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Latin America at the crossroads of generative AI and its responsible adoption in the judicial sphere

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Latin America at the crossroads of generative AI and its responsible adoption in the judicial sphere is a research project developed during 2024 and 2025 by the Center for Studies in Technology and Society (CETyS) at the University of San Andrés, Argentina.

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The use of language that does not discriminate, does not reproduce sexist stereotypes, and allows all genders to be visible is a concern for those who worked on this publication.

The decision was made to distinguish between genders in some passages and to use the generic masculine in others, according to what was clearer and more fluid for reading, and always with the intention of including all people in these pages.

The opinions expressed in the publications are solely those of the authors. They are not intended to reflect the opinions or perspectives of CETyS or any other organization involved in the project.

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1. EXECUTIVE SUMMARY

In a scenario of rapid technological change, generative artificial intelligence tools have become ubiquitous. This study seeks to identify whether there are instances of the use of generative artificial intelligence tools in the Argentine justice system and, if so, to specify the reasons given by judicial operators when they decide to use these tools.

The report, based on 12 interviews with actors in the judicial ecosystem, interactions arising from workshops organized by CETyS —"Generative AI in the Latin American judicial system. A Critical Look" in September 2024 and "Generative AI and the Judiciary: Building an Agenda for Responsible Adoption" in May 2025—which brought together leaders from the judicial ecosystem—as well as a documentary analysis of legislation, reports, and relevant bibliography, shows that there is growing interest in incorporating these technologies into the judicial process. However, their implementation is still in its infancy.

This is largely due to the coexistence of 25 judicial systems with different realities and one common characteristic: society's low level of trust in the justice system. In this context, the emergence of artificial intelligence, especially generative AI, is seen by judicial operators as a key tool for streamlining judicial processes and improving the image of the justice system.

Currently, in the Argentine judiciary, there is a prevalence of informal uses of these technologies as judicial operators perceive them as mechanisms for making work performance and, by extension, the justice system more efficient. This leads to the use of generative artificial intelligence tools with or without a specific regulatory framework.

In this scenario, the debate on the implementation of generative artificial intelligence within the Argentine justice system is inevitable. The different actors in the judicial ecosystem agree that the judiciary cannot afford to ignore this discussion, as these technologies are here to stay. In this regard, for example, they perceive that there are concrete benefits, such as the possibility of increasing efficiency in the provision of justice services through the automation of repetitive tasks. At the same time, they also recognize that there are risks associated with its implementation in the management of the data produced and processed by the judiciary. These risks are linked both to the absence of clear data governance frameworks and to the lack of training for a large number of judicial operators in the proper use of these technologies. In turn, the judicial ecosystem has outstanding debts with issues related to the use of artificial intelligence, such as cybersecurity, which is often mentioned tangentially when addressing these debates.

In short, these discussions are complex because the responsible adoption of generative artificial intelligence in the judicial sphere is a process that cannot be implemented immediately. As a result, the study concludes that the responsible implementation of generative artificial intelligence in the judiciary requires a multidisciplinary approach that allows for an understanding of the limits, risks, and benefits of these tools. It is essential to develop clear policies to guide the use of artificial intelligence in the judicial system, considering technical, legal, and ethical aspects[1].

1. This report only considers the regulatory frameworks on generative artificial intelligence developed by the higher courts of the different Argentine jurisdictions. However, it acknowledges the existence of protocols developed by the public prosecutor's offices of various jurisdictions, such as those of the Autonomous City of Buenos Aires and Chubut. It also acknowledges the protocol developed by the Council of the Magistracy of the City of Buenos Aires.

2. INTRODUCTION

The implementation of ChatGPT at the end of November 2022 marked a turning point for humanity. It was the moment when artificial intelligence tools became popular (Aguerre, 2024), with interfaces that were more intuitive and accessible to the general public, without technical knowledge.

The widespread use of generative artificial intelligence tools has given rise to new opportunities, as well as new challenges, especially in areas where they can be perceived as instruments that can simplify and improve work with large volumes of data. In these areas, there may be a temptation to implement this type of technology without any kind of control, simply for the sake of demonstrating greater efficiency in management. The judiciary, which produces and processes large volumes of data, is a fertile ground for the implementation of generative artificial intelligence tools.

The overall objective of this report is to identify whether there are instances of the use of generative artificial intelligence in the judiciary of the Argentine Republic and, if so, what reasons judicial actors give when deciding to use these tools. Additionally, the specific objectives of this report are to understand whether there is awareness of the benefits and risks associated with the use of generative artificial intelligence, and to investigate the regulatory frameworks in place to regulate the implementation of these tools in the justice system.

To this end, 12 interviews were conducted with relevant actors in the judicial ecosystem in order to learn about the different aspects related to the decision to use or not use generative artificial intelligence (see Annex of Interviews). These interviews were complemented by contributions from two workshops organized by CETyS—"Generative AI in the Latin American Judicial System: A Critical Look," held in September 2024, and "Generative AI and Judicial Power: Building an Agenda for Responsible Adoption," held in May 2025—which brought together experts in the field of artificial intelligence and legal professionals. A critical look," held in September 2024, and "Generative AI and the judiciary: building an agenda for responsible adoption," held in May 2025—which brought together leaders from the judicial ecosystem. In addition, a documentary analysis of legislation, reports, news articles, and relevant bibliography on the subject was conducted.

The results of this report are presented in nine sections. Sections 2 and 3 address the structure of the judiciary and the characteristics of the issue of artificial intelligence in the Argentine justice system. Next, existing regulations on artificial intelligence, both nationally and internationally, are identified. Sections 5 and 6 explore relevant use cases and their impact on the country. Section 7 examines the perceptions of leaders in the judicial ecosystem regarding the implementation of generative artificial intelligence in the judiciary. Finally, sections 8 and 9 present conclusions and recommendations.

3. RELEVANT CHARACTERISTICS OF THE JUDICIARY IN ARGENTINA

The National Constitution establishes that the Argentine Republic adopts the form of a federal state (Art. 1 NC). This characteristic has a direct impact on the justice system at both the legislative and organizational levels.

At the legislative level, the distribution of powers between the Nation and the provinces means that it is the former that enacts common legislation (e.g., the civil and commercial code, the criminal code, the customs code) and special/federal regulations (e.g., the nationality law); and that it is the provinces that enact procedural regulations, i.e., those that regulate judicial proceedings (see: Gelli, 2004, p. 560 et seq.). In turn, this division of powers affects the organizational level, since the provinces are responsible for administering justice when there are disputes relating to common rules, and the nation is responsible when it comes to special laws. As a result, 25 jurisdictions coexist in Argentina: the federal jurisdiction, 23 provincial jurisdictions, and the jurisdiction of the Autonomous City of Buenos Aires (Meroi, 2020, p. 39).

The administration of the judicial system in each jurisdiction is the responsibility of the respective superior court. Relevant decisions regarding the definition of institutional policies that approve or disapprove the implementation and use of generative artificial intelligence tools will depend on the agreements reached by the members of these courts.

However, there are other relevant actors in the Argentine judicial ecosystem that may influence the decision-making of members of the judiciary. One of them is the Federal Board of Courts and Superior Courts of Justice of the Provinces of Argentina and the Autonomous City of Buenos Aires (JuFeJus), which brings together the sitting members of the highest provincial courts and those of the Autonomous City of Buenos Aires. This association seeks not only to highlight the role of the higher courts in the development of judicial policy but also to participate actively in debates on the improvement and transformation of the judicial system (JUFEJUS, n.d.). Another relevant actor is the associations of magistrates.

This report highlights the experiences of different Argentine provinces. First, those representing the three districts with the highest volume of cases processed in the country: the provinces of Buenos Aires, Córdoba, and Mendoza. More than 50% of the cases processed in the country during 2022 were initiated in these jurisdictions[2].

2. These figures have been taken from the latest statistical data on cases filed with the judiciary published by the JUFEJUS statistical forum. The year 2024 is used because it is the last period with data from all the jurisdictions surveyed by this association. Available at: https://www.jufejus.org.ar/foros/estadisticos/datos-estadisticos-de-las-justicias-provinciales/ Date of access: 30/09/2025.

Secondly, provinces that have protocols or institutional policies regarding the use of generative artificial intelligence in the judiciary have been selected. In this case, these are the provinces of San Luis, Río Negro, San Juan, Santa Fe, and Neuquén. Thirdly, provinces where there have been cases of generative artificial intelligence being used in judicial decisions are included. This also includes the province of Santa Fe as it is the first province where a ruling was handed down mentioning that generative artificial intelligence tools were consulted.

Finally, the experience of the Autonomous City of Buenos Aires and the Federal Justice System is included. The inclusion of the Autonomous City of Buenos Aires is due to the fact that it is one of the pioneering jurisdictions in the implementation of artificial intelligence tools in the country. The inclusion of the Federal Justice System is explained by the fact that the highest judicial authority in the country is located in this jurisdiction.

4. THE ISSUE OF ARTIFICIAL INTELLIGENCE IN THE ARGENTINE JUDICIAL CONTEXT

One of the most relevant consequences of the Argentine judicial organization is reflected in the disparity of realities faced by the different jurisdictions in the country, both in the volume of cases they handle and in the resources they have available.

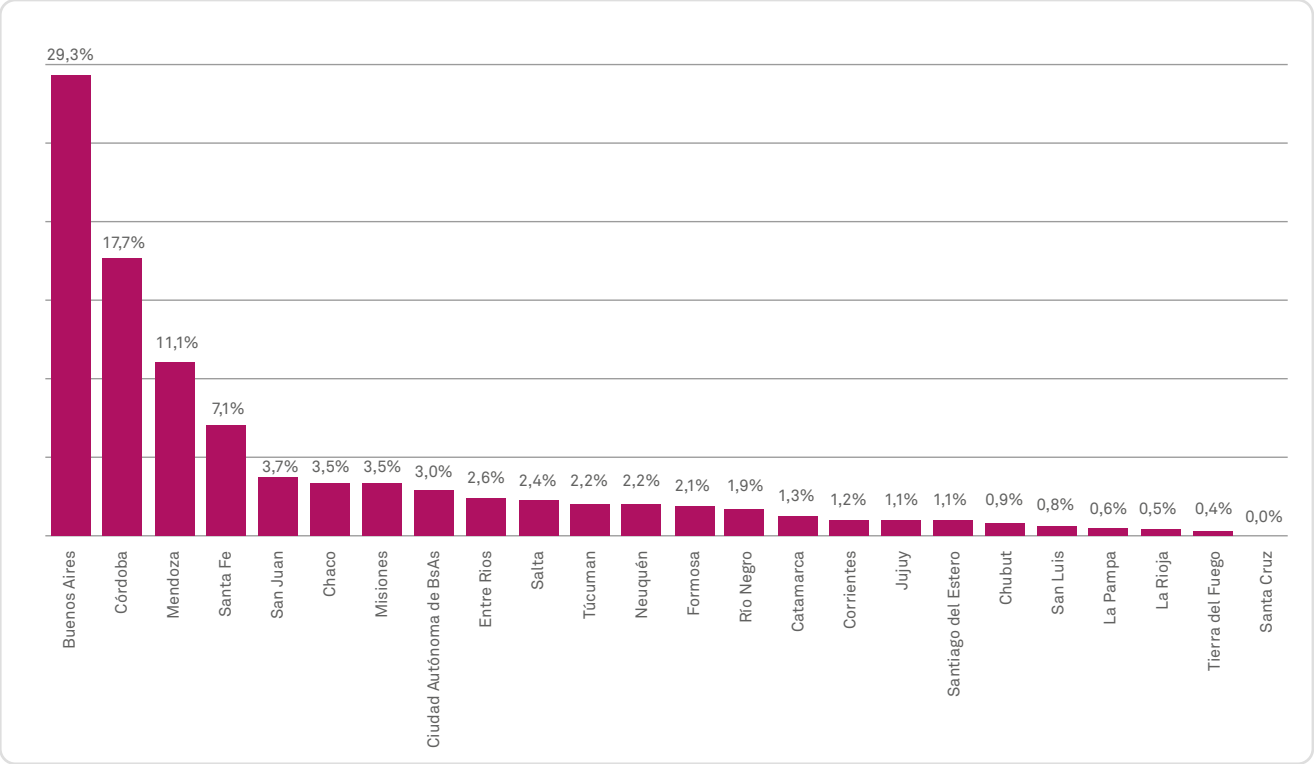
Approximately **40%** **of the cases** processed in the country **are distributed among 21 provincial jurisdictions,** while the remaining **60%** **are distributed in the other 3**[3,4].

These differences are relevant because, according to the testimonies collected, they determine which judicial systems can drive digital transformation processes, which include the implementation of artificial intelligence tools. In this regard, it should be noted that the five provinces that have adopted regulations for the use of generative artificial intelligence (San Luis, Río Negro, San Juan, Santa Fe, and Neuquén) account for less than 16% of the cases heard in the country. Despite this disparity, all jurisdictions have one thing in common: they are perceived as an unreliable public institution. For example, in March 2025, the Political Satisfaction and Public Opinion Survey (ESPOP) conducted by the University of San Andrés showed that 84% of respondents were dissatisfied with the performance of the judiciary (Reynoso,

3. Federal Justice data are excluded from these examples because statistics tend to record data corresponding to provincial judicial powers and the Autonomous City of Buenos Aires separately from those of the Federal Justice.

4. See statistical data from JuFeJus (note 2).

Cases Filed 2024



Prepared by the author based on statistical data from JuFeJus for cases filed in 2024.

2025, p. 8). Similar results were found in the 2023 Latinobarómetro survey, which indicates that only 23.5% of respondents have some or a lot of confidence in the judiciary (Latinobarómetro, 2023, p. 8), and in the justice confidence index compiled by Torcuato Di Tella University and the Fores Foundation. In the latter case, if we look at the perceptual subindex—that is, how citizens view the judicial institution—it yields a result of 27.9 points, which indicates that the population considers the justice system to be unreliable and inefficient (Torcuato Di Tella University & FORES Foundation, 2024, p. 6).

Given this scenario, the incorporation of artificial intelligence tools, especially generative artificial intelligence, is a tempting mechanism for addressing the problems that have long plagued the Argentine justice system. These tools are seen by actors in the judicial ecosystem as a panacea that will help automate repetitive tasks that slow down work in judicial offices, leaving judicial operators more time to carry out more intellectual tasks.

In fact, most of the initiatives highlighted in this report (see next section) that have been implemented during 2024 emphasize that their objective is to improve the efficiency of the justice system. For example, the National Artificial Intelligence Program states that its purpose is *to improve the functioning of the National Judiciary and the justice system in general* (Argentina, 2024a, rulings). Meanwhile, the Protocol of Good Practices for the Use of Generative Artificial Intelligence (IAGen) in the province of Río Negro highlights that *the integration of IAGen into the judiciary offers significant opportunities to improve efficiency and facilitate daily work* (Rio Negro. Superior Court of Justice, 2024, p. 6).

The incorporation of generative artificial intelligence in Argentina must therefore be understood in the context of broader initiatives for the digital transformation of

the justice system. These initiatives seek to modernize an institution that is perceived as obsolete and out of touch with the problems of a large part of the population by introducing mechanisms that help to efficiently process the volume of cases handled by the courts. The testimonies collected show that this is one of the main motivations for exploring and implementing generative artificial intelligence tools. Thus, it was pointed out that one of the objectives pursued with these tools is to achieve greater interaction between judicial operators and litigants ("more human time"). In other words, the implementation of these technologies will help relieve judicial operators of repetitive tasks and allow for more personalized attention to users of the justice system. This, in turn, is understood to result in an improvement in the image of justice, as it will allow it to be seen as an institution that is not alien to the problems of the population.

On this point, it is interesting to note that the search for solutions to improve the perception of the institution among the population is part of a more complex debate among actors in the judicial ecosystem about what is meant by efficiency. What does it mean for justice to be efficient? On the one hand, efficiency can be understood in terms of the number of cases resolved in the shortest possible procedural time. On the other hand, efficiency can be constructed on the basis of indicators related to response time, transparency of the process, and the quality of judgments, i.e., that they have the capacity to reverse the violation of the right affected and can be effectively enforced.

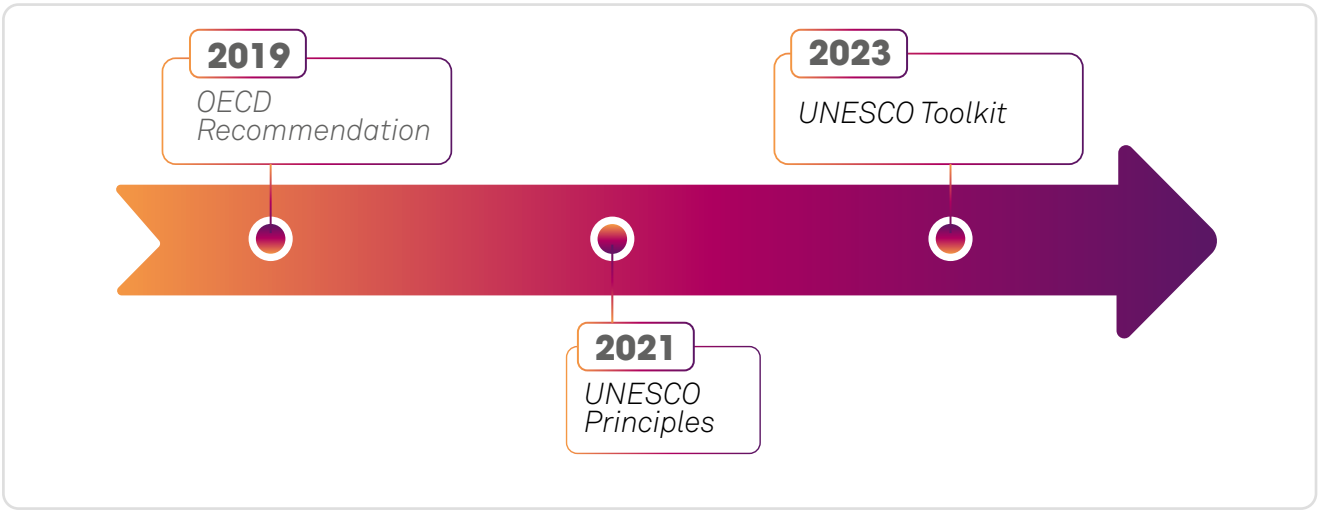
This tension in relation to how efficiency is understood can have significant consequences when making decisions about the implementation of generative artificial intelligence tools in the justice system. If efficiency is understood in the first sense, the implementation of generative artificial intelligence tools is relevant as a mechanism to address the backlog in the resolution of cases by the judiciary. On the other hand, if it is understood in the second sense, the implementation of generative artificial intelligence tools requires an in-depth discussion regarding how and why it will be incorporated into the judicial system. To resolve this tension, it is necessary for the multiple actors interested in the processes of transformation and improvement of the judiciary to be involved in the debates on the implementation and use of generative artificial intelligence tools.

5. BRIEF REVIEW OF THE REGULATION ON THE USE OF ARTIFICIAL INTELLIGENCE

At the time of writing this report, Argentina lacks a specific legislative framework regulating the development and use of artificial intelligence both in general and in the specific sphere of the judiciary. This does not mean that the State lacks regulations on artificial intelligence, but rather that the discussion on the regulation of artificial intelligence must be based on the guidelines that emerge from the national and international documents that have been developed in this area. Given this scenario and the objectives of this report, of particular interest are the protocols and programs aimed at establishing parameters for the use of generative artificial intelligence in the judiciary, which began to be published in the second half of 2024.

5.1. INTERNATIONAL DOCUMENTS

Since at least 2019, the Argentine State has participated in discussions on the regulation of artificial intelligence that have taken place in various international forums. As a result of this participation, the country has signed various documents on the subject. Thus, in 2019, Argentina adhered to the *Recommendation on Artificial Intelligence* of the Organization for Economic Cooperation and Development (OECD). In 2021, it signed the Recommendation on the *Ethics of Artificial Intelligence* of the United Nations Educational, Scientific and Cultural Organization (UNESCO), and in 2023, it adhered to the *Global Toolkit on AI and the Rule of Law for the Judiciary,* also from UNESCO. The country also joined the Global Partnership on Artificial Intelligence (GPAI).



5.2. NATIONAL DOCUMENTS

At the national level, the picture is a little more complex, as there is no document that specifically regulates the development and implementation of artificial intelligence in the country. However, it is possible to identify a regulatory framework that serves as the basis for incipient regulation in this area.

This regulatory framework is based on Decree 996/2018. This document establishes the Argentine Digital Agenda, which lays the foundations for the development of Argentina's digital strategy, including the treatment of artificial intelligence. One of the objectives of this agenda is to establish an institutional and governance structure to coordinate the efforts of the different actors in this area (Argentina, 2018).

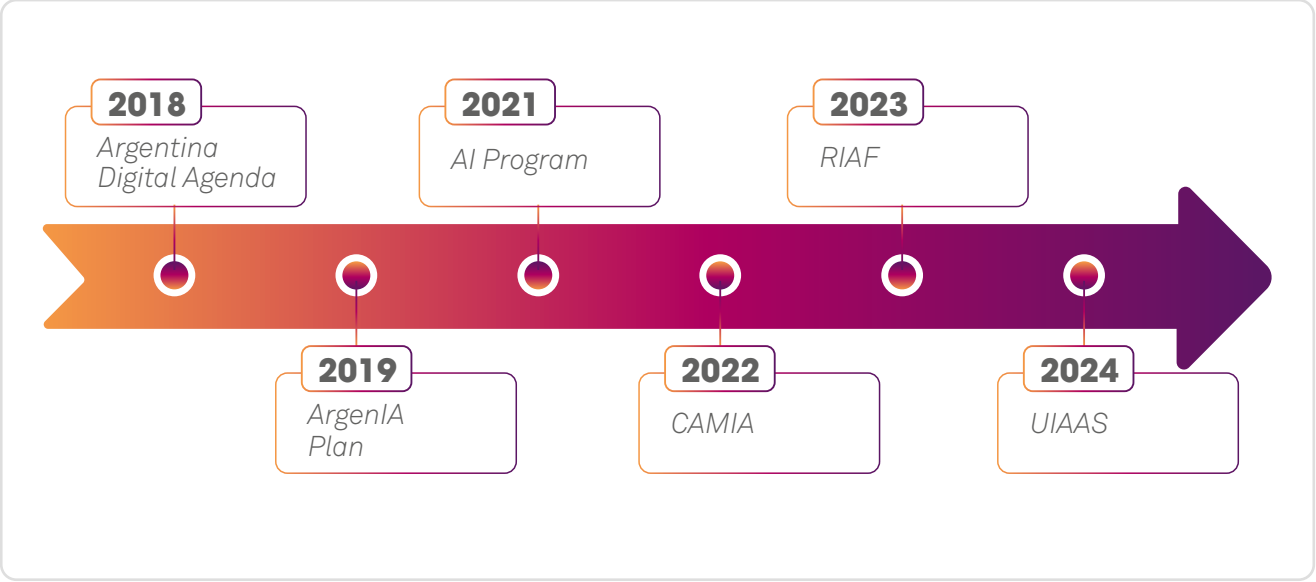
The context created by the establishment of the Argentine Digital Agenda allowed for the development of the National Artificial Intelligence Plan (ArgenIA Plan) in 2019. This plan sought to establish the framework for the development and implementation of artificial intelligence, emphasizing the adaptability of the structure and mechanisms proposed to accompany both technological and social evolution; the interaction and connection between different actors with interests in the field of artificial intelligence; the promotion of equitable development and economic growth for Argentines through scientific and technological evolution; and constant monitoring and evaluation to drive continuous improvement, ensure implementation, and enable adaptation. The aim was for Argentina to take an active role in technology and not merely consume external technological advancements.

One of the pillars of the ArgenIA Plan was the development of the relevant regulatory framework with a focus on the protection of personal data and respect for human rights (Argentina, 2019). However, this plan is only a consultation document, as it has not been officially approved by the State despite the latter having sponsored its development (See: Aguerre & Levy Daniel, n.d.; Gómez Mont et al., 2020; Vercelli, 2024).

- Towards the end of 2021, Resolution 90/2021 of the Secretariat for Strategic Affairs created the *Artificial Intelligence Program* with the aim of supporting the Economic and Social Council in the development of activities related to the promotion of artificial intelligence. On this basis, in April 2022, the Argentine Multidisciplinary Center for Artificial Intelligence (CAMIA) was created.

- In 2023, Provision 2/2023 of the Office of the Chief of the Cabinet of Ministers adopted the *Recommendations for the Use of Reliable Artificial Intelligence (RIAF)*, which aim to establish a framework for the technological adoption of artificial intelligence focused on citizens and their fundamental rights. To this end, it incorporates the ethical principles presented in international documents (e.g., the UNESCO recommendation, the Asilomar principles[5], the OECD principles[6]) and develops recommendations for the development of artificial intelligence projects (Vercelli, 2024).

- On July 26, 2024, the Ministry of Security, through Resolution 710/2024, created the *Artificial Intelligence Applied to Security Unit (UIAAS)*, which operates under the auspices of the Ministry's Cybercrime and Cyber Affairs Directorate. The objective of this unit is the prevention, detection, investigation, and prosecution of crime and its connections through the use of artificial intelligence.



5. The Asilomar Principles are a set of guidelines for regulating the development and responsible use of artificial intelligence (Morandín Ahuerma, 2023). They were adopted in 2017 during the Beneficial AI Conference organized by the Future of Life Institute. At the conference, 23 principles were agreed upon, divided into three areas: research; ethics and values; and long-term challenges. These principles seek to promote a safe and beneficial future for the development of artificial intelligence. They can be consulted at: https://futureoflife.org/es/open-letter/ai-principles

6. The OECD principles constitute the first intergovernmental standard on artificial intelligence. They were adopted in 2019 and updated in 2024 with the aim of serving as a guide for both legislators and actors in the artificial intelligence ecosystem. They seek to promote innovative and reliable artificial intelligence that respects human rights and democratic values. They can be consulted at: https://www.oecd.org/en/topics/ai-principles.html

In the legislative sphere, the last two years have seen a proliferation of bills aimed at regulating various aspects of artificial intelligence. The bills have been debated in committees but have not reached the floor of either chamber[7].

5.3. SPECIFIC DOCUMENTS ON ARTIFICIAL INTELLIGENCE AND JUSTICE

The lack of a general regulatory framework governing the development and implementation of artificial intelligence is reflected in the specific area of justice. Despite the interest shown by the judicial ecosystem in implementing artificial intelligence technologies, there is no federal document regulating this matter. In response to this gap, since 2024 there has been a trend toward regulating the implementation and use of artificial intelligence and generative artificial intelligence tools in the judiciary. This regulatory process is particularly aimed at establishing programs within the justice system that allow for the incorporation of this type of technology. These regulations include: Resolution 111/2024 of the Ministry of Justice of the Nation and those agreed upon by the superior courts of San Luis, Río Negro, San Juan, and, more recently, the Supreme Court of Justice of Santa Fe.

Resolution 111/2024 of the Ministry of Justice of the Nation creates the *National Comprehensive Program for Artificial Intelligence in the Justice System*. This program seeks to optimize the justice system by implementing artificial intelligence tools that improve responses and procedures while guaranteeing the protection of fundamental rights (Argentina, 2024a). In principle, this program is designed for the federal justice system, since, as noted above, the administration of justice is the responsibility of the provinces. However, the Ministry of Justice signed an agreement with JuFeJus and the Laboratory of Innovation and Artificial Intelligence of the Faculty of Law of the University of Buenos Aires (UBA-IALAB) that allowed the program to be implemented with two related programs: the justice program and the lawyers program. In different areas, namely the judiciary and the more general field of professional legal practice, both programs seek to assess the impact of generative artificial intelligence on the Argentine judicial ecosystem (Argentina, 2024b).

7. For example:

File 1370-S-2024: Application of artificial intelligence in education.
File 1368-S-2024: Legal framework for the research, development, use, and regulation of artificial intelligence.
File 4079-D-2024: Minimum requirements for the promotion of the development of artificial intelligence (AI) in the Argentine Republic. Regime.
File: 3955-D-2024 National Criminal Code - Law 11179 - Amendments on the use of artificial intelligence for the creation or manipulation of audiovisual content.
File: 3900-D-2024: Creation of the Federal Observatory on Artificial Intelligence (O.F.I.A.) within the scope of the national executive branch.
File: 3003-D-2024: Legal regime applicable to the responsible use of artificial intelligence (AI) in the territory of the Argentine Republic.
File: 1013-D-2024: Readjustment of the Argentine legal system due to the impact of artificial intelligence. Civil and Commercial Code of the Nation. Intellectual property - Law 11723 -. Penal Code of the Nation. Personal data - Law 25326 -. Modifications.

- On August 21, 2024, the Superior Court of Justice of the province of San Luis adopted Agreement No. 202-STJSL-SA-2024, approving the implementation of the Artificial Intelligence Program in the San Luis Judiciary. This program seeks to deploy the use of generative artificial intelligence tools (Iurix Mind[8]) for the development of judicial functions (San Luis. Superior Court of Justice, 2024).

- On October 1, 2024, the Superior Court of Justice of the province of Río Negro adopted Agreement No. 15/2024, which approves the *Protocol of Good Practices for the use of Generative Artificial Intelligence* for the judiciary of that province. This protocol aims to establish guidelines and recommendations for best practices in the use of large language models with the goal of promoting responsible, ethical, and diligent use of generative artificial intelligence (Rio Negro. Superior Court of Justice, 2024, p. 2).

- On October 31, 2024, the Court of Justice of San Juan adopted General Agreement No. 102 approving the *Protocol for the Acceptable Use of Generative AI (IAGen)* for the entire judiciary of that province. This document aims to establish a regulatory framework for the use of large language models. Such use must be *responsible and compatible with the ethical principles and institutional values of the Administration of Justice* (San Juan. Court of Justice, 2024, p. 2), preserving the *confidentiality, privacy, and integrity of information* (San Juan. Court of Justice, 2024, p. 3).

- On February 26, 2025, the Superior Court of Justice of Neuquén approved Agreement No. 6453, which approves the *Recommendations for the Use of Generative Artificial Intelligence (IAGen)* for the entire judiciary of that province. The purpose of this document is to establish a *regulatory framework for the use of conversational agents in the event that, by personal decision, they are used to carry out their work activities* (Neuquén. Superior Court of Justice, 2025, p. 112). To this end, it establishes a series of recommendations for the use of generative artificial intelligence tools by members of the Neuquén judiciary. The aim is to ensure the *correct and safe* use of generative artificial intelligence (Neuquén. Superior Court of Justice, 2025, p. 113).

8. Generative artificial intelligence tool developed by the company Unitech.

On March 6, 2025, the Supreme Court of Justice of Santa Fe adopted Act No. 6, which set forth an agreement allowing judges and defense attorneys in Santa Fe to request authorization for the use of generative artificial intelligence. The agreement recognizes that the incorporation of generative artificial intelligence tools is valuable in complementing judicial work in the context of the digitization of the judiciary and that their incorporation requires a technical feasibility analysis (Santa Fe. Supreme Court of Justice, 2025, ruling of Act No. 6). Thus, the agreement is limited to establishing the mechanism for requesting authorization for use, taking into account the need to regulate data traffic within the judiciary.

6. RELEVANT CASES OF IMPLEMENTATION AND USE OF ARTIFICIAL INTELLIGENCE IN THE ARGENTINE JUSTICE SYSTEM

As noted above, one of the most significant consequences of the judicial organization in Argentina is the disparity and diversity of realities faced by different jurisdictions and courts. For this reason, the use of artificial intelligence tools varies significantly across different jurisdictions.

Most existing cases of artificial intelligence use in the Argentine justice system seek to implement automation processes. As noted in the report on artificial intelligence and justice developed by CETyS in 2020/21 (Aguerre et al., 2021), these proposals for the adoption of artificial intelligence tools tend to respond to initiatives by isolated judicial actors rather than to a specific institutional policy. Some examples include Concilia[9], AymurAI[10], DACIA[11] and Hodor-Office assistant[12].

In terms of generative artificial intelligence, there are three main categories of initiatives related to different types of use cases. Those that seek to implement guidelines for the use of generative artificial intelligence and have the institutional support of the highest court

9. Concilia is an artificial intelligence tool developed by the Judiciary of the province of Mendoza that allows agreements to be signed in some labor court cases. See: (Mendoza., 2023).

10. AymurAI is software for collecting data on gender-based violence that uses artificial intelligence tools developed by Data-Género and implemented in Criminal, Misdemeanor, and Minor Offense Court No. 10 of the Autonomous City of Buenos Aires. See: https://www.aymurai.info/inicio.

11. DACIA (Automated Office with Artificial Intelligence) is an artificial intelligence tool developed and implemented by the Judicial Branch of Córdoba that automates the processes of receiving and resolving petitions in tax enforcement proceedings. See: (Córdoba, 2023).

12. Hodor-Office Assistant is a project for the automation of judicial documents implemented in the Federal Justice System. See: https://www.proyectohodor.com.ar/index.html.

in the respective jurisdiction; those aimed at evaluating use cases and sponsored by academic institutions and professional and employee associations; and, finally, those uses that take place on the initiative of judicial operators, which may or may not have institutional support.

6.1. REGULATORY INITIATIVES WITH INSTITUTIONAL SUPPORT

In the first case, only 5 of the 25 jurisdictions have a document supporting the use of generative artificial intelligence by magistrates, officials, and employees of the respective Judiciary. This universe includes initiatives by the judiciary of San Luis, San Juan, Río Negro, Santa Fe, and Neuquén.

- *The Artificial Intelligence Program in the San Luis Judiciary* is a pioneering initiative in Argentina because the Superior Court of this province was the first to promote the implementation of artificial intelligence tools in the justice system. The program seeks to implement generative artificial intelligence tools in the management of court files to achieve greater efficiency (San Luis. Superior Court of Justice, 2024, pp. 1-2).

- At the end of 2024, the high courts of Río Negro and San Juan adopted protocols relating to the use of generative artificial intelligence in the provinces of Río Negro and San Juan. Both documents establish a regulatory framework for the implementation of generative artificial intelligence tools in the daily work of the justice system. These protocols emphasize that generative artificial intelligence is a technology that the judiciary cannot ignore and to which it must adapt in order to streamline judicial processes, while at the same time bearing in mind the risks involved in its use (Rio Negro. Superior Court of Justice, 2024, pp. 1-3, rulings; San Juan. Court of Justice, 2024, pp. 2-3, rulings). For this reason, they establish a series of best practices to guide and control the use of these technologies by judicial operators.

- Finally, in this universe the agreement of the Supreme Court of Justice of Santa Fe, which provides a mechanism for judges and defense attorneys to request authorization to use generative artificial intelligence tools, can be found. This agreement, however, does not consider the benefits and risks associated with the use of these technologies, nor does it establish clear parameters for their use despite being the first province to have a ruling in which the judge recognizes the express use of a generative artificial intelligence tool, as will be seen below.

6.2. EVALUATION OF INITIATIVES WITH ACADEMIC AND PROFESSIONAL SUPPORT

The second case is the *Program for the Strategic and Responsible Use of Generative AI in the Argentine Justice System*, which is promoted by UBA-IALAB and JuFeJus and also involves the participation of other institutions (academic, civil society, associations of judicial employees and officials, and magistrates, government institutions, etc.)[13]. This program aims to evaluate the use—why and how it is used—of generative artificial intelligence in the judiciary in order to identify the possibilities for applying this type of technology in the justice system (JUFEJUS & (UBA-IALAB), 2024, p. 2). It is an ambitious initiative because it aims to map the use of generative artificial intelligence across jurisdictions of varying sizes with jurisdiction over different matters. Reactions to this program are mixed, as some interviewees pointed out that there are different reasons for participating: not to be left out of the topic (which is sometimes considered imposed); to understand the capabilities of the structure in which one works; and to legitimize previous uses of generative artificial intelligence tools, among others.

In the last days of March 2025, preliminary results of the pilot program were released (See: JUFEJUS & (UBA-IALAB), 2025; "Judicial AI has already yielded results," 2025). From its inception, the program demonstrated the interest that judicial operators have in generative artificial intelligence tools, as it involved the participation of more than 4,500 volunteers from across the country (Argentina, 2024b); although ultimately only the results from some Argentine provinces have been systematized: Mendoza, San Juan, Tierra del Fuego, Misiones, Tucumán, Buenos Aires, and the Autonomous City of Buenos Aires (JUFEJUS & (UBA-IALAB), 2025, p. 2).

The published results (JUFEJUS & (UBA-

13. The other participating institutions can be found at the following link: https://www.reflejar.gob.ar/2024/07/03/programa-piloto-de-ia-generativa-en-la-justicia-argentina/

IALAB), 2025, pp. 18-21) show that the incorporation of generative artificial intelligence is perceived as a tool that has the potential to become a mechanism for transforming judicial practice because it would improve the management of the judicial office in terms of both time and the quality of the documents. In this regard, the report highlights that judicial operators themselves see that the generative artificial intelligence tools available at a general level (both in their paid and free versions) make their work more efficient because they reduce the time they spend on certain tasks. It also points out that judicial operators themselves could decide autonomously which tools to use and how to use them, without the need for intervention by the technical departments of the judiciary. Relatedly, it notes that it would not be desirable for there to be limitations or prior authorizations imposed by higher courts. However, the report highlights the need to implement regulations on the use of generative artificial intelligence by judicial operators that take into account the specific needs of the judicial processes in which they are integrated and that, in all cases, involve human control, as well as mechanisms for transparency, traceability, and auditing of the use of these tools. Another point to highlight is that the report's conclusions point to the need for multidisciplinary approaches to tackle generative artificial intelligence implementation projects.

It is interesting to note that, prior to the publication of the preliminary results, the testimonies collected for the preparation of this report showed that the program was seen as an opportunity to investigate the usefulness of generative artificial intelligence tools in court management. However, they also showed some caution when analyzing the results of the study. In this regard, it was mentioned that the end users of technological tools are not always in the best position to evaluate their usefulness from a technical and resource utilization standpoint. This assessment remains valid at this time. While it is important to take into account the perceptions of judicial operators, it is considered that decisions regarding the implementation of artificial intelligence tools should be based on institutional decisions that include the recommendations of the multiple actors in the judicial ecosystem.

6.3. CASES OF GENERATIVE ARTIFICIAL INTELLIGENCE USE

Finally, the third scenario refers to the use of generative artificial intelligence tools on the personal initiative of judicial operators. Although most of these uses involve the use of tools such as ChatGPT or Gemini for the analysis and synthesis of judicial documents (pleadings of the parties and case law), as well as for the identification and comparison of arguments in briefs and case law, there is one case where the ruling explicitly mentions

the consultation of generative artificial intelligence[14]. This case was decided by the court of first instance of the 14th Nomination of Rosario, in the province of Santa Fe.

The reasons given by those who use these tools are related to the need to process large volumes of information quickly and efficiently to improve the justice system. A secondary, but no less important, reason is curiosity about what answers these technologies might provide in the tasks in which they are tested. In the case of Santa Fe, the judge who issued the ruling pointed out that resorting to the generative artificial intelligence tool, in this case Meta AI's artificial intelligence assistant on WhatsApp, was equivalent to his task of *verifying the accounts of the facts and arguments provided by the parties in the case (Aguilera, Nancy Bibiana et al. v. Aguas Santafesinas S.A. s. Self-satisfactory measure*, 2024, p. 11, ruling VI) and, therefore, could not be reproached, as it did not constitute an overreach of judicial activity (Aguilera, Nancy Bibiana et al. v. Aguas Santafesinas S.A. s. Self-satisfactory measure, 2024, p. 11, ruling VI). What is striking about the ruling is that it does not explain the reasons for using this tool, as it only mentions that it is used as a website to verify information. The absence of an explanation regarding the use of this tool is, to some extent, concerning because it does not allow us to know whether the judge fully understands the limitations and risks of using this technology, nor does it allow us to glimpse what the intended benefits were in resorting to this tool.

14. The case relates to a claim for access to drinking water. The decision required the company Aguas de Santa Fe S.A. to take the necessary measures to guarantee the supply of drinking water. In this case, the judge decided to use generative artificial intelligence to verify whether the water pressure provided by the company was sufficient to guarantee the right of access to water.

Aguilera, Nancy Bibiana et al. v. Aguas Santafesinas S.A. s. Self-satisfying measure. 14th Civil Court, Rosario, Santa Fe; 08/08/2024.

7. REPERCUSSIONS OF INITIATIVES FOR THE IMPLEMENTATION AND USE OF GENERATIVE ARTIFICIAL INTELLIGENCE

Silence has been one of the most significant reactions to initiatives to implement and use generative artificial intelligence in the Argentine justice system. In general, public reactions to these initiatives remain limited. At the time of writing this report, there has been no institutionalized response to the implementation of these technologies by judicial operators. For example, there have been no explicit statements from bar associations regarding the various initiatives being carried out in different jurisdictions in Argentina. In this regard, no references have been found to the views of professional associations in the provinces of San Juan or Río Negro regarding the protocols adopted by the highest courts in those provinces authorizing the use of generative artificial intelligence in the judiciary. Nor are there any express positions regarding the Program for the Strategic and Responsible Use of Generative AI in the Argentine Justice System (UBA-IALAB)-JuFeJus.

The same is true in the case of the ruling by the 14th Civil and Commercial Court of Rosario, which contains an explicit reference to the use of generative artificial intelligence tools. This decision has had little impact in the media, and there has been no explicit statement from professional or academic institutions. This case contrasts sharply with the Colombian case, where there were various reactions (among others: "Colombia: Resolution with ChatGPT," 2023; "Controversy in Colombia," 2023; Escobar, 2023; Gutiérrez, 2023; Levy Daniel, 2023), to such an extent that the Constitutional

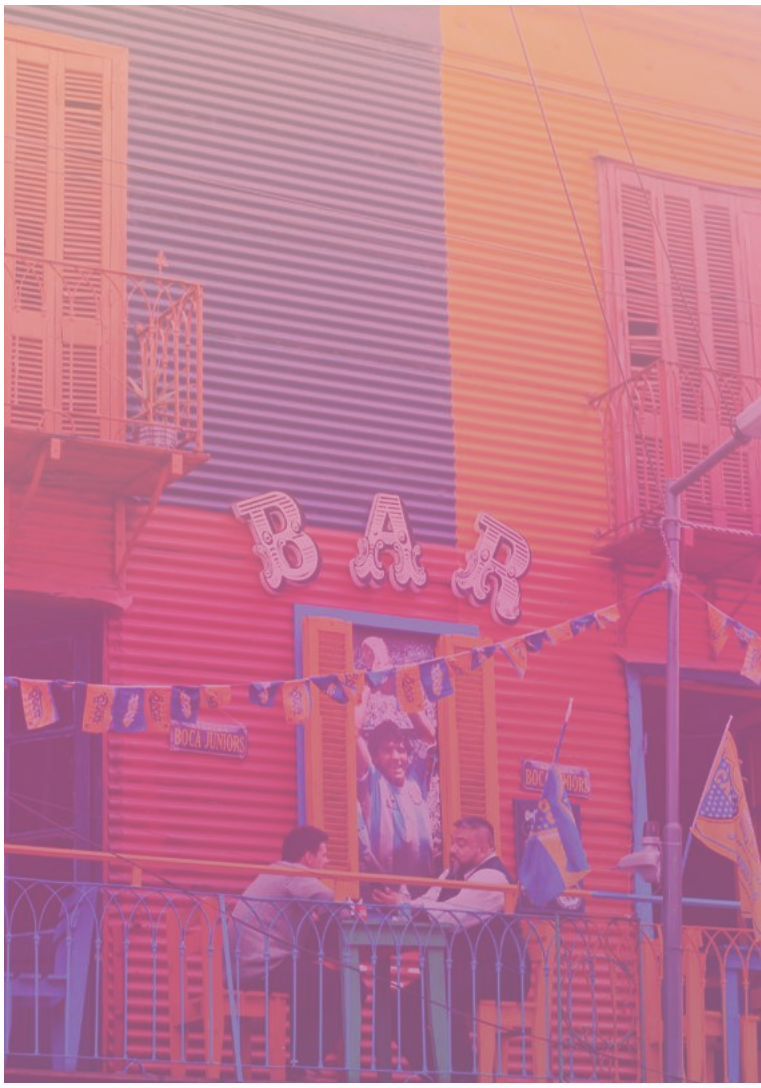
Court had to intervene to clarify the criteria under which the use of generative artificial intelligence is authorized[15]. It should also be noted that, unlike what happened in the Colombian case, the first instance decision of the Rosario court has not (yet) been reviewed by the Appeals Chamber, so there has been no institutional reaction from the provincial judiciary to the use of generative artificial intelligence in a decision-making process.

One reason that may explain this silence is the short time that has elapsed since these technologies were implemented in the Argentine justice system. All initiatives related to generative artificial intelligence have been in place since mid-2024. This short time frame makes it difficult to assess the impact these technologies may have on judicial work and on the perception of the benefits or risks associated with their incorporation.

However, the lack of an explicit statement does not mean that there is a lack of reaction on the part of the judicial ecosystem. First, it can be noted that there is a consensus that the emergence of artificial intelligence, particularly generative AI, has generated a paradigm shift in the ways of relating to the collection and production of information, which is not alien to the judiciary. In this context, it is pointed out that the judiciary must adapt to new technologies, since otherwise there is a risk of being trapped in a sort of "analogical stone age" (Gil Domínguez, 2024), a circumstance that has been reflected in most of the agreements adopted by the higher courts that have taken a position on this matter.

The technology exists, is available, and is used by judicial operators. Ignoring this reality, as all interviewees have pointed out, is not an option for the judiciary. However, due to fear, ignorance, or simply caution, there is a kind of expectant view of the situation in the judicial ecosystem. As a result, there is no consensus on how the implementation of these technologies should be approached.

Most of the judges and officials consulted are cautious when it comes to identifying the tasks to which artificial intelligence tools can be applied. They agree that repetitive procedural tasks, including consulting case law and summarizing arguments in court documents, could benefit from artificial intelligence tools. They also agree that decision-making tasks themselves cannot be performed by generative artificial intelligence tools. Another point of consensus concerns the functional responsibilities that arise from the task of judging. For example, these responsibilities limit the applications of generative artificial intelligence in relation to the protection of personal data (what data is



15. A comprehensive analysis of this case can be found in the national report on Colombia prepared by Daniel Castaño.

provided and to whom) or the need for human control of all tasks delegated to artificial intelligence.

The civil society actors consulted hold similar views to those expressed by judicial operators: it is necessary to differentiate between the uses to which artificial intelligence will be put in the justice system, and there must also be rules regarding the responsibility of those who use these tools.

One point of disagreement is how to regulate these technologies. Some interviewees suggest that it is necessary for higher courts to issue clear guidelines and rules regarding the use of generative artificial intelligence, as Río Negro and San Juan have already done. Others, especially those from the technical field, point out that it would be sufficient to establish clear principles of use (for example: human in the loop, possibility of auditing processes), since current legislation sets clear limits on what can and cannot be done with these tools.

One aspect that is highlighted by both civil society and technical participants is the need to establish clear transparency mechanisms. Both sectors agree that there must be processes in place to monitor the use of artificial intelligence (what technology, when it is used, and how it is used), as well as the responsibilities assigned to different judicial operators who use these technologies, and they emphasize that the implementation of artificial intelligence must be auditable.

8. WHAT DOES THE JUDICIAL ECOSYSTEM THINK ABOUT THE ADOPTIÓN OF GENERATIVE ARTIFICIAL INTELLIGENCE IN THE JUSTICE SYSTEM?

The question of how generative artificial intelligence should be implemented in the judiciary is complex and has many facets. It allows us to identify both the similarities and differences regarding the many aspects that must be taken into account when adopting generative artificial intelligence tools in a responsible manner. It also allows us to identify the benefits and risks perceived by the relevant actors in the judicial ecosystem. The following paragraphs seek to highlight these points of convergence and divergence.

8.1. ARTIFICIAL INTELLIGENCE: ANOTHER STRUCTURAL PROBLEM

From the testimonies collected and the interactions in the workshops, it appears that there is a consensus that artificial intelligence is a tool that is here to stay. In the words of some interviewees: "you cannot uninvent something"; "this is inevitable." For this reason, the various actors in the judicial ecosystem point out that it is essential to understand the scope (both in terms of benefits and risks) of its implementation in the daily work of judicial operators.

However, there is no consensus that this is the right time to start this debate. Some of those consulted perceive that the need to implement generative artificial intelligence tools in the justice system is not real, but rather a need created or imposed for various reasons. Among the explanations outlined are: that there is a certain institutional snobbery in being the first to implement this technology; that there is a certain pressure not to be left out of the debates; that there is a certain pressure to implement mechanisms aimed at achieving greater efficiency in the justice system regardless of the risks. Likewise, some actors point out that there are other structural problems that must be addressed as a priority in order to guarantee the right of access to justice, such as building problems, lack of connectivity, obsolete computer equipment, and lack of training for judicial employees, among others.

Along the same lines, an important aspect is the economic cost of these technologies. Some of the people interviewed stated that the implementation of solutions based on artificial intelligence tools is expensive, as it involves significant expenditures in terms of both infrastructure and services (whether paying to use one of the available services or developing one's own). This aspect is fundamental when considering the implementation of solutions based on artificial intelligence.

The testimonies show that, despite differences regarding the timing of the implementation of generative artificial intelligence tools, there is consensus that their deployment would be beneficial. The judicial ecosystem perceives that these tools could improve the delivery of justice services. In particular, their usefulness in improving the efficiency, transparency, and speed with which cases are resolved is highlighted. Thus, the interviewees believe that their implementation could contribute to guaranteeing the right of access to justice.

8.2. THE IMPLEMENTATION OF GENERATIVE ARTIFICIAL INTELLIGENCE: INFORMALITY, DISPARITY AND INSTITUTIONAL CHALLENGES

The experiences of implementing generative artificial intelligence technologies in the Argentine justice system are very diverse.

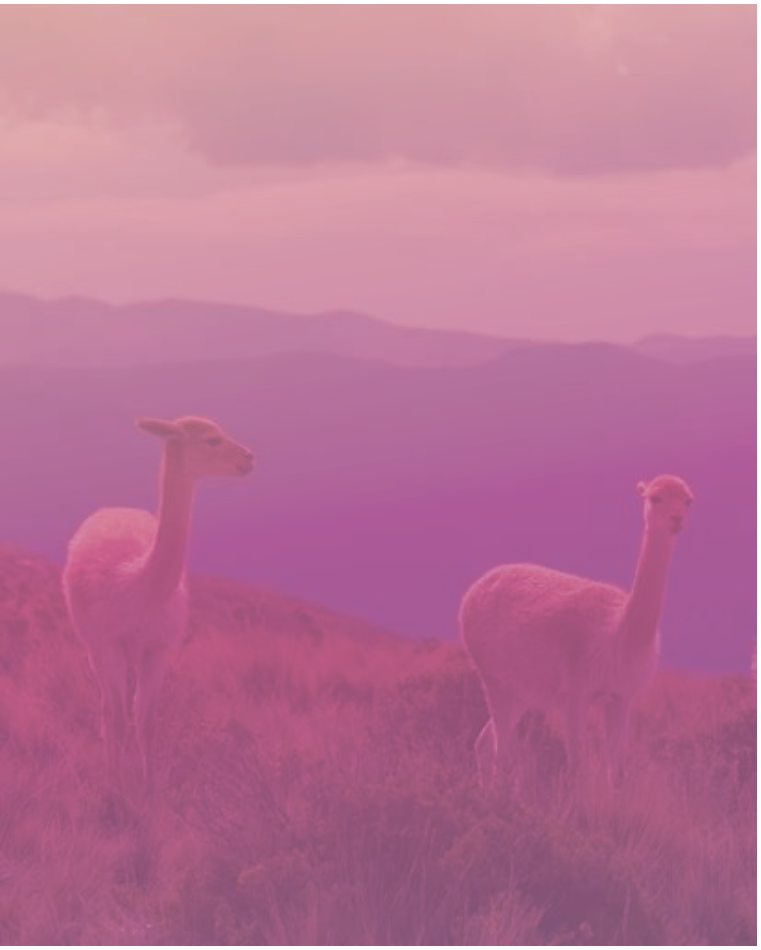
One of the most significant problems is that in almost all jurisdictions there are no clear institutional policies or positions regarding the use or non-use of generative artificial intelligence in judicial work.

One of the most significant problems is that in almost all jurisdictions there are no clear institutional policies or positions regarding the use or non-use of generative artificial intelligence in judicial work. The testimonies show that the position of most courts or superior courts is one of tolerance: the use of these tools is not encouraged or recognized, but neither is it expressly prohibited. The exception to this trend is the high courts of the provinces of San Luis, Río Negro, San Juan, Santa Fe, and Neuquén, which have decided to implement programs and protocols to ensure the ethical and responsible use of these technologies[16].

16. *The Program for the Strategic and Responsible Use of Generative AI in the Argentine Justice System* is not considered an institutional strategy because it is a voluntary program. Furthermore, there are no official documents from the highest courts promoting the implementation of generative artificial intelligence in the judicial structure through this program.

In the absence of specific regulation, judicial operators use these technologies informally. In general, they are perceived as useful mechanisms for achieving better results in daily work: producing more documents in less time. In other words, making work performance and, by extension, the justice system more efficient.

How widespread is this practice within the judiciary? It is difficult to determine the extent of the use of generative artificial intelligence tools, as there are no statistics showing who uses these tools or what they are used for. However, based on testimonies and known cases, it can be inferred that there are cases of use in the judiciary and that it is mainly judicial employees and officials who use them, not judges. In general, the judicial ecosystem tends to indicate that these are individual initiatives that respond more to curiosity than to systematic practice in judicial operations. In this regard, it should be noted that the judiciary's own IT infrastructure, which is often inadequate, would discourage any attempt at systematic use of generative artificial intelligence tools. The fact is that there is a lack of clarity about the extent of this practice among judicial operators.



There is an understanding that these tools could help improve case management by automating repetitive tasks. They would also be useful in summarizing cases or applicable case law. They are also understood to be useful for identifying arguments relevant to decision-making, as well as helping to improve analysis in the drafting of judicial decisions, as they could help detect contradictions. In this regard, most of the people consulted pointed out that artificial intelligence tools should be thought of as assistants in daily tasks and not as a replacement in decision-making processes.

In this context, where there are no reliable statistics and where perceptions vary substantially depending on the people consulted, it remains problematic for judicial operators to decide, despite everything, to use these tools. This is mainly because, in many cases, access to these tools is through private accounts and unofficial devices. This makes it impossible to properly track interactions and the final outcome. It also involves cybersecurity risks, such as possible data leaks.

In this regard, some of the people interviewed from the information technology sector expressed concern that the discussion on the implementation of artificial intelligence is in the hands of end users. They pointed out that end users are not in a position to evaluate the use of the tool and that this decision should fall to a multidisciplinary team that determines what artificial intelligence tools are used for and how. In this regard, there must be a clear distinction of responsibilities in the design of programs for implementing these technologies.

It is clear that any process of responsible adoption of generative artificial intelligence must be framed within processes of structural reform of the judiciary. It is impossible to implement this type of technology when the justice system does not have the necessary physical or technological infrastructure to provide justice services efficiently. The incorporation of these tools into the daily work of the judiciary must be done taking these difficulties into account.

8.3. TRANSPARENCY AND ACCOUNTABILITY MECHANISMS ARE NECESSARY

A fundamental consensus in the judicial ecosystem is the need for the implementation of generative artificial intelligence to be carried out in a transparent and responsible manner. However, this has slightly different meanings for different actors.

At the level of judicial operators, transparency refers to the use of artificial intelligence being public. This means that its use must be expressly disclosed to superiors. The people interviewed suggest that the informal use of such tools could create problems in the workplace, which in turn could lead to disciplinary action.

Transparency, in this context, does not necessarily require that the use of generative artificial intelligence tools be disclosed to litigants when decisions are not made with the help of such tools. This contrasts sharply with the thinking of civil society actors who believe that transparency means that the reasons for deciding to use artificial intelligence must be made explicit and, furthermore, that there must be mechanisms in place that clearly establish the permissible uses of generative artificial intelligence. They also point out that there should be mechanisms in place to control these uses. This is a point on which those from the field of information technology agree, as they point out that transparency is essential in order to be able to audit the instances in which these tools are used.

With regard to responsibility, judicial operators focus their attention on the functional responsibilities that arise from their positions in the judiciary and which, in general, are related to the conduct of the judicial process and the rights that must be guaranteed to those subject to trial. For civil society and actors in the information technology sector, on the other hand, accountability is more related to issues linked to the traceability of decisions and also to the establishment of decision-making levels regarding the use of generative artificial intelligence tools. With regard to the latter point, it is noted that it would be advisable to establish at least two levels of accountability: one composed of technological decision-

makers, that is, an interdisciplinary team that makes the decision and assumes responsibility for what and how generative artificial intelligence tools are implemented; and another composed of the end users of the tools, who assume certain obligations regarding the responsible use of the technology but do not make the decision as to whether to use one or another artificial intelligence tool. This would, in a way, ensure that the implementation of artificial intelligence is the result of a reasoned decision that considers the benefits and risks of these technologies and establishes clear functional responsibilities for all judicial operators.

8.4. THE UBIQUITY OF DATA IN THE JUDICIAL ECOSYSTEM

There is general consensus on the importance of data for the judiciary. This importance lies not only in the amount of data produced and processed, and in its sensitivity, but also in the responsibility that the judiciary has to safeguard it. As a result, any discussion on the responsible adoption of generative artificial intelligence requires a serious debate on data management models in the judicial sphere.

The different actors in the judicial ecosystem agree on three important aspects:

A. The judiciary produces and processes a large volume of data that is valuable and requires protection because it refers to users of the justice system.

B. Data governance in Argentine courts is poor or non-existent, so it is understood that work must be done to establish specific policies in this area.

C. Although the positive potential of implementing artificial intelligence in the judicial sphere is recognized, its direct impact on data is generally seen as a risk.

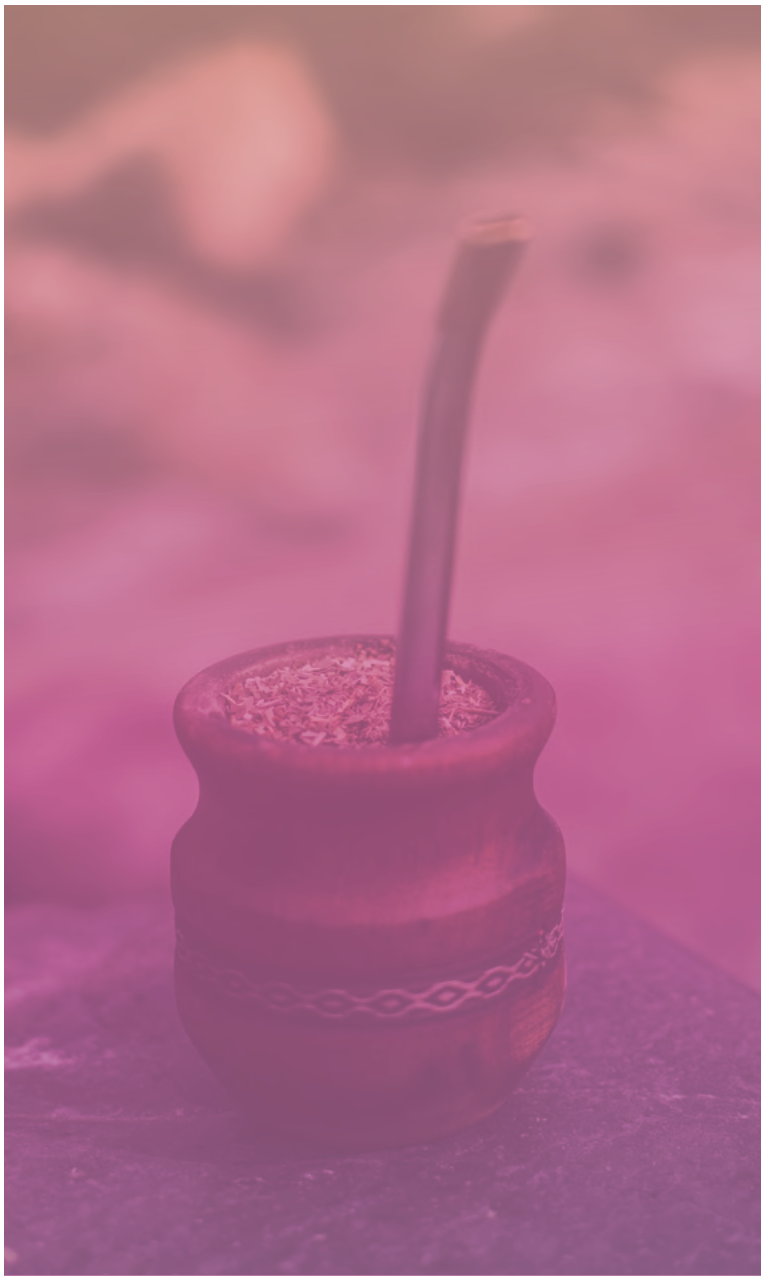
Despite these basic similarities, there are significant differences in how data should be protected when using generative artificial intelligence tools. These differences can be explained by the fact that actors in the judicial ecosystem have different conceptions of data management and governance, which are rooted in deeper debates related to data sovereignty. Furthermore, these exchanges are permeated by the functional responsibilities of judicial operators, particularly magistrates, with regard to processes.

In this regard, most judges and judicial officials state that the protection of the data being processed is important because there are national regulations (e.g., the personal data protection law) that they must ensure compliance with in the exercise of their duties. In this regard, some of the actors consulted indicate that before using the tool, they verify that the information is public, i.e., that it consists of judicial documents that have already been filed and are therefore publicly accessible. While they recognize their functional responsibility, these same actors point out that there is still a lack of clarity about the appropriate mechanisms to mitigate the risks of data leakage.

In this context, the judicial ecosystem recognizes that all instances of dialogue on the implementation of generative artificial intelligence tools are permeated by the issue of data. Good data governance is essential for making informed decisions in multiple areas. For example, deciding which use cases are acceptable and which are not requires mapping judicial activity in order to identify the risks involved in each act in relation to the possible violation of rights.

Who is responsible for judicial data? Where should judicial data be located? Can companies that provide artificial intelligence tools be authorized to process data? What privacy standards should guide the processing of data arising from judicial proceedings? What is the value of the data produced by the judiciary? Is it possible to quantify the data produced by the judiciary in economic terms? These are some of the questions that arise around this issue and that will need to be considered when deciding on the implementation of institutional policies related to the adoption of generative artificial intelligence in the justice system. In this regard, the synergy of the entire judicial ecosystem is relevant to achieve the integration of the different actors (start-ups, the judiciary, civil society) that can provide their expertise in the relevant areas of data governance.

Debates on data governance are urgent and necessary. These discussions must be developed in parallel with those that seek to regulate the adoption of generative artificial intelligence. This is because it is essential to have clear data governance frameworks that resolve more general issues such as those relating to data sovereignty. What is certain is that without these data governance frameworks, it is unthinkable to consider serious policies for the implementation of generative artificial intelligence in the justice system.



8.5. TRAINING: FOR WHAT PURPOSE?

The general consensus is that judicial operators need training to use these tools.

In this regard, one concern that interviewees consistently point out is the lack of training for judicial operators in the use of technological tools in general and generative artificial intelligence in particular.

This leads, for example, to some judicial staff being unaware of the limitations of tools such as ChatGPT or LLamA and using them as search engines. For this reason, the judicial operators consulted point out that it is essential to receive specific training in the use of generative artificial intelligence as an assistant or co-pilot in the daily tasks of the courts. However, it is recognized that this task is not easy because it requires certain profiles (more open to technology and management) that are difficult to find in judicial environments.

In this context, it is necessary to question the training of judicial operators to resolve issues involving the use of these tools. This means not only that operators understand how to use these tools, but also that they are competent to decide on cases in which this technology has been used.

One characteristic that stands out when addressing training in the justice system is that the dialogues that exist are few and disjointed. The judiciary does not know how or what to focus on in training because it does not fully understand what its problems are, especially in an area such as the adoption of generative artificial intelligence, where there is no concrete data on who uses the tools or how they do so.

In this sense, it is essential to think of training in strategic terms. The training of judicial operators must be framed in the context of the formulation of strategic plans for the responsible adoption of generative artificial intelligence. Once the use cases have been defined, it is necessary for them to understand the consequences -in terms of affected rights and functional responsibilities- of incorporating these tools in their daily work. In addition, they must be trained to deal with cases in which rights may be potentially affected by the use of these technologies.

8.6. OUTSTANDING ISSUES: CYBERSECURITY

Cybersecurity continues to be a pending issue. This topic has been mentioned by very few actors in the judicial ecosystem, either directly or tangentially. In these brief references, there is a consensus that cybersecurity, understood in broad terms, is a relevant issue for the discussion of the implementation of generative artificial intelligence. In general, this concern has arisen when pointing out the need for training for judicial operators, data processing, or when directly mentioned by those from the information technology sector. However, as the discussion has not been explored in depth, there is no agreement on how this issue should be addressed in the context of

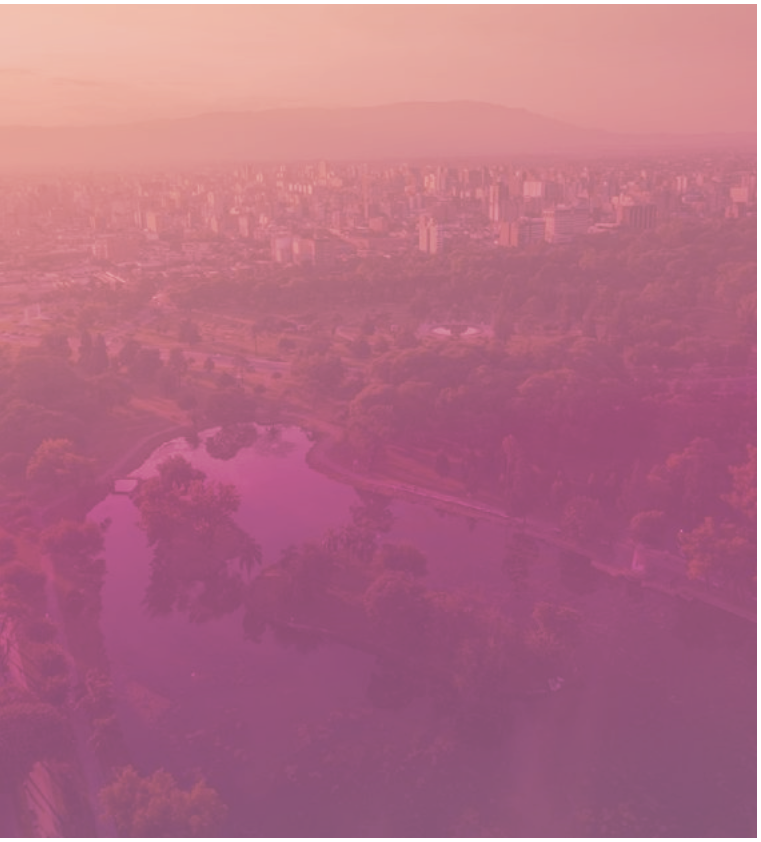
the implementation of generative artificial intelligence in the judiciary.

It is clear that the current pattern of use of generative artificial intelligence in the justice system, characterized by informal uses and the absence, in most jurisdictions, of specific regulatory frameworks, poses potential risks in terms of cybersecurity. The use of tools through private accounts and, in some cases, outside the workplace is a fertile ground for exposure to security risks and the violation of sensitive information.

Any policy for the responsible adoption of generative artificial intelligence must include in-depth discussions on cybersecurity. This implies not only including security protocols but also having the necessary resources to implement them.

8.7. WHAT SHOULD BE REGULATED IN THE FIELD OF ARTIFICIAL INTELLIGENCE?

The very nature of the judiciary requires that activities carried out within the institution be clearly defined or regulated. However, when discussing the implementation of generative artificial intelligence tools, the most pressing question is what should be regulated. Questions regarding who should regulate it and how it should be regulated take a back seat.



The question of what should be regulated implies, in turn, questioning the uses of these tools. Why do judicial operators want generative artificial intelligence and in what situations do they use it? What tasks can be complemented or replaced by these tools?

Answering these questions is a complex task that requires the participation of multiple stakeholders. The definition of which tasks can be performed using generative artificial intelligence cannot be left to end users. Use cases must be defined in advance and with precision.

Judicial operators must know exactly when they are authorized to use these tools and what the consequences are of using them in unauthorized cases. There is widespread consensus that there are tasks in which artificial intelligence should never be used, as it could affect the judicial function, especially with regard to the decision-making activities of judges.

Responsible adoption processes for generative artificial intelligence therefore require a clear definition of acceptable and prohibited use cases. A risk map can be a useful tool for identifying when the use of artificial intelligence is risky and, therefore, help to clarify use cases.

It should be noted, as various actors in the judicial ecosystem have pointed out, that the adoption of generative artificial intelligence does not take place in a regulatory vacuum. While clear rules on its use are necessary, there are already specific regulatory frameworks that establish guidelines for the behavior of judicial operators and that could be taken into account when evaluating the use of these tools.

There is no consensus within the judicial ecosystem as to who should be responsible for establishing regulatory frameworks. It is clear that regulation is necessary, but there is no agreement on which authority would be competent to design and implement such mechanisms.

In principle, it would seem that the highest judicial authorities in each jurisdiction would be the most authoritative voices for assessing local needs and establishing the relevant rules. However, this assumption is complex because, due to the very nature of the judiciary, it excludes the participation of other sectors of society that have a direct interest in the provision of justice services. Faced with this alternative, the possibility of implementing regulation through legislative developments is raised, as this would guarantee more democratic participation in the decision-making process. However, this option presents difficulties in its implementation, since only local legislative developments could be carried out because the powers to establish procedural codes are provincial and not federal in nature.

In this context, considering the establishment of teams of technology decision-makers that include the highest judicial authorities and experts in the field of technology would be a way to advance the regulation of generative artificial intelligence in the judiciary. In addition, the implementation of prior consultation mechanisms could be considered to allow for feedback from the multiple stakeholders in the field.

9. CONCLUSIONS

Nowadays, the debate on the implementation of tools based on generative artificial intelligence within the judiciary is inevitable. There is consensus among actors in the judicial ecosystem that technology is here to stay. Therefore, this is a necessary and relevant debate, especially considering the various discussions open at the local and international levels.

In the case of Argentina, a pattern of use marked by informality and the absence of clear regulatory frameworks in most jurisdictions can be observed. As a result, there is a consensus that the idiosyncrasies and needs of the local jurisdiction and specific court condition not only the solutions that can be implemented, but also the urgency and relevance of adopting these tools.

Despite these differences, there is agreement that clear guidelines on the implementation and use of artificial intelligence (traditional or generative) are essential. It is also noted that higher courts should play a leading role in this process, either by adopting protocols for the use of generative artificial intelligence or by establishing general principles for its implementation.

In this regard, some stakeholders point out that regulations should be sufficiently flexible, since the rapid advancement of technologies can quickly render them obsolete. It is necessary to be prepared for an increasingly constant and integrated presence of these tools.

Most of the testimonies indicate that one of the objectives is to improve the efficiency of the justice system (understood in terms of reducing the time taken by the judiciary) and, to this end, they highlight that one of the most beneficial uses is related to the automation of repetitive tasks. This result can be achieved, as some interviewees pointed out, through other less complex and costly technological tools and processes.

Training is perceived as an essential component in the digital transformation processes of the judiciary, especially in the area of generative artificial intelligence. This is necessary both to ensure greater receptivity to the implementation of changes and to prevent the incorporation of technology from causing problems. There is also consensus that a clear distinction of functional responsibilities can help in this regard.

Another relevant agreement is that there is no generative artificial intelligence without data. The actors in the judicial ecosystem agree that the data produced and processed by the judiciary must be managed properly. This is particularly important because it is noted that management in the Argentine judicial sphere is poor or non-existent.

Finally, one element that is largely absent from this discussion is the issue of cybersecurity. Very few actors have mentioned it as an explicit concern or as one of the prerequisites for implementing this type of technology. References are usually tangential and refer particularly to issues of training and management of sensitive data.

10. RECOMMENDATIONS BASED ON LOCAL NEEDS

The debate on the implementation of artificial intelligence in the judicial sphere in Argentina is in its infancy, but it is necessary since, for various reasons, it is already being used in the justice system. It is essential to understand what it will be used for and why in order to design appropriate institutional policies that accompany its responsible adoption in the judiciary.

In particular, it is necessary for the highest institutional authorities of the judiciary to abandon their policy of tolerance towards generative artificial intelligence and develop clear institutional positions on the matter. This is because the ad hoc use of these tools by judicial operators could be considered problematic. One could imagine scenarios in which judicial operators are sanctioned for using this type of technology, as well as cases where questions arise regarding the handling of individuals' data when using these technologies.

However, this implementation requires a multisectoral dialogue in which the adoption of this technology in the judicial sphere is discussed at length. This debate should include issues related to the real needs of the judiciary to implement technologies of this type; the costs, benefits, and risks associated with these tools.

Furthermore, any debate on this subject is inextricably linked to the debate on data governance and cybersecurity. It is necessary for the issue to be addressed by all the multiple actors involved.

In particular, it is recommended that:

EVALUATION OF LOCAL NEEDS

It is necessary to accompany institutional assessments of the real needs for the introduction of generative artificial intelligence tools. The testimonies show that there is a lack of clarity about the scope, benefits, and risks involved in implementing this type of technology. The first step should be for institutions to impartially assess whether there is a need that justifies the use of these technologies in their specific field. To this end, it is essential to engage in dialogue that involves not only judicial operators but also people from the technical world and civil society. In this regard, it is necessary to map judicial activity and its risks.

USE OF PRE-EXISTING TOOLS

Experience shows that many of the use cases that arise can be solved with simpler tools linked to the automation of routine tasks. In general, most of the judicial branches surveyed have tools of this type that can be scaled up or used in instances other than those for which they were originally intended.

To address some of the concerns regarding data management, the use of anonymization tools is key. In this regard, an interesting initiative is the case of AymurAI, as its development is designed to be scaled up in other judicial areas.

DEFINITION OF ROLES

It is clear that the decision on the implementation and use of generative artificial intelligence must be made organically and at the institutional level. The decision on the implementation of generative artificial intelligence tools cannot be left to end users. It is therefore necessary to establish clear roles with differentiated responsibilities in the decision-making processes. The formation of technology decision-making teams made up of multiple actors (including, at a minimum, judges, individuals from the information technology sector, and civil society) appears to be a useful mechanism in this regard. In this sense, it may also be useful to clearly distinguish the responsibilities of technology decision-makers and end users of artificial intelligence tools.

TRAINING

Training programs must be implemented for all judicial operators in the use of technological tools, especially when it comes to generative artificial intelligence tools. It is necessary to be clear about the scope, benefits, and risks associated with this technology. In this regard, it is essential to develop specific training programs for each jurisdiction, taking into account local needs. However, it is possible and desirable to take advantage of pre-existing local capabilities.

INCREASE SYNERGY WITH OTHER ENTITIES

One of the biggest problems when it comes to adopting clear policies or positions on generative artificial intelligence is the traditional structure and resistance to change that characterize the judicial sphere. However, this problem could be avoided by promoting greater interaction with other entities such as associations of judges and judicial officials, bar associations, or other civil society entities. The greater the understanding of generative artificial intelligence, the greater the number of people interested in supporting the actions necessary to bring about the desired institutional changes. The participation of the multiple actors in the judicial ecosystem, including academia and representatives of the information technology sector, is key.

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12. ANNEX

12.1. INTERVIEWS

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Undersecretary of Information Technology - Supreme Court of Justice, Province of Buenos Aires

30-08-2024
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13-12-2024
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José Luis Biase

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19-11-2024
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Mario Adaro

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26-08-2024
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19-11-2024
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