrined the principles and standards of transparency, the excessively broad provisions on regulating state, institutional, and personal secrecy established and protected under other laws conflicted with the principle of transparency in judicial activities. For instance, once a matter was deemed an institutional secret, the court hearing would shift to a closed session, and the decision itself would remain classified.

In addition, due to insufficient live broadcasting of court hearings and the lengthy process of formalizing and handing over decisions, rulings in high-profile cases were often delayed and failed to be issued within a time frame of public significance. As a result, the public was left waiting for accurate information from the courts. In other words, during this period, the parties' positions could easily be mistaken for factual information, creating confusion, which underscored the need for an official mechanism to provide accurate judicial information before a decision was formally finalized and released, thus, avoiding ambiguity. At the same time, there was also a need to clarify

12 According to the survey conducted in November 2018, during the transitional phase that began in 2013, in response to the question, "To what extent do citizens who have used court services believe that cases and disputes are resolved fairly?", 67.2% of respondents said they trust the courts. Compared to a survey conducted in 2007, when the result was less than 30%, this represents nearly a twofold increase; compared with a similar survey conducted 10 months earlier, it increased by 1.4%. — Judicial General Council, Institute for Court Research, Information, and Training, Citizens' Trust in the Judiciary – Survey Report, 2018, p.19

13 P. Battulga et al., "Observation of Court Hearings: Research Report", Open Society Forum, 2017, p.11

and improve certain legal provisions in order to deepen the digitalisation of the judiciary.

Therefore, in order to address these issues and ensure consistency across legislation, the Supreme Court, within the scope of its authority, initiated amendments to the Law on Courts and other relevant laws and submitted them to the Parliament. As a result, principle-based regulations concerning judicial transparency were introduced, including the following:

- Open hearings at the review court and open hearings of corruption-related cases at the first and appellate instances must be broadcast live or made available to the public through audio-visual recordings;
- Except for cases involving state secrets or those expressly required by procedural laws to be closed, all court deliberations and hearings must be open to the public;
- Decisions from open hearings must be made publicly accessible in the electronic database within 10 working days after being delivered to the parties;
- Court decisions must be communicated to the public in a clear and understandable manner, both in writing and through oral explanations;
- Official interpretations issued by the Supreme Court on the correct application of laws (excluding the Constitution of Mongolia) and its decisions deemed significant for ensuring uniformity in the application of law must be published in the State Information Bulletin;
- An electronic database must be maintained to include complaints, claims, explanations, requests filed by parties, hearing records, court decisions, and hearing recordings, and this database must be openly accessible to interested parties, with the condition that when disseminating such information, the source must be cited and the information must be conveyed accurately;
- Court decisions and rulings must be compiled, published, and regularly uploaded on court websites, which must be consistently updated; public feedback on court operations must be collected both in writing and electronically;
- Case participants, their representatives, and lawyers must be able to access the court's electronic platform, allowing them to review case materials (complaints, claims, requests, supporting evidence, judges' rulings, decisions, etc.) in civil, infringement, administrative, and criminal cases, as well as to receive, submit, and exchange information and documents electronically.

In connection with the legislative reforms, the JGC also adopted several

regulations, including the Methodology for Preparing Summaries of Court Decisions, the Procedure for Informing the Public about Court Decisions (which contains templates and methodologies for decision summaries and procedural summaries), and the Procedure for Uploading Recordings of Open Court Hearings to Court Websites. In addition, it updated regulations such as the Procedure for Publishing Court Decisions on Websites and the Standards for Court Buildings.

Summarizing the activities carried out within the framework of the legal regulations, the following results have been achieved:

1.3.1. Court decisions

In Mongolia, court decisions were accessible only to the parties and other participants in a case from 2004 to 2014. However, on 25 April 2014, when the JGC approved the Procedure for Publishing Court Decisions, court decisions began to be uploaded to the electronic database of court decisions in their complete, unaltered form, marked as "copy." In 2022, with the adoption of the Procedure for Publishing Court Decisions in the Electronic Database, the full text of court decisions began to be published on using a "publish all except restricted (negative selection)" approach. Under this method, information concerning individuals, legal entities, and their assets mentioned in the decision is altered using symbols and letters, while all other information is published transparently.¹⁴ Furthermore, the procedure specifies that court decisions will not be published on the website in the following cases: decisions rendered in closed hearings; decisions related to family disputes, the rights of minors, or the legitimate interests of parties; decisions concerning sexual integrity or crimes against sexual freedom; decisions restricting or terminating civil legal capacity; decisions ordering involuntary hospitalization in psychiatric facilities; decisions involving corrections or changes in civil or property registries; and decisions reviewed under the simplified or special procedures provided in the Civil Procedure Code.¹⁵

As of today, a total of 551,020 court decisions, rulings, and resolutions are accessible through Mongolia's electronic database of court decisions. Of these, 82% (452,938) are first-instance court decisions, 13.73% (75,660) are appellate court rulings, and 4.07% (22,422) are review court resolutions. In addition, the websites of first-and appellate-instance court administrations publish monthly updates on case flow, including the number of claims received, dismissed, at various stages of proceedings, scheduled, postponed, or resolved. The Supreme Court, for its part, publishes case flow updates on a quarterly basis.

1.3.2. Summarisation of a case decision

The JGC approved the Procedure for Informing the Public about Court

¹⁴ Open Society Forum, Monitoring Report on the Transparency of Court Decisions, 2024, p.16

¹⁵ Section 4.2 of the Regulation on Uploading Court Decisions in the Electronic Database (2022)

Decisions as Annex to Resolution No. 343 on 15 December 2022. Under this procedure, judges or panels that render decisions are required, depending on the nature of the case or dispute, to present a summary of the decision to the public, highlighting either substantive or procedural aspects. The annex to the procedure also establishes a template for such summaries, ensuring uniformity in their format.

Courts in the capital are required to prepare and release at least two summaries per month, while courts in the provinces must prepare and release at least one per month.¹⁶ Additionally, on following three occasions, summaries must be prepared in a timely manner:

- When the media or journalists request information to provide the public with accurate and reliable reporting;
- When information published in the press, media, or public online platforms is misleading, inaccurate, or distorted, creating a need to provide correct information, or when circumstances arise that could negatively affect public confidence in the judiciary, as reported by the court administration or the media unit of the JGC;
- When, after a summary has been issued, the decision in question is amended or rendered invalid.¹⁷

In the summaries, personal or sensitive information must be excluded; individuals are represented using general information such as age, gender, and occupation¹⁸, while legal entities are represented by general information such as name, type, or field of activity.¹⁹ The administration of each court at all levels is responsible for²⁰ ensuring that the summaries meet the required format, creating a dedicated section on the court's website, and making them clearly visible. The JGC and the court administrations at all levels are responsible for disseminating²¹ the published summaries to the public, as regulated by the procedure.

Observations conducted in the digital environment show that while court summaries published by court administrations appear on their respective websites, all these summaries are also consolidated in a single section on the website of the Judicial Academy – ([Website: jtrii.mn](http://jtrii.mn)) – as stipulated in the procedure, rather than on the JGC's website. Although the procedure assigns the Council's media unit the responsibility to disseminate the summaries to the public and produce unified statistical reports on a quarterly basis, searches on the Council's website (linked: judcouncil.mn) indicate that these quarterly updates are not posted. According to the most recent work report published by the Council, as of 15 August 2023, a total of

¹⁶ Section 3.1.2 of the Regulation on Uploading Court Decisions in the Electronic Database (2022)

¹⁷ Section 3.1.1 of the Procedure for Informing the Public about Court Decisions

¹⁸ For example, "32 years old, self-employed, government employee etc."

¹⁹ For example, "a company operating in the construction sector; 'A' LLC,"

²⁰ Section 6.2 of the Procedure for Informing the Public about Court Decisions

²¹ Section 5.6 of the Procedure for Informing the Public about Court Decisions

807 summaries had been published, and 27 media and research organizations regularly disseminate these summaries through their information channels.²²

1.3.3. Court decision "Brief"

The 2021 Law on Courts included a provision establishing the Judicial Training, Research, and Information Institute under the Supreme Court, tasked with preparing briefs of court decisions and informing the public. Subsequently, the 2024 amendments to the Law on Courts transformed this institution into the Judicial Training, Research, and Information Academy, expanding its functions and scope of activities. The Methodology for Preparing Briefs of Court Decisions was approved by the Judicial Academy based on the Methodology for Drafting Legislative Proposals annexed to Government Resolution No. 59 of 2016. The methodology stipulates that the Academy must publish at least three court decision briefs per month, with at least one brief each from criminal, civil, and administrative cases.²³ If deemed necessary, a brief of a high-profile court decision may be prepared and released regardless of whether it is included in the planned schedule, taking into account current circumstances. In such cases, the draft brief must be reviewed by the judge, and if the judge does not provide feedback within 24 hours, the brief is to be published immediately.²⁴

In addition to the increasing number of court decision briefs prepared by the Judicial Academy each year, the Academy has also prepared a total of 20 briefs of foreign court decisions and made them publicly accessible on its website, even though this is not explicitly required by law or regulations. This practice has proven beneficial for enhancing the legal knowledge of both professionals in the legal field and the general public.

1.3.4. Live streaming of court hearings

The JGC approved the Procedure for Uploading Recordings of Open Court Hearings to Court Websites on 5 December 2024. Under this procedure, the judge's assistant is required to upload the recording of a hearing to the court's website for a period of three days²⁵ within five working days after the decision has been formalized. After this three-day period, the recording must be saved and archived on the court's hearing recording server, a responsibility assigned to the court's IT specialist.²⁶ The head of the court administration is responsible for weekly supervision to ensure that the judge's assistant, IT specialist, and engineer are fulfilling their duties under this procedure. Additionally, the head of the court administration is tasked with addressing any feedback, requests, or complaints arising from the

²² Judicial General Council Report, 2021-2023, p.109/ <https://docs.google.com/file/d/17PYDipy2Vq48rb7Tr-giV5rHg3CMTEcLn/view/>

²³ Section 6.2 of the Methodology for Preparing Briefs of Court Decisions, Judicial Academy, (date of approval unknown; posted on the website on 13 March 2024) /<https://www.jtrii.mn/media/uploads/2024/03/13/final-version.pdf/>

²⁴ Section 6.5 of the Methodology for Preparing Briefs of Court Decisions, Judicial Academy

²⁵ Section 3.4 of the Procedure for Uploading Recordings of Open Court Hearings to Court Websites

²⁶ Section 3.5 of the Procedure for Uploading Recordings of Open Court Hearings to Court Websites

posting of court hearing recordings on the website.²⁷

Regarding the implementation of live streaming of court hearings, the relevant provisions were included in the Law on Courts and came into effect on 1 July 2024. Two months later, the system began to operate in practice. According to information from the live streaming team of the review court, Mongolia's first official live-streamed review court hearing on website: (live.shuukh.mn), took place on 9 September 2024. Between that date and 15 April 2025, a total of 515 review level hearings were successfully live-streamed, including 88 criminal cases, 152 administrative cases, and 275 civil cases. Live streaming of review-level hearings via the Facebook platform began on 24 March 2025, and by 8 April 2025, the total number of views reached 119,411, with an average daily viewership of 17,058.

1.3.5. Court e-platforms²⁸

Although included in the 2024 amendments to the law, this system has not yet been officially implemented in a unified manner and remains under development. It refers to the electronic court platform that enables case participants, their representatives, and lawyers to access materials in civil, infringement, administrative, and criminal cases (including complaints, claims, requests, supporting evidence, judges' orders, decisions, etcetera.) electronically, as well as to receive, submit, and exchange information and documents online. The platform is designed to provide information with different levels of confidentiality – open, restricted, or closed – depending on the user's access rights.

On the other hand, domestic research examining how such systems operate in foreign countries highlighted in its recommendations that access to the electronic case filing system should be tiered.²⁹ It emphasized the need for separate sections designed for public access to open information, while ensuring that only case participants can log in using their own accounts. This suggests that special attention must be paid to the platform's cybersecurity, and the system should only be launched once full readiness and security measures are in place, ensuring its proper and safe operation.

1.3.6. Digital content /reels & podcasts/

In addition to the legally mandated and regulated activities such as court websites and live streaming, in today's environment of rapidly increasing social media usage, activities aimed at enhancing public legal education are expanding on digital platforms like Facebook, YouTube, and Instagram. These include sharing visual content (memes), short videos (reels), and audio

²⁷ Section 4 of the Procedure for Uploading Recordings of Open Court Hearings to Court Websites

²⁸ "Court electronic platform" refers to the core software, hardware, databases, and other component systems intended for collecting, processing, searching, sending, receiving, and using information related to court activities, as well as ensuring its security. (Definition included in the amendments to the Law on Court on 5 June 2024)

²⁹ Judicial Training, Research, and Information Academy, "Judicial Digitalisation: A Comparative Study", Mongolian State and Law (3), 2024, p.122

discussions (podcasts) to engage and educate the public effectively.³⁰³⁰ Initially, this type of modern digital content was produced not by courts but by other legal professionals, such as law firms, lawyers, and researchers, as well as professional groups, which attracted high engagement and reached a wide audience. Although there are no legal or regulatory requirements for this, some judicial institutions have recently begun producing and publishing modern digital content themselves.

It can be seen that in the previous stage, the focus was on regularizing the work of adjudication, ensuring transparency of court decisions, digitalising operations, and providing information to those who requested it. Today, however, the focus has shifted: courts no longer merely provide information to interested parties, but actively work to prevent the spread of false or misleading information, and to fill informational gaps with accurate data in a timely manner. In this context, courts have begun taking proactive measures, such as live broadcasting hearings, immediately issuing summaries and digests of decisions, and using the most widely accessed social media platforms, which represents a significant change in approach.

5. CURRENT CHALLENGES AND CONCLUSION

As a result of implementing various measures to ensure the principle of judicial transparency, the transparency index has shown an increase. For example, according to Mongolia's judicial index indicators for 2021 and 2023, within the six main dimensions of the index, the second dimension – "Judicial Transparency and Openness" – assessed the accessibility of court information for citizens and professional participants, as well as transparency, across the following nine sub-dimensions.

Nº	Sub-dimension (2021 – 2023 increase/decrease score)	2021	2023
1	Judicial selection ³¹ – ↑9.71	53.02	62.73
2	Legislation ³² – ↑6.99	52.60	59.59
3	Judicial report, statistic ³³ – ↑1.06	69.14	70.20
4	Court hearing ³⁴ – ↑3.25	75.32	78.57
5	Court decision ³⁵ – ↑3.02	72.35	75.37
6	Assess to case file ³⁶ – ↑1.08	85.76	86.84

³⁰ This information was compiled as of 5 May 2025

³¹ As it is possible to observe and become familiar with the judge selection process.

³² As rules and regulations related to the courts are open and transparent.

³³ As it is possible to access reports and statistical information on court activities.

³⁴ As judges allow interested parties to attend open court hearings.

³⁵ As the public has the opportunity to review court decisions (in paper or electronic form) and to engage in discussions based on those decisions

³⁶ As parties to the case, their representatives, and attorneys are provided with full and timely access to the case materials

7	Allocation of case and claims ³⁷ – ↑5.81	58.24	64.05
8	Transparency of court budget ³⁸ – 0.00	50.00	50.00
9	Media coverage ³⁹ – ↓0.29	44.30	44.01
Total average score		62.30	65.71

Although the average score for the “judicial transparency and openness” indicator increased by 3.41 points, the third main dimension, “public confidence in the judiciary,” decreased from 53.17% in 2021 to 48.40% in 2023, a decline of 4.77%. The organization conducting the index noted that this decline is likely due to factors such as delays in case resolution, repeated postponements of major trials,⁴⁰ and negative reporting in which representatives of other state authorities, like the government, unjustifiably criticize the judiciary.⁴¹

While the legal framework related to judicial transparency and openness became more advanced between 2021 and 2023 compared to earlier periods, the decline in public trust in the judiciary in 2023 indicates that the concepts of judicial transparency and openness and public confidence in the courts do not operate in a simple, direct cause-and-effect relationship. Rather, they are influenced and shaped by the involvement of other factors.

In this sense, transparency is not a direct factor that ensures justice or increases public trust in the judiciary. Rather, it can be concluded that transparency brings both the positive and negative aspects to light for the public.

However, within this context, there are several aspects that require attention to further strengthen judicial transparency. These include:

First, although the Law on Courts stipulates that all court discussions and hearings are open, except for cases classified as state secrets or specifically designated to be held in closed sessions under procedural law, the interest in keeping information confidential – protected broadly under laws such as the Law on State and Institutional Secrets, the Law on Personal Data, and the Law on Institutional Secrets – remains unclear in terms of how it aligns with and is implemented alongside regulations on judicial transparency.

For example, during announcements or live broadcasts of appellate or corruption-related court hearings, participants' surnames and other information are made publicly accessible. However, once the court decision is formalized, there arises a need to withhold certain details, such as individuals'

³⁷ As no one can have a case or dispute assigned to a judge of their choosing

³⁸ As the court regularly prepares and publishes reports on its budget expenditures for public information

³⁹ As the media provides the public with accurate and factual information on cases and disputes at the investigation and court stages

⁴⁰ P. Badamragchaa, Legal Program Manager at Open Society Forum, excerpt from an interview on Eagle TV, 30 October 2024, <https://tinyurl.com/2um89d23>.

⁴¹ B.Turbold, Researcher, Research Team of the Intellectual Innovation NGO, excerpt from an interview on Eagle TV, 30 October 2024, <https://tinyurl.com/2um89d23>

surnames or the names of legal entities, under the aforementioned laws. Additionally, it remains uncertain whether hearings involving information classified as state or institutional secrets can be broadcast live. Conversely, due to the inclusion of a judge's special opinion⁴² under judicial official secrecy, participants are unable to access that portion of the case. Therefore, it is necessary to ensure proper coordination and alignment among these legal provisions.

Although live broadcasting of appellate and corruption-related court hearings is conducted in accordance with the law, the coverage is far from sufficient compared to the total number of court hearings nationwide. For instance, in 2024, a total of 136,024 cases were resolved at the first instance, 7,223 at the appeal level, and 603 at the review level. This means that only approximately 0.5% of all resolved cases, mainly at the review level (plus hearings for corruption cases at the first and appeal courts), are accessible to the public via live broadcast.

Moreover, it is not only the final hearings that resolve cases but also preliminary hearings where critical procedural matters are addressed. In these instances, judicial transparency is not fully realized. Considering only appellate or corruption cases as high-profile and of public interest is therefore misleading. Moving forward, there is a need to gradually make more stages of court proceedings open to the public.

Second, in promoting judicial transparency and openness, it is crucial to clearly define the interests that must be protected while ensuring that human rights and freedoms are not infringed. In criminal cases, for instance, the law provides several measures to safeguard witnesses and victims. These include keeping confidential, modifying, or removing information from publicly disclosed materials that could reveal a witness's or victim's identity, such as names, addresses, workplaces, professions, and other relevant details. The law also prohibits searching for or disclosing information about witnesses or victims whose identities are concealed, and it allows assigning pseudonyms to protect their security until their identities can be safely revealed. Despite these legal safeguards, there is currently no specific mechanism to protect witnesses and victims who participate in open court hearings, leaving a critical gap in the implementation of judicial transparency.

Third, within the framework of ensuring judicial transparency, it is essential to provide courtrooms that meet standards allowing not only participants but also interested parties to observe proceedings. This includes live broadcasting of hearings, archiving them for later access, publishing court decisions openly, and developing digital platforms that facilitate interaction not only with case participants but also with the broader public.

⁴² Although Article 16.1.6 of the Law on Courts stipulates that "a judge shall independently express his or her opinion on a case reviewed by a judicial panel, and if he or she has a special opinion on the application of law, it shall be issued in writing and attached to the case file", and there is no legal provision requiring such opinions to be kept confidential, the Judicial General Council, through Annex 2 of its Resolution No. 56 dated May 21, 2019, included them in the "List of Information Classified as Judicial Official Secrets."

Implementing these measures inevitably raises questions related to human resources, infrastructure, and financing, and it is crucial to adopt the most efficient and effective approach in addressing these challenges.⁴³

Fourth, in implementing measures to ensure judicial transparency, it is essential to pay close attention to the independence of judges. For example, a survey conducted by the Judicial Academy regarding live broadcasting of court hearings revealed that, among the 68 judges surveyed, 31% reported that live broadcasts affected a judge's psychological state, while 69% indicated no such effect. Regarding support for continuing live broadcasts, 22% of respondents were in favour, 63% supported it only under limited circumstances, and 15% were opposed.⁴⁴

Judicial transparency is an important tool for enhancing public trust in the courts. However, it must not undermine the internal independence of judges or lead to consequences that could endanger the right to a fair trial. Therefore, it is advisable to study and consider adopting best practices from other countries in this regard.

⁴³ To illustrate, approximately 140,000,000 MNT was spent on equipment necessary for live broadcasting of review court hearings, and 117,000,000 MNT was allocated for employing the relevant specialists. As of today, there are 60 first-instance and 26 appellate courts in Mongolia, a total of 86 courts. Starting from January 1, 2026, the First Instance Circuit Court for Family and Child Cases of the Capital City and the Appellate Court will begin operations, bringing the total number of courts to 88. Since 24 of these courts are organized with two chambers (civil and criminal), the total number of chambers will reach 112. This projection raises the question of what scale of expenditure would be required.

⁴⁴ Judicial Research Center, "Monitoring Study on the Implementation of the Procedure for Live Broadcasting of Court Hearings and Publishing Open Recordings", 2025, p. 13

PLENARY SESSION 6.
JUDICIAL TRAINING FOR THE DIGITAL ERA:
DEVELOPING DIGITAL COMPETENCY

JUDICIAL TRAINING IN THE DIGITAL ERA: CHALLENGES FACING JUDICIAL TRAINING

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PREAMBLE

As highlighted in the presentations of the previous speakers, many countries around the world are integrating E-case management (electronic case), E-filing (electronic case filing), and E-court (electronic court) into their judicial systems, while also advancing the study and development of methodologies and the scope of the use of artificial intelligence.

As for Mongolia, judicial digitalization has been implemented in phases since 2022, and the second phase is currently being carried out. As noted in the report of the Judicial General Council, the "E-court 2.0 system," which can be considered an international model of judicial digital transformation, is being developed¹ in the second phase. A pilot programme has been launched this year in cases reviewed under a special procedure by the Capital City Administrative Court of First Instance.² Also, starting this year, appellate court hearings and hearings of certain types of cases are being livestreamed electronically.

Thus, at a time when the judicial system of Mongolia is being modernized to fit the digital era, the need to strengthen judges' digital skills and their capacity to understand and apply artificial intelligence is increasingly pressing. Consequently, there is an urgent necessity to introduce training policies aligned with this demand into judicial training. In the first part of today's presentation, Briefly introduced, is the training policy of the Judicial Academy; in the second part, presented also, will be the development of judicial training; and in the third part, discussing the challenges facing judicial training and future trends, on the basis of which, will be provided in this study's conclusion.

1. THE DEVELOPMENT OF JUDICIAL TRAINING

1.1 Trends in the development of judicial training

Judicial training has developed differently across countries depending on the characteristics of their legal systems. For example, in countries with a

1 D. Ganzorig, "Future Trends of the Judiciary: Digitalization of Courts and Artificial Intelligence", 2025, p.6

2 "The Core System Task Force of e-Court 2.0 Conducted a Working Visit to the Capital City Administrative First Instance Court", <https://admincourt.gov.mn/cat02/1084-cahim-shh-20-cm-sistemiyn-azhlyn-heseg-ni-yslel-deh-zahrigaany-hergiyn-anhan-shatny-shh-deer-irzh-azhillaa.html> (Last accessed: 2025.06.12)

civil law tradition, there is a mandatory requirement for professional training prior to becoming a judge, which demonstrates that these countries place importance on formal educational systems for judges.³ On the other hand, in common law countries, it has traditionally been the practice to appoint judges from among the most respected and distinguished lawyers and advocates in the legal field, considering that they have been prepared for the judicial role through their professional and life experience.⁴ However, in recent years, even in common law countries, it has been increasingly recognized that judicial education is a fundamental guarantee for maintaining judicial independence, fairness, and the quality and reputation of judicial services.⁵ For instance, the National Judicial College in the United States was established in 1964, introducing for the first time a systematic training system for judges. This model has since been adopted and developed in other countries such as Canada, Australia, and New Zealand.

In the case of Mongolia, the development of judicial training began with the establishment of the Judicial Research, Information, and Training Institute under the resolution of the Judicial General Council in 2014. Since its founding, the Institute has provided training, research, and information services for judges and judicial administrative staff, and it continued its operations until March 1, 2021.⁶

However, under the revised version of the Law on Courts of 2021, provisions were made to establish a judicial training institution as an independent structure under the Supreme Court. This became the beginning of developing an independent judicial education system in line with international standards and the Bangalore Principles of Judicial Conduct. Subsequently, in 2024, to strengthen the legal status of the judicial training institution and align its statutory functions with international standards, its mandate was broadened and it was restructured as the Judicial Training, Research, and Information Academy.

The Judicial Academy has set the goal of delivering judicial training at an international level. To achieve this, the training programs are first reviewed and approved by the Training Curriculum Committee, which is comprised of highly qualified experts, including judges, university professors, and scholars.

Furthermore, the Judicial Academy conducts its training based on the programs approved by the Curriculum Committee and, in accordance with modern requirements, implements comprehensive training in the following main areas:

- Training to deepen legal knowledge

³ "Chief Justice Sundaresh Menon, Singapore Judicial College 10th Anniversary Celebration, Our Learning Judges: A Continuing Judicial Education Journey", Monday, 26 May 2025, <https://www.judiciary.gov.sg/news-and-resources/news/news-details/chief-justice-sundaresh-menon-speech-at-the-singapore-judicial-college-10th-anniversary-celebration> (Last accessed: 2025.06.13)

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

- Training to develop professional skills
- Training to enhance interdisciplinary knowledge
- Training to advance social awareness
- Training on personal development and ethics.

Thus, the Judicial Academy is working with the aim of delivering comprehensive training to judges, based on the programs approved by the Curriculum Committee. However, in reality, there are two main challenges arising in connection with judicial training within the judicial system. First, as of July 2022–2023, out of **366** lawyers who applied and took the examination for **117** vacant positions in the first instance courts, only **45** passed. This indicates that the professional preparation of lawyers aspiring to become judges is insufficient. It is considered that **by institutionalizing preparatory training for candidates, the number of successful examinees could be increased, ensuring stability of human resources in the judiciary and reducing the workload of judges.** Since the work of a judge requires a high level of responsibility and highly specialized decision-making, there has been a noticeable trend in recent years of increasing psychological distress and stress. For instance, in a study conducted by the Judicial General Council in 2020, titled "An Analysis of the Psychological State of Judges", 233 judges participated, and 82 percent of the respondents were found to be affected at medium or high levels by burnout syndrome.

Taking these realities into account, the Judicial Academy, in cooperation with the Mongolian Judges' Association, has launched the implementation of a comprehensive training program called Judicial Wellbeing, aimed at supporting the psychological resilience of judges, reducing professional stress, preventing burnout, and developing the ability to cope with negative impacts.

1.2 Digital transition of judicial training and development of the E-platform

Since its establishment in 2021, the Judicial Academy has pursued a policy of organizing judicial training through an electronic platform, thereby initiating a new trend of transitioning from traditional classroom-based training to an e-learning system. In developing the electronic system, the following objectives were pursued:

- Modernize and make the judges' learning environment more accessible;
- Make training more flexible and user-centered;
- Create opportunities for continuous learning through the use of modern technology.

The main functionality of the electronic system are displayed on the screen's interface. Through this e-learning platform, judges have gained the

following key advantages:

- The opportunity to learn without restrictions of time and geography;
- Expanded opportunities for self-development outside of working hours;
- The possibility to take courses according to one's own schedule;
- Easy access to electronic resources from one source;
- The opportunity to practice and experiment with modern digital technologies;
- A new environment for communicating with colleagues and exchanging knowledge and experience.

With the introduction of the judicial training e-system, the objectives of fostering individual development, ensuring continuous learning, and creating a technology-based environment for judicial education have been achieved. This system allows each participant to study in a manner that suits their needs, at their own pace, in their own space, and at a convenient time.

2. CHALLENGES AND FUTURE TRENDS IN JUDICIAL TRAINING

2.1. Challenges in Judicial Training

In recent years, the judicial systems around the world have been facing the following major challenges:

- Rapid technological development,
- Escalating complexity of cases and disputes,
- Accelerating pace changes within society and economics
- Growing distrust in public institutions, including the judiciary.⁷

These challenges are also directly and indirectly evident in Mongolia. For example, with the development of technology, increasingly complex disputes are emerging, such as cases related to the PUBG MOBILE game⁸, and cybercrime is rapidly increasing. The lack of clear legal regulations regarding judicial digitalization is also creating new challenges for the courts.

In addition, public trust in the judiciary has been declining year by year. In 2021, the level of public trust in the judiciary was 53.17 percent, while in 2023 it decreased to 48.40 percent, clearly showing the seriousness of this

7 Natalie Skeada and Justin Yeo, "Judicial education in a brave new world: the Singapore perspective", *The Law Teacher*, (May 2025) 2, <https://www.tandfonline.com/doi/epdf/10.1080/03069400.2025.2492469?needAccess=true> (Last accessed: 2025.06.13)

8 Supreme Court of Mongolia. Resolution No. 001/XT2024/00312024 of December 17, 2024 https://shuukh.mn/single_case/10721?daterange=2024-01-01%20-%202025-06-13&id=3&court_cat=1&bb=1 (Last accessed: 2025.06.13) Judicial Academy of Mongolia, A comparative study on PUBG MOBILE game. Mongolian Journal of Law and Justice Studies, 1(11), 2025, p.166-191.

issue.⁹

To overcome these challenges, judges are required not only to possess specialized legal knowledge but also to understand new technological advancements and to have the capacity to appropriately use artificial intelligence in judicial proceedings. Judicial training plays an important role not only in preparing judges for adjudication but also in equipping them with the knowledge and skills to respond to new circumstances and emerging challenges. Therefore, judicial training should aim to develop judges' ability to anticipate and address risks related to technical and technological innovations, and the legal application of artificial intelligence.

Furthermore, in order to enhance public trust in the judiciary, it is important to promote legal education widely and to deepen the public's understanding of the law.¹⁰ Thus, it is necessary to expand public legal education programs not only for judges but also for lawyers and citizens.

Therefore, judicial systems and judicial training policies must be capable of providing realistic and effective responses to the above-mentioned challenges in a manner that is efficient, accessible, and fair, which will significantly contribute to the future development of the judiciary.

In order to overcome these global challenges, international organizations have also begun to pay special attention and to issue policy-level recommendations on digital transformation of judicial systems and the responsible use of artificial intelligence. For example, in November 2024, the United Nations Educational, Scientific and Cultural Organization (UNESCO) adopted guidelines on the use of artificial intelligence in the judiciary, placing particular emphasis on the following two key areas:

1. To identify the various tools and systems of artificial intelligence that may be used in the judicial system, to provide training on the instructions and methodologies for using these tools, and to develop the ability to critically assess the potential impact and risks of artificial intelligence on human rights and the fundamental rights and freedoms enshrined in the Constitution. These trainings are not limited to technical use alone but also emphasize the need to align with judicial ethics, independence, and human rights principles.
2. To define the conditions under which artificial intelligence systems may be used, to determine the permissible scope of use in specific processes and tasks, and to develop guidelines tailored to the particularities of the institution.

The UNESCO guidelines also highlighted that the following issues must

⁹ Intellectual Innovation NGO, "Mongolia Justice Index" 2021, 2023 <https://judindex.forum.mn/> (Last accessed: 2025.06.13)

¹⁰ "Report Finds 'Withering of Public Confidence in the Courts", 2024 https://www.annenbergpublicpolicy-center.org/report-finds-withering-of-public-confidence-in-the-courts/?utm_source=chatgpt.com (Last accessed: 2025.06.13)

be taken into consideration when applying artificial intelligence in judicial activities¹¹:

- Protection of human rights: Preventing the use of artificial intelligence from negatively affecting human rights and freedoms.
- Judicial independence: Assessing the risk that automated decision-making may undermine the independence of judges.
- Transparency and accountability: Ensuring that decisions made by artificial intelligence are understandable and can be clearly reported.
- Coherence and regulation: Developing policies and rules consistent with national legislation and international standards.

2.2 International trends in judicial training

Within the framework of its strategic goal to bring judicial training to the international level and to provide training that meets the needs of the judiciary, the Judicial Academy has been actively developing international cooperation, working with judicial training institutions in many countries, and studying their experiences. Among these institutions, I would like to highlight the good practices of the Singapore Judicial College, the Judicial Research and Training Institute of the Republic of Korea, and the National Judicial Institute of Canada.

The Experience of the Republic of Singapore

Within the framework of international trends related to the use of artificial intelligence in the judicial sector, the experience of Singapore occupies a prominent position. The judicial training policy and practical implementation of this country define an international standard for the responsible, effective, and human-rights-compliant use of artificial intelligence. The Singapore Judicial College is developing judicial training in the following three main directions¹²:

1. Curriculum Renewal: In addition to training aimed at developing judges' core competencies, the curriculum includes new issues of the digital era such as cryptocurrency and digital forensics, with a focus on introducing modern knowledge and methodologies into judicial activities.
2. Methodological Innovation: By conducting research and experiments, the College is introducing active and participatory approaches such as role-play and the use of artificial intelligence

¹¹ Ibid., 18–20.

¹² "Chief Justice Sundaresh Menon, Singapore Judicial College 10th Anniversary Celebration, Our Learning Judges: A Continuing Judicial Education Journey", Monday, 26 May 2025, <https://www.judiciary.gov.sg/news-and-resources/news/news-details/chief-justice-sundaresh-menon-speech-at-the-singapore-judicial-college-10th-anniversary-celebration> (Last accessed: 2025.06.13)

tools in training, aiming to increase training effectiveness.

3. International Cooperation: The College is regularly carrying out activities to organize joint training and research, and to exchange knowledge with judicial training institutions of other countries.

In addition, the Singapore Management University and the Judicial College jointly organize training programs for judges and lawyers aspiring to become judges. Professors of the university and experienced judges act as trainers for these programs.¹³ There are six core courses in total, two of which are related to information technology and artificial intelligence: Asian and Global Trends in IT Law and AI, Law and Ethics.¹⁴

The Experience of the Republic of Korea

The Judicial Research and Training Institute of South Korea has been introducing AI and LegalTech solutions into the judicial system in stages. Within the framework of its training, judges are being prepared in the following areas¹⁵:

- Evaluation of electronic evidence and methodologies to combat deepfakes;
- Methodologies for assessing the legal and ethical risks of using AI tools;
- Practical training in the use of LLMs and language processing systems in electronic court operations.

The Institute also emphasizes topics such as cybersecurity and data protection in its training, providing judges with combined knowledge technologically.

The Experience of Canada

The Canadian Judicial Council and the National Judicial Institute of Canada have been conducting an AI + Law training series for judges since 2023. This training emphasizes the following issues¹⁶:

- Conducting research and case analyses on how AI decisions may be used in legal processes and what should be avoided;
- Explaining, through examples, how the weaknesses of large language models such as ChatGPT and LLMs can negatively affect decisions that are not based on facts;

¹³ Singapore Management University, Judicial Studies Track, <https://law.smu.edu.sg/ljm/curriculum/judicial-studies-track> (Last accessed: 2025.06.09)

¹⁴ Ibid.

¹⁵ https://jrti.scourt.go.kr/jrti_e/intro/intro_04/intro_04_04/index.html?utm_source=chatgpt.com (Last accessed: 2025.06.13)

¹⁶ Judging better, Judging Smarter (Joint CSCJA and NJA program), 2023–2024, https://cjc-ccm.ca/en/what-we-do/programs/judging-better-judging-smarter-joint-cscja-and-nji-program?utm_source=chatgpt.com. (Last accessed: 2025.06.13) udging Better, Judging Smarter (Joint CSCJA and NJI Program)

- Holding in-depth discussions on how Canadian standards of transparency, open information, confidentiality, and human rights should be observed when applying AI in the judiciary. The distinctive feature of Canada's approach is that before introducing technology, it establishes a foundation of ethical guidelines, legal principles, and guarantees of human rights.

CONCLUSION

From international experience, it can be seen that judicial training is not only a tool for enhancing professional knowledge but also an important pillar in strengthening judicial independence, trust, and fairness. In line with this trend, the Judicial Academy of Mongolia is placing particular emphasis on the following directions to advance judicial training into a new phase:

- Implementing programs that provide in-depth training on national and international human rights standards, and addressing judicial ethics violations and decision-making challenges through case-based approaches;
- Introducing a comprehensive Judicial Wellbeing program that addresses psychology, health, and organizational culture in order to reduce the stress and pressures arising from the unique nature of judges' work and decision-making responsibilities;
- Studying new interdisciplinary topics and gradually integrating them into domestic training content;
- Developing theoretical and practical training programs on the responsible and effective use of digitalization in judicial proceedings;
- In addition to training for judicial candidates, developing interactive content and online learning platforms tailored for rural judges and lawyers, as well as implementing programs to enhance public legal education.

For the successful implementation of judicial training reforms, research, international partnerships, and practice-based learning are indispensable. The Judicial Academy seeks to avoid overly rapid or uncoordinated reforms and instead pursues the goal of establishing a responsible, sustainable, and long-term national model of judicial training that reflects the specific characteristics of the Mongolian judiciary and meets the real needs of judges.

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JUDICIAL INDEPENDENCE AND DIGITAL TRANSFORMATION OF JUSTICE: CHALLENGES AND OPPORTUNITIES

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INTRODUCTION

The rule of law is traditionally recognized as the cornerstone of any democratic state and a fundamental principle of the legal system. It implies not only the formal establishment of laws, but also their real effectiveness, equality of all before them, and the existence of a fair and independent mechanism for their application. In this context, the judiciary occupies a special place, as it is called upon to be the arbiter in disputes between individuals and the state, to protect the rights and freedoms of people, and to guarantee a balance of interests in society.

An independent judicial system is not an abstract theoretical category, but rather a practical condition for the stability of the rule of law and citizens' trust in the institutions of power. International standards enshrined in the **Basic Principles on the Independence of the Judiciary (adopted by UN General Assembly Resolutions 40/32 and 40/146 of 1985)**, the **Bangalore Principles of Judicial Conduct (2002)**, and the **European Charter on the Status of Judges (1998)** emphasize that the independence of the courts is an essential condition for the legitimacy of justice and a fundamental guarantee of the protection of human rights. Without it, neither fair trial nor genuine equality of the parties in the proceedings could be deemed feasible.

Currently, judicial systems around the world are facing an unprecedented challenge expressed in the form of rapid digitalization. While just a few decades ago, digital technologies were viewed solely as a tool for improving convenience and speeding up individual procedures, today they have become a strategic necessity. E-justice is no longer an optional addition to traditional court proceedings; in reality it has become an integral part of their modernization.

However, digital transformation brings not only new opportunities but also significant risks. These include cybersecurity threats, persistent digital inequality due to gaps in the population's access to modern technologies, and potential abuses in the use of algorithms and artificial intelligence. These challenges pose new tasks for states and judicial systems, requiring a comprehensive and balanced approach.

It is in this context that the international conference on Independence of the Judiciary and Digitalization of Judicial Proceedings, held on June 16–17, 2025, in Ulaanbaatar (Mongolia), has turned out to be of special importance. The forum became the largest regional platform for sharing experiences,

analyzing achievements, and discussing challenges related to the digital transformation of justice and ensuring the independence of the judiciary.

International Cooperation as a Factor of Sustainability

The modern challenges facing the judicial system cannot be overcome solely at the level of individual states. That is why international cooperation is becoming a key factor in the sustainability and progressive development of justice. This approach was reflected in the work of the international forum on Independence of the Judiciary and Digitalization of Judicial Proceedings, organized for judges who are graduates of the COIL (Open World) Program in the field of the Rule of Law.

The event was attended by representatives from a wide range of countries, including Mongolia, Armenia, Estonia, Indonesia, Kazakhstan, Kyrgyzstan, Moldova, Serbia, Uzbekistan, and the United States of America. The geography of the participants shows that the issues of judicial independence and digital transformation of justice are universal in nature and go far beyond national agendas, thus acquiring global significance.

Of particular note was the presence of judges from the Supreme and Constitutional Courts of Mongolia, representatives from the US Congress, and leaders of academic and educational institutions, who significantly contribute to the development of human resources for judicial systems. This lent the conference a high status and underscored its role as a platform for a meaningful international legal dialogue.

The discussions, held in English and Mongolian, were structured as an open exchange of experiences and covered a wide range of topics: from strengthening the independence of the judiciary in the context of digitalization to the development of e-justice, the introduction of innovative technologies, and the improvement of the digital literacy of the judiciary. This format of discussions proved to be really conducive for outlining common problems and trends, and resulted in the formation of practical recommendations for the judicial systems of different countries.

Key Areas of Discussion

During the forum, participants identified several priority areas, representing a kind of 'roadmap' for the future of justice:

Independence of the judiciary in the digital age. Participants emphasized that the use of technology should contribute to strengthening the impartiality and transparency of judicial proceedings. In particular, the automation of assigning cases to judges and open public access to judicial information are seen as effective mechanisms for reducing risks of corruption and increasing trust in the justice system.

Digital transformation of processes. It was noted that the introduction of electronic services—from filing lawsuits and remote court hearings to the operation of electronic archives—significantly accelerates court proceedings,

reduces the administrative burden, and makes justice more accessible to citizens, including those living in remote regions.

Cybersecurity. Participants paid special attention to issues pertaining to the protection of judicial infrastructure, which is becoming a target for potential attacks by cybercriminals. In this regard, participants referred to international standards and mechanisms, including the Budapest Convention on Cybercrime (2001), as a basic document defining legal and institutional approaches to ensuring cybersecurity.

Human resource development. It was noted that in the context of digital transformation, digital literacy is becoming a key competency for judges and court staff. Without systematic training in new technologies, even the most sophisticated digital solutions may well run the risk of becoming an exercise in futility. In this regard, the conference emphasized the need to actively develop specialized educational programs, including online courses and training.

International cooperation. The conference attendees also emphasized the value of comparative analysis and the exchange of best practices. Among success stories the participants singled out the following: the Estonian e-Justice system, which demonstrates the full integration of electronic justice; the Kazakhstan's e-Sud platform, which has significantly accelerated the administration of justice; the American PACER system, which provides citizens with broad access to case materials; and Indonesia's e-Court system, which, alongside electronic filing of claims, also allows for e-payment of litigation costs.

Thus, international cooperation in the field of justice is not only a mechanism for exchanging experience, but also a guarantee that national judicial systems will be able to develop sustainably, based on best business practices and taking into account emerging challenges.

The experience of the Republic of Uzbekistan

The Republic of Uzbekistan's experience in digitizing the judicial system was presented at the conference as an example of targeted, consistent, and well-thought-out modernization of the justice system. In recent years, the country has demonstrated a sustained commitment not only to improving the efficiency of the courts, but also to strengthening their independence and transparency through the introduction of modern digital solutions.

Key achievements include the following areas:

Introduction of the digital platform my.sud.uz.

This portal has become the core of e-justice reform, providing both individuals and legal entities with the opportunity to file lawsuits in electronic format, track the status of cases, and participate in court hearings remotely. This step has made access to justice more convenient and faster, and the judicial system more open and responsive to the needs of society.

Automated case assignment

In order to eliminate subjective factors and minimize corruption risks, Uzbekistan has introduced a system of automated assignment of cases to judges. This mechanism strengthens the independence of the judiciary by ensuring an even caseload for judges and eliminating the possibility of external or administrative pressure.

Human resource development

Recognizing that the success of digital transformation directly depends on the level of competence of judicial system employees, Uzbekistan pays special attention to improving the digital literacy of judges and court staff. To this end, the country has launched regular online courses, webinars, and specialized training programs. These courses do not only help employees adapt to the use of new technologies, but also develop much needed awareness of the role of digital tools in ensuring fair and effective administration of justice.

Transparency and accessibility of judicial information

Ensuring open public access to court decisions and key information related to the activities of the courts can be viewed as an essential achievement for the system. This measure increases public confidence, contributes to the formation of a legal culture, and complies with international transparency standards, as enshrined, in particular, in the recommendations of the Council of Europe's Venice Commission on the digitalization of justice (2021).

A distinctive feature of the Uzbekistan digitalization model is its step-by-step and systematic nature. Reforms are not fragmented or isolated, but are implemented as part of a consistent strategy that takes into account both technological and social aspects. This approach falls in line with international best business practices, which place particular emphasis on gradual implementation, ensuring equal access to digital services, and taking into account the needs of all categories of people, including those living in remote regions.

Conference participants noted that Uzbekistan's experience demonstrates a successful combination of innovative solutions with traditional principles of independence and justice. The country has managed to strike a balance between the technical capabilities of the digital age and fundamental legal values, making this experience valuable for study and possible application in other countries of the region.

International experience in the digitalization of justice

The experience of foreign countries clearly demonstrates that the digitalization of judicial systems is not only a technological process, but also a strategic direction for the development of justice, capable of significantly changing the nature of relations between the state and society. An examination of the practices of Estonia, Kazakhstan, the United States, and Indonesia

reveals various models and approaches to the digital transformation of the judiciary that can be successfully adapted to different legal systems and infrastructure conditions.

Estonia

Estonia is deservedly considered one of the world leaders in digital governance, and its e-Justice system should be deemed a comprehensive structure of electronic justice. It covers all stages of the judicial process, from the filing of a complaint to the rendering of a court adjudication. An important element is the digital identification system for parties, which ensures a high degree of trust in electronic procedures. Automated document management and integration with government e-services minimize bureaucratic delays and provide citizens in remote regions with access to justice. Estonia's experience shows that with a developed digital infrastructure it is possible to create a virtually 'paperless court.'

Kazakhstan

Kazakhstan has embarked on the creation of a unified judicial platform called Tərelik (e-Sud), which has become an important tool for speeding up court proceedings. The system has automated the filing of documents, case management, and interaction between parties, significantly reducing the workload on judges and increasing the transparency of the courts' work. The Kazakhstan project paid special attention to the integration of e-Sud with other government databases, which facilitates the exchange of information and makes court proceedings more efficient. Kazakhstan's experience demonstrates that digitalization can be effective even in a fairly complex administrative structure, provided there is political will and consistent implementation of reforms.

United States

In the United States, a key element of the digital infrastructure of the courts is the PACER (Public Access to Court Electronic Records) system, which provides individuals, lawyers, and researchers with access to court records in online format. PACER has become an important tool for ensuring the transparency and openness of the justice system. In addition, during the COVID-19 pandemic, the practice of holding court hearings via videoconference has become particularly important, allowing the judicial system to continue functioning despite restrictions. The American experience shows that digitalization can ensure the stability of the justice system even in crisis situations, making it less vulnerable to external challenges.

Indonesia

Indonesia has implemented the e-Court system, which provides a comprehensive electronic service: from filing lawsuits and paying court fees to exchanging procedural documents in digital format. An important achievement is that this solution has proven effective even in the context of

the country's limited infrastructure and complex geography, which includes thousands of islands. The Indonesian model demonstrates that digitalization can be flexible and adaptive, taking into account the cultural, social, and infrastructural characteristics of the state.

Comparative conclusion

These examples confirm that there is no universal model for the digital transformation of judicial systems—each country adapts it in accordance with its own legal system, level of technical development, and social realities. However, the common factor is that digitalization invariably increases the efficiency of judicial proceedings, expands access to justice for public at large, and strengthens people's confidence in the judiciary. For countries undergoing modernization, such as Uzbekistan, studying international experience is a valuable source of ideas and practical solutions that can be adapted to our national conditions.

Challenges of digitizing judicial systems

Despite the obvious advantages of digital transformation in the justice system, this process is fraught with a number of serious challenges that require careful analysis and strategic responses.

Cyber threats

One of the most significant risks is the vulnerability of the judicial infrastructure to cyberattacks. Judicial databases contain confidential information, including individuals' personal data, criminal and civil case files, official correspondence, and evidence. Unauthorized access to or leakage of such data could undermine public confidence in the judicial system and violate citizens' rights. In this regard, international data protection standards, including the provisions of the Council of Europe's Budapest Convention on Cybercrime (2001), alongside with national cybersecurity strategies, are particularly relevant.

Digital inequality

The digitization of justice implies equal access to electronic services for all individuals. However, in practice, there remains a gap between residents of large cities and rural areas, where Internet connectivity is limited or the necessary skills to use digital platforms are lacking. This situation could give rise to new forms of discrimination, limiting access to justice for certain groups of the population. To overcome these problems, it is necessary to develop communications infrastructure, create training programs for the population, and ensure that digital services are multilingual.

Legal gaps

The rapid introduction of electronic forms of legal proceedings often outpaces the development of legal regulation. To date, issues remain unresolved regarding the admissibility and assessment of electronic

evidence, the procedure for storing digital materials, and the status of court decisions made in the course of online hearings. Harmonizing national legislation with international legal instruments, including the International Covenant on Civil and Political Rights (1966) and the Recommendations of the Committee of Ministers of the Council of Europe on e-Justice (2009), is regarded a necessary prerequisite for the successful and sustainable implementation of digital technologies.

Ethical challenges

The use of AI algorithms in judicial proceedings tends to present a particularly sensitive issue. On the one hand, AI algorithms can accelerate processes and minimize the influence of the human factor, but on the other hand, there is a risk that the independence of judges will be replaced by machine decisions. The ethical dilemma lies in how to maintain a balance between the effectiveness of technology and the fundamental principles of fair trial. International documents, including the OECD Guidelines on Artificial Intelligence (2019), which set standards for transparency, accountability, and respect for human rights in the use of AI, are deemed particularly important here.

Thus, the digitization of the judicial system is not only a technological process, but also a complex challenge that requires institutional, legal, and ethical solutions.

Innovative projects of the future

Against the backdrop of these challenges, governments and legal experts are increasingly discussing the introduction of innovative solutions that could take judicial systems to a whole new level. Among the most promising initiatives are the following:

AI Legal Assistant

The use of artificial intelligence technologies to create digital assistants that can provide individuals with basic legal advice simplifies access to justice and reduces the burden on the courts. Such tools allow people without legal education to navigate legal issues, prepare documents, and track the progress of their cases.

Robot Judge

The idea of automating the consideration of uncontested cases (for example, the collection of small amounts of debt, alimony obligations, or utility debts) could become a revolutionary step in reducing the burden on judges. Automatic court orders based on pre-established legal criteria will allow courts to focus on more complex and significant cases.

Big Data and machine learning

The application of big data analytics opens up the possibility of systematizing judicial practice, identifying patterns, and predicting potential

corruption risks. Such tools may create favorable underlying conditions for the harmonization of law enforcement practices and reduce the likelihood of conflicting decisions.

Smart Scheduling

Automated docket and scheduling can take into account the calendar of judges, parties, lawyers, experts, and other participants in the process. This will enable to save time and increase the efficiency of court proceedings by way of reducing delays and postponements.

Blockchain technology

The introduction of blockchain into court document management ensures the immutability of procedural data and prevents the possibility of falsification. Each action is recorded in a distributed system, which guarantees transparency and accountability at all stages of the judicial process.

AI translation and speech recognition

Automatic translation and transcription systems for court hearings ensure multilingual proceedings and create conditions for the equal participation of all parties. This is particularly relevant for countries with multilingual populations and international judicial bodies.

Digital educational platforms

Training a new generation of lawyers and judges requires the introduction of interactive educational platforms where students can simulate real court proceedings in a digital environment. This creates a sustainable basis for staffing reforms and develops the skills needed to work in a digital justice environment.

These initiatives tend to reflect global trends and map out the strategic areas for the future development of the judiciary. Their implementation will modernize court proceedings and strengthen the rule of law, ensuring that it meets the challenges of the digital age.

Opportunities for Uzbekistan

The Republic of Uzbekistan's participation in international forums dedicated to the digital transformation of justice and strengthening the independence of the judiciary opens up broad opportunities for the further development of the national judicial system. These opportunities can be considered in several key dimensions.

1. There is the adaptation of advanced global practices. Studying and integrating successful solutions implemented in Estonia, Kazakhstan, the United States, Indonesia, and other countries should allow Uzbekistan to avoid the mistakes of 'trailblazers' and adopt the most effective approaches. This path significantly accelerates the digitization process, making it more systematic and sustainable.

2. Strengthening the institutional independence of the judiciary is of paramount importance. Increasing the transparency of judicial procedures and introducing blockchain technology can minimize the influence of subjective factors and administrative pressure, which ultimately enhances the impartiality and legitimacy of judicial decisions.
3. Special attention should be paid to improving the digital literacy of judges and court staff. Digital skills are becoming a prerequisite for the effective use of technology in everyday activities. To this end, it is important to develop specialized educational programs, online courses, internships, and simulation platforms that allow lawyers to practice in a digital environment.
4. Digital transformation is directly linked to the task of strengthening public confidence in the judicial system. Transparent procedures, open access to court decisions, timely consideration of cases, and the opportunity for citizens to participate in proceedings through electronic services create the basis for a positive public perception of the courts.
5. We should also do our best to promote the image of Uzbekistan as an active participant in the global legal dialogue. Regular participation in international conferences, exchange of experience, and implementation of innovative solutions enhance the country's authority on the world stage and demonstrate its readiness for openness and cooperation.

These strategic objectives fit organically into the priorities of the **Uzbekistan 2030 Strategy**, which identifies the development of justice as one of the key areas of state modernization. The digitization of the judicial system is perceived not only as a tool for improving efficiency, but also as a factor in strengthening the rule of law, the legal protection of population, and the country's investment attractiveness.

CONCLUSION

The international conference in Ulaanbaatar provided convincing confirmation that the independence of the judiciary and the digitization of judicial proceedings should by no means be viewed as mutually exclusive phenomena. On the contrary, when implemented competently, digital technologies become a tool for strengthening the rule of law, increasing transparency, speeding up processes, and building public trust in the judicial system.

The Republic of Uzbekistan views the digital transformation of the justice system as an important internal task of modernizing the judiciary and also as an important element of international cooperation. It contributes to the country's integration into the global legal space, strengthens its position in international rankings, and shapes the image of a modern, open, and

progress-oriented state.

The digital era tends to open up new horizons for judicial systems. It is important that these opportunities are embraced in compliance with the principles of legality, independence, and fairness. For Uzbekistan, the attainment of these goals shall become a crucial step towards creating a strong, independent, and innovative judicial system capable of functioning as a reliable guarantee of the rights and freedoms of individuals.

CLOSING REMARKS

JANE SARGUS
Executive Director of COIL

Your Honors, distinguished colleagues, and friends,

As we come to the close of this extraordinary Open World alumni conference, I want to express my deepest gratitude to our Mongolian hosts, whose warmth, organization, and commitment to the success of this event have been exemplary. Your country has offered not only a venue, but a living example of how tradition and innovation can work hand in hand to strengthen justice.

Let me also say a heartfelt thank-you to each of you—for your insights, your openness, and your unwavering commitment to the rule of law in an age of transformation.

Over the past few days, you've shared not only your experiences, but your aspirations—for justice systems that are more transparent, more accessible, and more resilient in the face of new technological challenges. We've learned from your pioneering efforts to digitalize court procedures, secure sensitive judicial data, and uphold the public's right to information in the digital space.

We've heard how artificial intelligence is beginning to play a role in caseload management and legal research—and how important it is to ensure that these tools enhance rather than erode judicial independence and ethical decision-making.

The innovations you presented are already making a difference. They demonstrate what's possible when knowledge gained through the Open World program is brought home and applied with care, creativity, and courage.

Throughout these sessions, what has been most striking is the commonality of purpose among our alumni. While each country brings its own context, history, and pace of reform, you all share a belief in the integrity of the judicial process and a vision of justice that reaches beyond borders.

You've shown that courts are not only institutions—they are evolving ecosystems of trust. And trust, as we've seen again and again, is built through openness, collaboration, and accountability.

And it all starts with a handshake. A homestay. A courtroom visit. A conversation.

As you return to your respective courts, I encourage you to stay in touch—not only with the Open World program, but with each other. The relationships you've built here are just as important as the ideas you've exchanged. Judicial independence and innovation require community. You belong to one: a global network of Open World alumni judges who are

shaping the future of legal systems across the world.

It is both a privilege and a profound honor to stand before you today as a witness to the incredible power that judicial exchange, cross-border dialogue, and people-to-people diplomacy can achieve in our ever-evolving global community.

You are proof that diplomacy is not confined to embassies. It lives in the courtroom. It lives in dialogue. It lives in you.

We at the Congressional Office for International Leadership will continue to support that community—through future programming, alumni exchanges, and collaborative initiatives. We believe that when we share, we learn. When we listen, we grow. And when we understand one another, we are stronger together. We are proud of all you've accomplished, and excited for all that lies ahead.

Let me close with this: Justice does not stand still. It evolves with society, with technology, and with the needs of the people we serve. Thanks to leaders like you, it is evolving in the right direction.

Thank you again for your participation, your partnership, and your passion. Safe travels—and until we meet again, may your courts remain strong, your voices be heard, and your work continue to inspire.

Thank you.

AGENDA

Conference Date 1: June 16, Monday

08:00 – 08:30	Conference registration and welcome coffee
09:00–09:10	Moderator: Mrs. Nomintsetseg Munkhbayar, Political Specialist, U.S. Embassy. Moderator opens the conference and welcomes guests
09:10–09:20	Hon. Ganzorig Damdin, Chief Justice of the Supreme Court of Mongolia Hon. Richard Buangan, U.S. Ambassador to Mongolia Ms. Jane Sargus, Executive Director of COIL Hon. Munguntsetseg Nyamsuren, Chair of the Judicial General Council of Mongolia Welcome Remarks
09:20–09:40	Hon. Ganzorig Damdin, Chief Justice of the Supreme Court of Mongolia Keynote address: "The role of digitalization and artificial intelligence in judicial development"
09:40–09:50	Photo Session Possible media pull-asides
09:50–10:00	Health break

Plenary Session 1: Increasing accessibility in justice: Digitalizing court proceedings

10:10–10:15	Introduction of presenters Presentations (15 mins each)
10:00–10:20	Hon. Suzanne Mitchell , U.S. Magistrate Judge for the Western District, Board of the Federal Judicial Center
10:30–10:45	Hon. Batchimeg Nergui , Justice of the Chamber for Civil Cases, Supreme Court of Mongolia "Some issues related to digitalization in civil proceedings and ensuring the rights of the parties to the case"
10:45–11:00	Hon. Kai Kullerkupp , Justice of the Civil Chamber of the Supreme Court of Estonia
11:00–11:30	Interactive Session: Q&A

<p>Plenary Session 2: Using case study (database, caselaw) to achieve consistency in law application</p>	
11:30–11:35	Introduction of presenters Presentations (15 mins each)
11:35–11:50	Hon. Dr. Tsogt Tsend , Justice of the Chamber for Administrative Cases, Supreme Court of Mongolia
11:50–12:05	Hon. Suzanne Mitchell , U.S. Magistrate judge for the Western District
12:05–12:15	Mr. Dušan Dakić , Judge of the Novi Sad Basic Court of Serbia
12:15–12:25	Hon. Karen Zarikyan , Chief Judge of the Administrative Court of Armenia
12:25–13:00	Interactive Session: Q&A
13:00–14:00	Lunch Break
<p>Plenary Session 3: AI and the courts in digital era</p>	
13:30–13:50	Introduction of presenters Presentations (15 mins each)
14:05–14:20	Hon. Allison Goddard , U.S. Magistrate Judge for the Court for the Southern District of California (Present by Zoom)
14:20–14:35	Hon. Maksyuta Elena Tagirovna , Justice of the Supreme Court of Republic of Kazakhstan
14:35–14:50	Mr. Munkhtulga Ganbat , Judge of the Administrative Court of Appeals, Mongolia "Scope and limitations of the use of artificial intelligence in judicial proceedings"
14:50–15:20	Interactive Session: Q&A
15:20–15:40	Health break
<p>Plenary Session 4: Cyber security issues in courts</p>	

15:40-15:45	Introduction of presenters Presentations (15 mins each)
15:45-16:00	Mr. Puiu Eduard , Judge of the Balti District Court of Moldova "Cybersecurity within the judicial information system of the republic of Moldova: challenges, good practices, and recommendations"
16:00-16:15	Ms. Khusnul Khatimah , Judge of Central Jakarta District Court, Indonesia
16:15-16:30	Hon. Davaadorj Gooshookhuu , Chief Judge of the Civil Appeals Court of Mongolia "Cybersecurity: Risk and Responsibility"
16:30-17:00	Interactive Session: Q&A
Closing	

Conference Date 2: June 17, Monday

08:00 – 08:30	Registration and welcome coffee
09:00-09:05	Moderator: Hon. Umirbyek Sultanmurat , Chief Judge, Court of Civil and Criminal Appeals in Bayan-Olgii Province, Mongolia Opening of the second day of the conference
09:05-09:35	Mrs. Ononchimeg Ryenchindorj , Member of the Judicial General Council of Mongolia, Mr. Munkhbayar Tumur , Head of the Center for Digitalization of Judicial General Council of Mongolia "Digitalization of the judiciary in Mongolia, legal issues and gaps"
Plenary session 5: Public's right to information and faith in the judiciary	
09:35-09:40	Introduction of presenters Presentations (15 mins each)
09:40-09:55	Mr. Baktybek Sydygaliev , Judge of Osh City Court of Kyrgyzstan
09:55-10:10	Hon. Batsuuri Mishig , Justice of the Chamber for Administrative Cases, Supreme Court of Mongolia "Experience of Mongolia in court proceeding in ensuring the public's right to know"

10:10–10:25	Judge Lilia Turcan , Judge and Acting President of the Drochia District Court of Moldova.
10:25–10:40	Interactive Session: Q&A
10:40–11:00	Health Break
Plenary Session 6: Judicial training for the digital era: developing digital competency	
11:00–11:05	Introduction of presenters Presentations (15 mins each)
11:05–11:20	Ms. Mira Gur-Arie , Director of the International Judicial Relations Office, Federal Judicial Center
11:20–11:35	Dr. Erdenechimeg Dashpuntsag , Director of Judicial Training, Research and Information Academy of Mongolia
11:35–11:50	Mr. Farrukh Turakhodzhaev , Judge, Criminal Cases Collegium, Tashkent City Court, Uzbekistan
11:50–12:20	Interactive Session: Q&A
12:20–12:30	Ms. Jane Sargus , COIL Executive Director Hon. Dr. Tsogt Tsendl , Justice of the Supreme Court of Mongolia Closing Remarks

APPENDIX¹

¹ Presentations from speakers who did not submit their conference papers for the compilation are attached in slide form.



Using Case Study to Achieve Consistency in Law Application

The Role of Caselaw in Serbia

Dušan Dakić
Trial Criminal Judge
Republic of Serbia

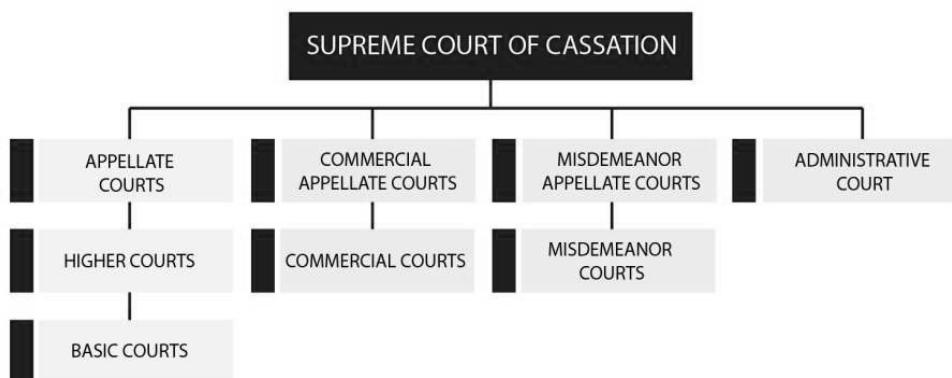
Serbia's Legal Tradition

- Belongs to the continental (civil law) system
- Primary sources of law: Constitution, statutes, ratified international treaties
- Indirect sources of law: court practice and opinions of the Supreme Court of Serbia
- Lower-ranked sources must align with higher-ranked ones
- Caselaw is not a formal source of law (unlike common law)
- Courts are not bound by precedent

Institutional Framework

- Supreme Court issues legal positions (pravna shvatanja) and harmonization decisions
- It has three departments: Criminal, Civil, and the Department for the Protection of the Right to a Trial within a Reasonable Time
- In case of inconsistent caselaw, these departments adopt and publish legal opinions, positions, and conclusions
- The Constitutional Court also plays a role

Case Study Approach in Judicial Practice



Case Study Approach in Judicial Practice

- Judges often use 'similar case reasoning' to justify decisions
- Referencing previous decisions brings persuasive authority
- Used extensively in trainings by the Judicial Academy

Challenges

- Inconsistency in publication and availability of decisions
- Lack of binding precedent creates fragmentation
- Legal databases are underused or commercially restricted
- Need for systemic digital infrastructure improvement

Current Reforms and Trends

- Growing influence of ECHR case law in domestic courts
- Increasing reliance on comparative jurisprudence
- Discussion on possible formalization of certain precedents

Conclusion

- Caselaw is not a formal source of law, but functions as a de facto interpretative guide
- Using case studies enhances consistency and predictability
- Serbia's system may evolve toward more formal recognition of precedent elements

Final Thought

- In systems without binding precedent, consistency still matters
- "Legal certainty is not just a principle — it's a promise to citizens."
- Case law, though informal, helps keep that promise

ALLISON GODDARD
U.S. Magistrate Judge for the
Court for the Southern District of California

Congressional Office for
International Leadership
2025 COIL Alumni Rule of
Law Conference
June 16, 2025
Hon. Allison H. Goddard,
U.S. District Court for the
Southern District of
California

AI and the Courts in the Digital Era

Disclaimer

Managing the United States judiciary's use of artificial intelligence tools falls under the jurisdiction of the Administrative Office of the United States Courts ("AO"). I am a judge, not an Information Technology policymaker or expert, and do not speak on behalf of the AO.

I will be demonstrating some publicly available AI tools, but only for purposes of demonstration and not as an endorsement of any particular tool.

Concerns
about Use
of GenAI

Confidentiality

Information security

Bias

Complacency

Best Practices

1

Understand the
Terms of Service

2

Do Not Rely on
AI for Legal
Research

3

“Human in the
Loop”

NotebookLM

- Notebooklm.google.com
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* Notebook guide

Help me create

 [FAQ](#)  [Study Guide](#)  [Table of Contents](#)
 [Timeline](#)  [Briefing Doc](#)

Summary

These documents are excerpts from legal briefs filed in court cases regarding Social Security Disability benefits, where claimants appeal the denial of their benefits. They demonstrate the legal argumentation involved in such cases, focusing on the ALJ's (Administrative Law Judge) assessment of the claimant's disability based on their medical evidence, their testimony regarding their functional limitations, and how the ALJ's conclusions are challenged by claimants in their appeal. The court, in turn, evaluates the ALJ's reasoning and determination of whether their conclusion is supported by substantial evidence.

Audio Overview



Click to load the conversation.

Load

Suggested questions

-  How do the rulings in these cases apply to the specific evidence presented for each case?
-  What are the overarching legal principles governing the determination of disability benefits?
-  How do the ALJ's decisions in these cases exemplify the challenges of navigating social security law?

What is the standard for assessing whether the ALJ properly evaluated the claimant's testimony regarding symptoms?

Standard for Evaluating Claimant Testimony Regarding Symptoms

When evaluating a claimant's testimony about their symptoms, the ALJ must follow a two-step process.

Step One:

- The ALJ must determine whether there is objective medical evidence to support the claimant's complaints. ① ② ③ ④ ↗
- At this stage, the claimant is not required to prove that their impairment could reasonably be expected to cause the full severity of the symptoms alleged. ⑤
- The claimant simply needs to show that the impairment could reasonably be expected to cause some degree of the symptoms. ⑥
- **The ALJ cannot reject the claimant's subjective complaints solely because there's a lack of medical evidence fully corroborating the alleged severity of the pain.** ⑦ ⑧ ⑨ ⑩ ⑪ ⑫ ⑬ ⑭ ⑮ ⑯

Step Two:

- If the claimant demonstrates objective medical evidence supporting their symptoms and there is no evidence of malingering, the ALJ can only reject the claimant's testimony about the severity of the symptoms if the ALJ provides "specific, clear, and convincing reasons" for doing so. ⑥ ⑦ ⑧ ⑨ ↗
- The ALJ must identify what specific testimony is not credible and explain what evidence contradicts the claimant's testimony. ⑩ ⑪ ⑫ ⑬ ⑭
- **The ALJ's decision must be detailed enough to allow a court to determine that the ALJ rejected the claimant's testimony for valid reasons and didn't arbitrarily discredit their testimony.** ⑫ ⑯ ⑰ ⑱ ⑲ ⑳ ⑳ ⑳ ⑳
- The ALJ should consider the following factors when evaluating the claimant's testimony: ⑯ ⑰ ⑱ ⑲ ⑳ ⑳ ⑳ ⑳

 - Daily activities
 - The location, duration, frequency, and intensity of the claimant's symptoms
 - Precipitating and aggravating factors
 - Medications and their effectiveness and side effects
 - Non-medication treatments
 - Other relevant factors

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AHG Social Security Cases  

 [Source guide](#)

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based on the record evidence, and provided a sufficient explanation supported by

substantial evidence for rejecting Plaintiff's testimony.

1. Legal Standard

An ALJ evaluating a claimant's testimony regarding the extent of his symptoms and impairments must follow a two-step inquiry. Ghanim v. Colvin, 763 F.3d 1154, 1163 (9th Cir. 2014). First, an ALJ must assess whether there is objective medical evidence to support the testimony. *Id.* If that is the case, and there is no evidence of malingering, "the ALJ can only reject the claimant's testimony about the severity of the symptoms if he gives 'specific, clear and convincing reasons' for the rejection." *Id.* (quoting *Vasquez v. Astrue*,

572 F.3d 586, 591 (9th Cir. 2009)). An ALJ must "specifically identify the testimony she or he finds not to be credible ... and explain what evidence undermines that testimony."

Eastern District of Pennsylvania, which adopted the minority position, arguing that most courts applying *Lucia* to reach a waiver conclusion provided insufficient explanation. *Id.* However, the sources emphasize that *Culcasure* is not binding in the Ninth Circuit, where precedent strongly favors the waiver in this situation. *Id.*

 Save to note

What is the standard for assessing whether the ALJ properly evaluated the claimant's testimony regarding symptoms?

Standard for Assessing a Claimant's Testimony Regarding Symptoms

To assess a claimant's testimony about their symptoms, the ALJ follows a two-step process. This process is outlined in several court cases, including *Ghanim v. Colvin* ① ② ③ ④, *Trevizo v. Berryhill* ⑤ ⑥ ⑦, and *Smolen v. Chater* ⑧.

Step One: Objective Medical Evidence

- At this stage, the ALJ must determine if there is objective medical evidence that supports the claimant's complaints. ① ② ③ ④ ↗ This means there must be evidence of an underlying impairment that could reasonably be expected to produce the pain or symptoms alleged. ⑨ ⑩ ⑪ ⑫
- However, the claimant isn't required to prove the impairment would cause the exact severity of the symptom they're describing. ⑤ ⑥ ⑦ ⑧ They only need to show it could reasonably cause some degree of the symptom. ⑩ ⑪ ⑫

How did the ALJ determine the claimant's RFC?

What factors did the ALJ consider when evaluating the claimant's testimony regarding symptoms?

which decision talks about how a plaintiff's ability to live on their own for three months in a van showed he was not disabled

Plaintiff Living in a Van for Three Months

Source ① discusses how a plaintiff's stay in San Francisco for three months was used by the ALJ to discount the opinions of medical experts who found the plaintiff to have marked limitations in social functioning and concentration, persistence, and pace. The ALJ viewed the three month period as a successful venture, demonstrating the plaintiff's self-sufficiency. ① However, the source goes on to state that this was not a rational interpretation of the record. The plaintiff was living in a van, working part-time, and returned to San Diego because living in a van in San Francisco's climate was not sustainable. ① The source argues that the evidence actually supports the medical experts' opinions, showing that the plaintiff's move was impulsive and poorly planned, highlighting his difficulties in maintaining concentration, persistence, and pace. ① Furthermore, the source criticizes the ALJ's decision to selectively focus on this single three-month period, arguing that it cannot be considered substantial evidence to support the ALJ's RFC finding. It points to case law that states that ALJs cannot selectively pick isolated instances of improvement as a basis for concluding that a claimant is not disabled. ① ②

Save to note

Claude.ai

- Similar to other open source LLMs, like ChatGPT
- Free with restrictions on size of PDFs you can upload
- Not reliable for legal research

Professional Plan

Good morning, Ali

How can Claude help you today?

Claude 3.5 Sonnet ▾ Choose style ▾

Use a project ▾

Polish your prose Generate interview questions Write a memo

Try Google Docs in Chats and Projects

Connect your Google Docs directly to Claude to provide additional context for your conversations.

Can you suggest a different word besides “disingenuous” that is not quite as strong, but is a way to describe an argument that isn’t made in good faith?

Here are a few alternatives to “disingenuous” that describe an argument not made in good faith, but with slightly less intensity:

1. Misleading
2. Specious
3. Dubious
4. Insincere
5. Questionable
6. Spurious

These words suggest that an argument may not be entirely honest or well-founded, without necessarily implying deliberate deception. Would you like me to explain any of these terms in more detail?

Please provide a one paragraph explanation of the tax concept of FDII, or foreign-derived intangible, income. The paragraph should be at the level of an eighth grade reader.

Foreign-derived intangible income, or FDII, is a special tax rule for U.S. companies that sell products or services to customers in other countries. It's designed to encourage American businesses to sell more things overseas. Basically, if a U.S. company makes money from selling to foreign customers, they might pay less taxes on that money. This applies to things like selling software, patents, or providing services to people in other countries. The government created this rule to help U.S. companies compete better with businesses from other countries and to keep jobs and business activities in the United States.

Thanks. I think I need it to be slightly more sophisticated in language. Could you provide the explanation at 12th grade reading level?

Certainly. Here's an explanation of FDII at 12th grade reading level:

Foreign-derived intangible income (FDII) is a provision in U.S. tax law designed to incentivize domestic corporations to export goods and services related to intangible assets. Introduced as part of the 2017 Tax Cuts and Jobs Act, FDII offers a reduced tax rate on income that U.S. companies earn from foreign sales and services, particularly those associated with intellectual property like patents, trademarks, and copyrights. The policy aims to encourage multinational corporations to maintain their intellectual property and production within the United States while expanding their global market presence. By providing this tax benefit, the government seeks to enhance the competitiveness of U.S. companies in the international marketplace and discourage the offshoring of valuable intangible assets and related economic activities.

Last year, this was my quote in the performance review for my courtroom deputy: "Trina continues to get even better as a courtroom deputy. She continues to be dependable and very hard-working, but in the last year she has demonstrated notable growth in addressing issues proactively. I really enjoy working with her." Please draft a similar quote for this year's review. She has continued to perform at a high level and I appreciate her work.

Here's performance review quote that builds on last year's feedback while highlighting Trina's continued excellence:

"Trina remains an exceptional courtroom deputy who consistently sets a high bar for excellence. Her proactive approach to managing courtroom operations has become a real strength, and she continues to demonstrate remarkable attention to detail and sound judgment. Her reliability and strong work ethic make her an invaluable member of our team, and I continue to deeply appreciate our working relationship."

Thanks, but it sounds too similar. I'm concerned she may look at the quotes back to back and think I just phoned it in. Could you update the wording to have the same intention but started a bit differently?

Here's a fresh take that conveys your appreciation while using different language:

"As a courtroom deputy, Trina exemplifies what it means to be a true professional. She anticipates needs before they arise, manages complex situations with remarkable composure, and consistently delivers outstanding work. Her contributions to our courtroom operations have been invaluable, and her dedication to excellence makes her a pleasure to work with each day."

This version maintains the positive sentiment while using entirely different phrasing and highlighting specific qualities that weren't mentioned in the previous year's review. Would you like me to try another variation?

I am attached a motion for class certification, a brief opposition to that motion, and a brief in support of that motion. Please suggest 5 questions that a judge may ask at a hearing on the motion.

Based on my review of the motion for class certification, opposition brief, and reply brief, here are 5 key questions a judge may ask at a hearing on this motion:

1. How do you respond to Webloyalty's argument that individual issues regarding authorization and consent predominate over common issues for the EFTA and conversion claims?
2. Does the variation in enrollment materials and processes over time undermine the commonality and predominance requirements for class certification?
3. How do you address Webloyalty's contention that statute of limitations issues create individualized inquiries that defeat certification?
4. Given settlements with state Attorneys General that provided some restitution, why is a class action superior to other methods of adjudication for the remaining claims?
5. How would you propose to manage class member identification and damages calculations, particularly for members who may have redeemed benefits or incentives?

Here is a transcript of the hearing on the motion. Did the judge ask any of the 5 questions that you suggested, or questions that were highly similar?

Based on my review of the hearing transcript, the judge did ask questions that were similar to several of the 5 questions I suggested:

1. The judge asked about individual issues regarding authorization and consent, which was similar to my first suggested question. For example, the judge questioned whether variations in the disclaimers over time created individual issues that could defeat typicality and class certification (pages 11-12, 29-32).
2. The judge asked about how variations in enrollment materials and processes over time could affect commonality and certification, which was similar to my second suggested question (pages 5, 8-9, 29-32).
3. The judge asked several questions about statute of limitations issues and tolling, which was similar to my third suggested question (pages 6-7, 24-28).
4. The judge did not specifically ask about the settlements with state Attorneys General, which was my fourth suggested question.

LILIA TURCAN
Judge and Acting President of the
Drochia District Court, Moldova

**Distinguished colleagues, conference participants,
and honored guests.**

The State bears an obligation to ensure the realization of the right to judicial protection, which must be fair, competent, and effective.

While public opinion cannot serve as an objective instrument for evaluating the performance of the judiciary, given the inherent existence of a losing party in every dispute and the specialized expertise required to assess the correctness of judicial decisions, it nonetheless reflects the citizens' confidence in the possibility of vindicating their rights and significantly influences society's trust in the State.

Public access to information concerning the courts constitutes a fundamental precondition for sustaining public confidence in the judiciary. Indeed, such access is indispensable to the very existence of a free and democratic nation.

INTRODUCTION

Judge Lilia Turcan, Judge and Acting President of the Drochia District Court, Moldova.

Judicial Reform, Transparency, and Public Trust

How can we evaluate the sufficiency and effectiveness of judicial reforms, the actual level of public confidence in justice, and the attractiveness of the national jurisdiction? How can a feedback mechanism be created to enable the State to respond promptly to society's needs?

The public's right to information about the judiciary and trust in its functioning are essential components of a democratic state and of the rule of law. Access to information on judicial decisions, procedures, and court activities is necessary to ensure transparency, accountability, and the strengthening of public trust.

Society must have the right to access judicial documents including decisions, rulings, hearing records, and other materials to understand the reasoning and motives underlying judicial determinations.



Judicial Reform,
Transparency, and
Public Trust

Judicial Reform, Transparency, and Public Trust

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Judicial Reform,
Transparency, an
Public Trust

Judicial Reform, Transparency, and Public Trust

The first significant achievements included the institutionalization of the Case Management Program across all courts of the Republic of Moldova and the mandatory publication of judicial decisions on court websites. These reforms provide thousands of users including journalists and civil society with online access to hearing schedules, summonses, and court decisions.

Online access strengthens judicial accountability to Moldovan citizens and enhances the quality of judicial services. Court websites now provide diverse, up-to-date information, including reports on the activities of the Superior Council of Magistracy, courts, easily accessible news and press releases, livestreams of Council sessions, and archived recordings of past meetings.



Public Access and Trust in the Judiciary

Visitors to court websites can view real-time data for multiple purposes, including academic research, investigative journalism, and monitoring the status of cases and the performance of courts nationwide.

Such information enhances public trust by allowing citizens to observe judicial activity, case resolution rates, frequency of adjournments, publication of decisions, random case allocation, and audio/video recordings of hearings.

Overall, society's right to information about the judiciary and confidence in its functioning are essential conditions for the development of a democratic state governed by the rule of law. Trust in the judiciary is also a critical factor for economic growth and investment.



Judicial Independence and the Rule of Law

The judiciary is the primary guarantor of citizens' rights and freedoms, ensuring the rule of law, maintaining balance among the branches of government, and safeguarding both public and private interests.

The principle of separation of powers is fundamental to the very existence of the courts. For the judiciary, this principle entails both the institutional independence of judicial bodies and the individual independence of judges.

Judicial independence is not a privilege but a necessary condition for judges to exercise their authority fairly and impartially. Judges must be guided solely by law and their own conviction, as any external or internal interference risks undermining society's trust in the judiciary.



Judicial Independence: External and Internal Dimensions

Institutional and individual judicial independence are closely interconnected, as the independence of judges can only be secured through adequate institutional safeguards for the judiciary as a whole. Equally important is the protection of judges from improper influence within the judicial system itself. Thus, judicial independence requires not only guarantees against external pressure but also strong internal procedural protections.

Contemporary trends show increasing interaction among the legislative, executive, and judicial branches. In modern democratic states, public policy increasingly recognizes the individual and the protection of fundamental rights and freedoms as its highest priority. Accordingly, the duty of all state institutions is to guarantee and safeguard human rights, requiring effective and coordinated action by all branches of government.



Judicial Independence:
External and Internal
Dimensions

Judiciary, Human Rights, and Social Responsibility

In the modern world, the judiciary plays a central role in protecting human rights and upholding the rule of law. Judicial independence and judicial accountability are two sides of the same coin. Broadly understood, the judiciary bears responsibility to society for the level of guarantees it provides in safeguarding rights and freedoms, legality, and public order.

As a result, the judiciary remains under close scrutiny from civil society, which evaluates its performance and imposes new expectations for fairness and effectiveness. Judicial accountability and social responsibility also requires, when necessary, providing additional explanations of the meaning of judicial decisions and the actions taken to implement them. This must be done in the interest of the rule of law and for those who seek justice and rely on the courts.



Judiciary, Human Rights,
and Social Responsibility

The Right for Access to Information and the Development of Public Trust in the Judiciary in the Kyrgyz Republic

Access to Information

The right of access to information is enshrined in the Constitution of the Kyrgyz Republic (Article 33). Every citizen has the right to:

- freely seek, receive, store, and disseminate information;
- be informed about the activities of public authorities and officials.

Judicial transparency constitutes a fundamental pillar of **the rule of law, judicial independence, and effective societal oversight.**

Core Principles of Open Justice:

Transparency of judicial proceedings (Article 291 of the Criminal

Procedure Code; Article 13 of the Civil Procedure Code of the Kyrgyz Republic);

Access to judicial decisions (available via the portals sot.kg and portal.sot.kg);

Disclosure of information regarding judges, including disciplinary actions, appointments, and the selection process;

Active engagement of the media and civil society in monitoring judicial processes.

The objective is not merely to inform the public but to cultivate substantive trust - ensuring public confidence that courts function in service of the law rather than narrow political or corporate interests.

Development of Public Trust in the Judiciary

Table: Trust Indicators in the Judiciary According to the CPI 2023

Source : Transparency International Corruption Perceptions Index 2023

Country	CPI 2023 Score	Global Ranking	Commentary
Denmark	90	1	High level of public confidence in the judicial system, independence and institutional transparency.
Finland	87	2	Robust judicial institutions with minimal levels of corruption.
New Zealand	85	3	Transparent court system with active citizen participation in the administration of justice.
Switzerland	84	4	Strong judicial autonomy and effective anti-corruption enforcement mechanisms.
Sweden	83	5	Transparent judicial framework complemented by a sophisticated legal culture.
Kyrgyzstan	26	141	Low levels of public confidence; significant challenges regarding judicial independence and institutional transparency.
Tajikistan	20	162	Substantial issues with judicial corruption and compromised independence of the judiciary.
Turkmenistan	18	170	Critically low levels of public trust and lack of judicial independence.

Enhancing Understanding of Judicial Decisions :

The courts of the Kyrgyz Republic actively implement mechanisms for clarifying rulings upon request by parties, which enhances legal certainty and strengthens public confidence in the judicial system. **Instructional Videos by Judges:**

Judges provide practical guidance through educational video tutorials that elucidate key aspects of judicial practice and offer valuable guidance to parties to proceedings and other court participants.



The procedural legislation of the Kyrgyz Republic mandates that judicial decisions be comprehensively explained following their pronouncement, thereby ensuring transparency and facilitating public understanding of judicial determinations.



Civil society representatives participate in the formation of the Council on Judicial Affairs, which ensures transparency, accountability, and public confidence in the judicial appointment process.

The judicial appointment procedure in the Kyrgyz Republic is undergoing modernization, with the implementation of digital technologies designed to minimize human bias and enhance procedural transparency.



Law of the Kyrgyz Republic No. 96 dated May 19, 2025: Amendments to the Criminal Procedure Code of the Kyrgyz Republic

Live Broadcasting of Court Proceedings: this legislation institutes real-time transmission of criminal trials, enhancing judicial transparency and public accessibility.

Mandatory Audio-Visual Recording (AVR): these amendments establish the mandatory implementation of AVR in criminal proceedings, promoting both effective and secure conduct of proceedings.

Under the Law, the absence of AVR constitutes grounds for modification, review, or annulment of a judicial decision, except in instances where the court has expressly authorized proceedings without such recording.

Court Visitor Feedback Surveys

The Supreme Court of the Kyrgyz Republic has implemented a feedback system utilizing QR codes installed throughout court facilities nationwide. Court users can evaluate judicial performance, assess the quality of proceedings, and provide feedback on judicial professionalism. This initiative aims to enhance institutional transparency, fortify public trust, and elevate the overall quality of justice administration in the Kyrgyz Republic.



MIRA GUR-ARIE
Director of the International Judicial
Relations Office, Federal Judicial Center

Judicial Training in the Digital Era: Developing Digital Competencies

Congressional Office for International Leadership Alumni Conference

Ulaanbaatar, Mongolia

June 16 – 17, 2025

Mira Gur Arie, Director, International Office, Federal Judicial Center

Federal Judicial Center

**“...TO FURTHER THE DEVELOPMENT AND ADOPTION OF IMPROVED
JUDICIAL ADMINISTRATION THROUGH EDUCATION & RESEARCH.”**

Federal Judicial Center
A judicial branch agency, established in 1967

Research

Examine and evaluate federal court practices and policies through empirical research

Education

Develop and implement programs and publications for newly appointed and experienced judges and court personnel

International
Programs and resources

**Judicial Education
Topics**

Law and Procedure
Evidentiary Issues
Courtroom Skills
Case Management
Judgment Writing
Judicial Ethics

New Paradigm

Competencies

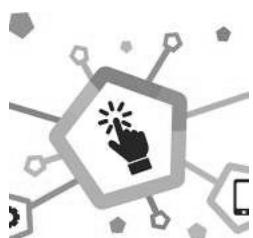
Knowledge

Skills

Values

Bangalore Principles of Judicial Conduct: Value 6

Competence and diligence are prerequisites to the due performance of judicial office.



What are 'core' digital competencies for judges?

Knowledge

Digital Forensics
Cybercrime
Cryptocurrency and Blockchain
Electronic Evidence
Artificial Intelligence



Electronic Evidence

Basics

- Generated
- Collected
- Preserved (chain of custody)

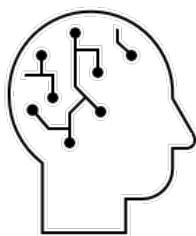
Admissibility

- Relevance
- Authenticity: genuine, not manipulated
- Integrity: reliable, not corrupted

Expert Testimony



Artificial Intelligence



Concepts and Terms

- Machine Learning
- Algorithms
- Large Language Models
- Training
- Deep Fakes

Capabilities

Evidentiary Issues

- Relevance
- Reliability
- Authenticity
- Fairness

Future Trends



Damages Assessment

Victim Impact Statements

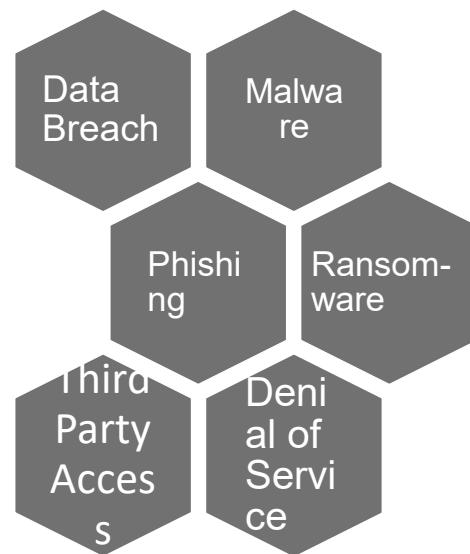


Skills

Electronic Filing
Digital Case Management
Videoconferencing
Hybrid Hearings
Cybersecurity



Cybersecurity Threats to the Courts



How can you detect a phishing email?

- A. Mismatched email address
- B. Generic greeting
- C. Unfamiliar sender
- D. Unusual or vague request
- E. All of the above

Cybersecurity Guidelines

Developed by Judiciary Taskforce
(led by judges)

- Government Equipment
- Zero Trust Architecture
- Multi-factor Authentication
- No Public Wi-Fi
- Mandatory Training

Values ➔ Public Trust and Confidence

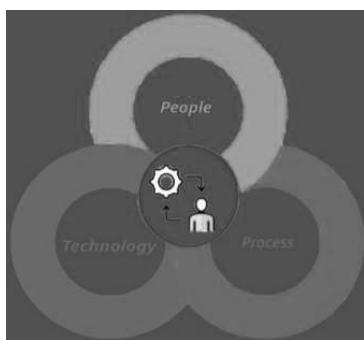
Privacy and Confidentiality
Social Media
Cybersecurity
Ethical Implications of AI
Bias
Impact of algorithms
Digital Equity



Training on Digital Competencies: Challenges



Change Management



Manage Resistance and Concerns

- Plan and Prepare
- Communicate
- Train and Support



**For Judges,
By Judges**

Judicial IT Curriculum



