The American Journal of Political Science Law and Criminology
ISSN 2693-0803 | Open Access

TYPE Original Research
PAGE NO. 36-39
DOI 10.37547/tajpslc/Volume07Issue06-07

Predictive Justice and Artificial Intelligence: Comparative Legal Analysis of Judicial Practice

Hurshid Sadikov

Independent applicant of the Supreme School of Judges, Uzbekistan

OPEN ACCESS

SUBMITED 12 April 2025
ACCEPTED 08 May 2025
PUBLISHED 17 June 2025
VOLUME Vol.07 Issue06 2025

CITATION

Hurshid Sadikov. (2025). Predictive Justice and Artificial Intelligence: Comparative Legal Analysis of Judicial Practice. The American Journal of Political Science Law and Criminology, 7(06), 36–39.
https://doi.org/10.37547/tajpslc/Volume07Issue06-07

Abstract: The article is dedicated to research on the implementation of artificial intelligence (AI) technologies in the justice sector, with a focus on predictive coding and "predicted justice." A comparative legal analysis of the practice of the USA, China, European Union countries, and France was conducted. Special attention is paid to the role of AI at the proof stage: analysis of evidence, automation of legal procedures, and reduction of corruption risks. Examples of court cases illustrate both the possibilities and risks of applying AI in court proceedings. Institutional and ethical limitations, including issues of trust, algorithm reliability, and equality of parties, are also considered. It is noted that despite technological progress, full confidence in AI in the judicial system has not yet been formed. It was concluded that it is necessary to develop general regulations and gradually implement AI, taking into account the principles of procedural fairness.

Keywords: Artificial intelligence, predictive justice, evidence, court, predictive coding, judicial practice, algorithms, trust, ethics, digitalization, blockchain, information disclosure, justice, technology, comparison.

Introduction: The development of artificial intelligence (AI) technologies is increasingly impacting various spheres of public life, including justice. In today's digital society, there is a need to increase the efficiency and objectivity of judicial processes, making it relevant to study the role of AI in these aspects. The application of artificial intelligence for the analysis of evidence and forecasting of court decisions is of particular interest, where the accuracy and neutrality of machine algorithms can both contribute to fairness and create certain risks.

This issue is increasingly attracting the attention of researchers and practitioners. Today, the British philosopher Andy Clarke's "predictive coding concept" is considered one of the most important scientific discoveries[1]. The predictive coding method of computer technologies and information processing algorithms allows for the analysis of large unstructured data volumes while significantly reducing time costs. Arguments in favor of predictive, "predicted" justice involving artificial intelligence (hereinafter - AI) are increasingly being voiced.

There are not many court decisions in the world that have been made based on the conclusions of the program using artificial intelligence. Da Silva Moore's case against Publicis Groupe appears to have been the first case of using artificial intelligence to evaluate evidence[2]. It was resolved in the USA (New York) in February 2012. The employer was accused of building a "glass ceiling" for the women who worked for him. To issue a decision, it was necessary to examine more than 3 million electronic documents stored by the defendant. The respondent suggested using the predictive coding method. The judge reviewing the case, Andrew Peck, accepted this proposal. Interestingly, the plaintiffs, whose interests were supposed to be served by the computer program, expressed their disagreement with this and appealed the decision to the district court. Their arguments were as follows: the judge relied excessively on external documents; the defendant's expert is biased, as the chosen method of evidence assessment will benefit him; the judge did not conduct evidence hearings properly; the judge used the version of the protocol on computer disclosure proposed by the defendant. These arguments are set forth in the district court's decision[3].

There are cases where the court initiates and insists on the use of artificial intelligence technologies contrary to the positions of the parties. This was the case in EORHB, Inc. v. HOA Holdings, LLC (USA) [4]. Initially, the judge obligated all participants to use a computer program in the process of electronic document disclosure and, first of all, to agree on a single software provider. Admittedly, this requirement was amended at the request of the plaintiffs. Ultimately, the court amended the original ruling, agreeing with the arguments of both the defendants and the plaintiffs. The first allowed them to contact the software provider and engage predictive coding, the second - to use traditional methods of disclosing their documents. The ratio between the small number of documents the plaintiffs were required to disclose and the cost of the software, which "would outweigh any benefit" from artificial intelligence, was taken into account. This case is interesting because the court (1) changed its original position, (2) allowed the simultaneous disclosure of evidence using different methods, (3) took an active position, insisting on using predictive coding as the main method, and (4) softened its position only after examining the well-founded arguments of one of the parties. The decisive argument in favor of maintaining traditional methods for the plaintiffs was the ratio of the final result and its cost. Note that there were no questions about the degree of reliability of one of the methods. This once again confirms that artificial intelligence at the proof stage is often considered not so much from the standpoint of its reliability as from the standpoint of its financial cost. Obviously, predictive coding in this case was considered a convenient tool, allowing the parties to carry out time-consuming and costly actions while reducing other possible costs.

Today, in China, relevant digital tools are used to disclose and evaluate evidence as one of the procedural stages. We are talking about an intelligent system for analyzing evidence within the framework of online court proceedings (blockchain plus artificial intelligence, cloud data, etc.). Upon presentation of evidence by the parties, this intellectual system conducts their analysis and comparison, while simultaneously forming a list of necessary evidence used by judicial practice in general for similar cases. Accordingly, additional evidence not submitted by the party (incorrectly uploaded or not meeting the requirements) may be automatically requested. This has especially facilitated the activities of judges in the consideration of disputes in the financial sphere, when it is necessary to make many complex calculations, to give the judge the basis for considering the case and making a final decision (Sheremetyeva, Baturo & Y SH, 2020: 160). This opportunity arose partly due to the use of distributed ledger technologies. The documents uploaded to it are anonymized, marked, and stored in cloud storage. Their analysis is carried out using AI technologies and big data. If at the beginning of the internet courts' functioning, only those cases that were considered by the internet court were uploaded to the storage facilities, later other court decisions joined them, effectively eliminating the problem of variation in decisions on identical cases.

The introduction of blockchain technology into the judicial system was carried out in stages, first in test mode in individual courts, then a unified technology for all courts was created. In all cases, the state cooperated with Chinese technology giants, primarily Alibaba Group Holding Ltd (including through subsidiaries). Thus, in 2018, the "Court Blockchain" program was launched in Hangzhou. In 2019, similar services were launched in Beijing (March) and Guangzhou (April). In the same year, the national "Unified Judicial Blockchain Platform of

People's Courts" was announced to connect all courts of the country. It is announced that the implementation of the platform has allowed parties, legal entities, to significantly save by confirming the authenticity of electronic evidence, the placement of which in the system costs them 1 yuan (unlike the traditional notarial certification with an approximate cost of 4 thousand yuan). Admittedly, there are also comments regarding information storage technology and the trust of the courts. The technological problem is related to the involvement of private companies in the creation of the system, which can potentially act in their own interests; and the thinking of traditional judges is changing very slowly - from June 2018 to December 2019, they recognized blockchain-preserved electronic evidence as acceptable only in 400 cases (Wang, 2021).

In the online courts of the PRC, the consideration of cases is limited to the subject area - we are talking about offenses on the Internet when carrying out online trade, a number of financial transactions, when resolving disputes on copyright, essentially all disputes related to interaction on the Internet. The jurisdiction of these courts is exceptional - the parties cannot refuse to hear the case in this court if their case falls under the jurisdiction of an internet court. Unlike, for example, the internet courts in South Korea, where the consent of both disputing parties is mandatory. Court proceedings are conducted entirely in digital format, starting with the submission of materials to the court, including conducting court sessions and issuing decisions with the participation of artificial intelligence.

It's worth noting that despite discussions about China's transition to a "smart courts" system in the context of using a new court model within the intellectual judicial system, researchers still note that there is no such digital judge issuing AI decisions. "Smart Court" is aimed not so much and not at all at replacing a judge with AI, but at minimizing corruption risks and ensuring sound court decisions. This was done not to replace a live judge with an electronic one, but rather to reduce corruption and unfounded decisions [5]. Thus, the decisions of the Beijing Internet Court are ensured by twenty-nine judges, chaired by Jiang Ying, who, in addition to diplomas of legal education (bachelor's and master's degrees), also have an engineering education (bachelor's degree) [6].

Although cautiously, predictive practices are still prevalent in European litigation. There are interesting projects of the European Union related to "predictive justice" (predicting justice), where algorithms are used to analyze a multitude of cases in a short time using artificial intelligence (AI), which allows, to a certain extent, to anticipate the outcome of the dispute (Biryukov, 2019). The European Commission on the Effectiveness of Justice (CEPEJ) of the Council of Europe approved the "European Ethics Charter on the Use of Artificial Intelligence in Judicial Systems and Their Environments" (December 4, 2018) [7]. From the content of the Charter, it follows that judges in the member states of the Council of Europe do not often use predictive tools for forecasting, although a number of studies have been conducted.

Thus, at the initiative of the French Ministry of Justice, two appellate courts in Rennes and Douay in the spring of 2017 agreed to test the predictive justice software in various court appeals, using it as an experiment in the consideration of civil disputes, since the criminal case was excluded from the scope of the experiment for ethical reasons: civil, social, and commercial decisions of all French appellate courts were analyzed. A three-month trial was conducted using software designated by the panel of judges as "predictive." It was proposed to assess the value of the quantitative (innovative) analysis of the amounts allocated by the two courts, in addition to the geographical classification of discrepancies noted in similar applications and tests. The purpose of the software was to create a decision-making tool capable of reducing, if necessary, their excessive variability in the name of the principle of equality of citizens before the law. The results of the experiment were controversially discussed by two appellate courts, the Ministry of Justice, and LegalTech, the company that developed the product. On October 9, 2017, the Ministry of Justice and the First Presidium of the Rennes Court of Appeal, emphasizing the modern approach, found the software "not particularly valuable for judges," as "high-quality tools for analyzing judicial practice in cassation and appellate courts" already exist. Moreover, it was indicated that the statistical approach dominates in the software due to the detriment of qualitative analysis and, in some cases, the fixation of erroneous results. Indeed, unlike the Anglo-Saxon system, the French legal system is not built on the system of precedent law, and court decisions are made based on "precise analysis of facts for each case" without connection to previous decisions (Rozec & Thiebaut, 2017).

It is clear that EU member states are attempting to implement the idea of "predicted justice" at the national level using predictive technologies/tools. In this context, the European Parliament and the Council of Europe established a single digital gateway for cross-border evidence exchange and the procedure for handing over judicial and extrajudicial documents (requests, confirmations, receipts, certificates, and notifications) in civil or commercial cases by the Regulations

2018/1724 (October 2, 2018) and 2020/1784 (November 25, 2020). It is believed that this should increase the speed of transfer of both judicial and extrajudicial documents in transnational civil proceedings [8].

Thus, when deciding on the possibility of using predictive coding as a tool for predicted justice, judges adhere to certain rules. They try to obtain the consent of the parties to disclose evidence using such programs, even if they themselves initiate this process. In the protocols regulating the disclosure procedure, the parties are instructed to assist each other. Verifiability of data plays a significant role. Since the participants in the process, like the court, are difficult to verify the reliability after the program issues a verdict, much attention is paid to the stage preceding the start of the program's work, including the development of general rules for disclosing information and the specifics of machine learning for a specific case. This ensures confidence in the future result. If the parties cooperate with each other, if each of them has access to information, if the court reasonably responds to the demands, objections of the participants, then it will be difficult for them to dispute the results of the disclosure of evidence derived by artificial intelligence, since everyone had equal opportunities to participate in the process and influence the result.

We note that in a process where public and private interests compete, these computer tools are not so widely applicable anywhere, due to the inequality of the parties, when it is more difficult to agree on a single method, having previously overcome mutual distrust. Although in civil proceedings, artificial intelligence has not yet become the dominant method. The golden rule of proof remains the manual human verification of documents. This can be explained by the fact that this software has not yet gained full trust among the general legal community. The reliability of decisions made during the proof process is also people's willingness to trust the court. Thus, the European Court of Human Rights indicated the inadmissibility of seeking protection from a court to which the applicant has completely lost trust. To earn comparable levels of trust in artificial intelligence, it takes time and a successful history of its use to solve legally significant tasks in various spheres of human life.

CONCLUSION

The conducted comparative legal analysis demonstrates that the use of artificial intelligence (AI) technologies in judicial systems has become a relevant aspect of digital transformation in justice. The practices of the United States, China, European Union countries, and France illustrate diverse models of AI integration—from predictive coding and online courts to intelligent platforms for data analysis. These approaches help accelerate judicial procedures, reduce costs, and potentially enhance the objectivity of decisions. However, they also raise institutional, ethical, and legal challenges, such as lack of trust in algorithms, absence of universal standards, inequality between parties, and the risk of overreliance on technology.

For Uzbekistan, the studied experience offers significant practical value. A step-by-step implementation of AI at early stages of legal proceedings—particularly in evidence analysis and document automation—appears most promising. It is advisable to develop a regulatory framework governing the use of AI in the judiciary and to launch pilot projects following international models. Successful integration of AI must be supported by the modernization of judicial digital infrastructure and the training of specialists with interdisciplinary expertise (law + IT). Given the national legal context, implementation should be cautious, with a strong emphasis on procedural fairness, transparency, and public trust in the justice system.

REFERENCES

Andy Clark, ‘Beyond the “Bayesian Blur”: Predictive Processing and the Nature of Subjective Experience’, Journal of Consciousness Studies, 25 (2018), 71-87.

Moore v. Publicis Groupe, 287 F.R.D. 182 (2012) Available at: https://www.casemine.com/judgement/us/5914efbaadd7b0493496dd52

Da Silva Moore, et al. v. Publicis Groupe, No. 11-Civ.-1279 (ALC) (AJP), 2012 WL 607412 (S.D.N.Y. Feb. 24, 2012) Available at: https://law.justia.com/cases/federal/district-courts/new-york/nysdce/1:2011cv01279/375665/96/

EORHB, Inc. v. HOA Holdings, LLC, No. 7409-VCL, 2013 WL 1960621 (Del. Ch. May 6, 2013) Available at: https://www.wilsonelser.com/writable/files/Legal_Analysis/389292-v1-eorhb-v-hoa-holdings-no-7409- vcl-2013-esi-update.pdf

В Китае внедрили судебный ИИ. Или нет? Available at: https://habr.com/ru/post/677920/

Judges: Beijing Internet Court. Available at: https://english.bjinternetcourt.gov.cn/judges_3.html

European Commission for the Efficiency of Justice (CEPEJ) European ethical Charter on the use of Artificial Intelligence in judicial systems and theirenvironment. Available at: https://surl.li/ombpwg

Цифровизация судебного процесса: опыт Евросоюза. Available at: https://habr.com/ru/company/digitalrightscenter/blog/696846/