

# **Justice in the Digital Era: Harnessing Artificial Intelligence in Courts while Upholding Judicial Independence and the Rule of Law**

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**Kariuki Muigua**

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**Justice in the Digital Era: Harnessing Artificial Intelligence in Courts while Upholding Judicial Independence and the Rule of Law**

**Kariuki Muigua\***

**Abstract**

*This paper critically examines how Artificial Intelligence (AI) can be appropriately and ethically harnessed towards strengthening access to justice. The paper observes that AI provides numerous benefits that can bolster access to justice in the digital era. It discusses the key benefits of AI in the access to justice discourse. Despite its suitability, the paper observes that AI is associated with several risks and ethical challenges that can undermine judicial independence and the rule of law. In light of these concerns, the paper suggests how AI can be effectively harnessed in courts towards strengthening and broadening access to justice while upholding judicial independence and the rule of law.*

**1.0 Introduction**

The idea of justice is associated with fair and impartial decision procedures (*procedural justice*) and with persons and groups being treated even-handedly (*formal justice*, treating like cases alike) and in a morally fitting way (*material or substantive justice*)<sup>1</sup>. Justice is associated with the concepts of fairness, equality, lawfulness and order<sup>2</sup>. It has been pointed out that justice can be achieved in various forms including *distributive justice* (economic justice) that involves fairness in sharing resources and opportunities<sup>3</sup>; *procedural justice* which focuses on fair and impartial decision making procedures<sup>4</sup>;

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<sup>1</sup> Pogge. T., 'Justice: Philosophical Aspects' *International Encyclopedia of the Social & Behavioral Sciences*, 2<sup>nd</sup> Edition, 2015, pp 943-948

<sup>2</sup> What is Justice?., Available at <https://www.humanrightscareers.com/issues/what-is-justice/> (Accessed on 24/03/2026)

<sup>3</sup> Maiese. M., & Burgess. H., 'Types of Justice' Available at [https://www.beyondintractability.org/essay/types\\_of\\_justice](https://www.beyondintractability.org/essay/types_of_justice) (Accessed on 24/03/2026)

<sup>4</sup> Ibid

*restorative justice* whose aim is to repair harm to victims of crimes and rehabilitate offenders<sup>5</sup>; and *retributive justice* that focuses on punishing crimes in a society (Emphasis added)<sup>6</sup>.

Justice is a fundamental concept that ensures that every person is treated in a fair and equal manner for human progress and development. It has been argued that efficient, effective and responsive justice systems can empower citizens to exercise their rights and freedoms while also ensuring thriving and equitable economic, social, environmental and governance systems that can foster Sustainable Development<sup>7</sup>. Strengthening access to justice is therefore vital towards Sustainable Development. Access to justice involves the ability of citizens to seek and obtain effective remedies under international, regional and national laws<sup>8</sup>. This concept covers both equal, affordable and accessible justice systems and the availability of adequate, effective, and prompt reparation/damages for harm suffered<sup>9</sup>.

It has been observed that access to justice is a basic principle of the rule of law<sup>10</sup>. For example, without access to justice, people are unable to have their voice heard, exercise their rights, challenge discrimination or hold decision-makers accountable thus undermining the rule of law and development<sup>11</sup>. On the other hand, through access to justice, citizens have an avenue to seek and obtain legal remedies and prevent abuse of their rights<sup>12</sup>. In particular, strengthening access to justice enables traditionally

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<sup>5</sup> Ibid

<sup>6</sup> Ibid

<sup>7</sup> Organisation for Economic Co-operation and Development., 'Access to Justice' Available at <https://www.oecd.org/en/topics/sub-issues/access-to-justice.html> (Accessed on 24/03/2026)

<sup>8</sup> Scottish Human Rights Commission., 'Access to Justice for Everyone' Available at <https://www.scottishhumanrights.com/media/2496/access-to-justice-for-everyone-a-discussion-paper.pdf> (Accessed on 24/03/2026)

<sup>9</sup> Ibid

<sup>10</sup> United Nations., 'Access to Justice' Available at <https://www.un.org/ruleoflaw/thematic-areas/access-to-justice-and-rule-of-law-institutions/access-to-justice/> (Accessed on 24/03/2026)

<sup>11</sup> Ibid

<sup>12</sup> Logan. C., 'Ambitious SDG goal confronts challenging realities: Access to justice is still elusive for many Africans' Available at <https://www.afrobarometer.org/wp->

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marginalized and vulnerable groups and populations including the youth, the elderly, persons with disabilities, women, indigenous peoples and migrants to participate in legal processes that promote inclusive growth in sectors such as health, employment, education, housing, and entrepreneurship towards Sustainable Development<sup>13</sup>. The United Nations 2030 Agenda for Sustainable Development<sup>14</sup>, seeks to promote peaceful and inclusive societies for Sustainable Development, *provide access to justice for all* and build effective, accountable and inclusive institutions at all levels<sup>15</sup>(Emphasis added).

Despite access to justice being a critical pillar of human progress and development, it has been observed that many countries are still struggling to establish accessible, functional, timely, affordable, responsive and credible justice systems<sup>16</sup>. In light of these challenges, modern technology including Artificial Intelligence (AI) has emerged as an important solution towards bolstering and broadening access to justice<sup>17</sup>. However, it has been argued that in order to effectively harness AI for enhanced access to justice, it is imperative to address its risks and ethical dilemmas towards safeguarding judicial independence and the rule of law<sup>18</sup>.

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[content/uploads/2022/02/ab\\_r6\\_policypaperno39\\_access\\_to\\_justice\\_in\\_africa\\_eng.pdf](content/uploads/2022/02/ab_r6_policypaperno39_access_to_justice_in_africa_eng.pdf) (Accessed on 24/03/2026)

<sup>13</sup> Organisation for Economic Co-operation and Development., 'Leveraging the SDGs for Inclusive Growth: Delivering Access to Justice for All.' Available at <https://www.oecd.org/gov/delivering-access-to-justice-for-all.pdf> (Accessed on 24/03/2026)

<sup>14</sup> United Nations General Assembly., 'Transforming Our World: the 2030 Agenda for Sustainable Development.' 21 October 2015, A/RES/70/1., Available at <https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf> (Accessed on 24/03/2026)

<sup>15</sup> Ibid

<sup>16</sup> Uwazie. E., 'Alternative Dispute Resolution in Africa: Preventing Conflict and Enhancing Stability.' *Africa Security Brief*, No. 16 of 2011

<sup>17</sup> The Judiciary of Kenya., 'Leveraging on Information and Communication Technology (ICT) to promote Access to Justice' Available at <https://judiciary.go.ke/leveraging-on-information-and-communication-technology-ict-to-promote-access-to-justice/> (Accessed on 24/03/2026)

<sup>18</sup> Organisation for Economic Co-operation and Development., 'AI in Justice Administration and Access to Justice' Available at [https://www.oecd.org/en/publications/2025/06/governing-with-artificial-intelligence\\_398fa287/full-report/ai-in-justice-administration-and-access-to-justice\\_f0cbe651.html](https://www.oecd.org/en/publications/2025/06/governing-with-artificial-intelligence_398fa287/full-report/ai-in-justice-administration-and-access-to-justice_f0cbe651.html) (Accessed on 24/03/2026)

This paper critically examines how AI can be appropriately and ethically harnessed towards strengthening access to justice. The paper observes that AI provides numerous benefits that can bolster access to justice in the digital era. It discusses the key benefits of AI in the access to justice discourse. Despite its suitability, the paper observes that AI is associated with several risks and ethical challenges that can undermine judicial independence and the rule of law. In light of these concerns, the paper suggests how AI can be effectively harnessed in courts towards strengthening and broadening access to justice while upholding judicial independence and the rule of law.

## **2.0 Artificial Intelligence and Access to Justice: Promises and Pitfalls**

It has been observed that the emergence of digital technology including AI offers enormous potential to broaden and strengthen access to justice<sup>19</sup>. AI and other digital technologies have significant potential to bolster access to justice, as well as to support its resilience, efficiency, fairness and effectiveness<sup>20</sup>. Due to its transformative power, AI has the capacity to reduce the justice gap through innovative tools and solutions that can strengthen justice systems all over the world<sup>21</sup>. The United Nations points out that when harnessed effectively and in line with human rights, AI and other digital technologies can serve the interest of people and ensure that they access justice in a timely, participatory and efficient manner<sup>22</sup>. AI has the ability to automate legal tasks, sift through previous cases to generate legal analyses, undertake legal research, and generate legal documents

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<sup>19</sup> Judiciary of Kenya., 'Leveraging on Information and Communication Technology (ICT) to promote Access to Justice' Op Cit

<sup>20</sup> Organisation for Economic Co-operation and Development., 'AI in Justice Administration and Access to Justice' Op Cit

<sup>21</sup> American Bar Association., 'Task Force on Law and Artificial Intelligence: Addressing the Legal Challenges of AI' Available at [https://www.americanbar.org/groups/centers\\_commissions/center-for-innovation/artificial-intelligence/access-to-justice/](https://www.americanbar.org/groups/centers_commissions/center-for-innovation/artificial-intelligence/access-to-justice/) (Accessed on 25/03/2026)

<sup>22</sup> United Nations., 'Advancing Rule of Law, Justice for All through Technology Must Include Equal Internet Access, Human Rights Compliance, Sixth Committee Speakers Stress' Available at <https://mail.google.com/mail/u/0/#inbox/FMfcgzQbfVGtksmCfmrlxLQbCCknVLCW> (Accessed on 25/03/2026)

and communications more quickly making it a valuable asset in the access to justice discourse<sup>23</sup>.

Harnessing AI in courts therefore promises to improve access to justice. It has been observed that various AI systems are being built, tested and deployed in courts and tribunals all over the world<sup>24</sup>. These tools include automated Online Dispute Resolution (ODR) that facilitates voluntary management of disputes through processes such as negotiation and mediation while also enabling parties to prepare and commence court proceedings or arbitration where voluntary mechanisms fail<sup>25</sup>. Further, it has been observed that AI has led to the development of predictive tools<sup>26</sup>. These tools sift through vast amounts of data, previous cases, laws, legal documents and evidence and use this information to predict outcomes therefore enabling parties to make informed decisions on settlement<sup>27</sup>.

In addition, AI is automating court processes such as case management, filing of court documents through e-filing platforms, allocation of matters to judicial officers, and communication between courts and parties therefore enhancing efficiency and expeditiousness of dispute resolution<sup>28</sup>. Further, it has been observed that some jurisdictions are employing AI tools in criminal justice to support bail, sentencing and parole decisions by analyzing previous behaviour and patterns and predicting the

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<sup>23</sup> Monachino. C., 'Chat GPT: A Look into the Future (Litigation).' Available at <https://www.clemetrobar.org/?pg=CMBABlog&blAction=showEntry&blogEntry=91543#:~:text=Chat%20GPT%20and%20similar%20platforms,navigate%20the%20quickly%20changing%20environment> (Accessed on 25/03/2026)

<sup>24</sup> Bell. F et al., 'AI Decision-Making and the Courts: A Guide for Judges, Tribunal Members and Court Administrators' Available at [https://aija.org.au/wp-content/uploads/woocommerce\\_uploads/2022/06/AI-DECISION-MAKING-AND-THE-COURTS\\_Report\\_V5-2022-06-20-1lzkl.pdf](https://aija.org.au/wp-content/uploads/woocommerce_uploads/2022/06/AI-DECISION-MAKING-AND-THE-COURTS_Report_V5-2022-06-20-1lzkl.pdf) (Accessed on 25/03/2026)

<sup>25</sup> Ibid

<sup>26</sup> Ibid

<sup>27</sup> Ibid

<sup>28</sup> Organisation for Economic Co-operation and Development., 'AI in Justice Administration and Access to Justice' Op Cit

likelihood of an accused or convicted person (re)offending in future<sup>29</sup>. AI is also enabling lawyers to adequately and efficiently prepare for court processes by streamlining legal research, document review and legal analysis<sup>30</sup>.

Harnessing AI is therefore vital towards improving access to justice through courts. It has been pointed out that when embraced appropriately, AI has the capacity to enhance case management, legal research, predictive analytics and administrative support thus strengthening access to justice and the rule of law<sup>31</sup>. If adopted in an appropriate manner, AI can ensure that court processes and outcomes are more consistent, quick, predictable, transparent and free from human biases<sup>32</sup>. However, despite its potential, AI can also undermine judicial independence and the rule of law. For instance, it has been observed that without sufficient safeguards, AI tools that influence core judicial functions such as final judgments, bail and sentencing decisions can undermine judicial independence<sup>33</sup>. Overreliance on algorithmic decision-making can potentially replace judicial reasoning undermining judicial independence<sup>34</sup>. In addition, it has been observed that supportive AI tools such as document summarization and predictive analysis can shape facts considered in final judgments inadvertently affecting judicial reasoning. Algorithmic decision-making through AI also makes it difficult to understand how legal decisions are made which undermines transparency, accountability and due process requirements

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<sup>29</sup> Bell, F et al., 'AI Decision-Making and the Courts: A Guide for Judges, Tribunal Members and Court Administrators' Op Cit

<sup>30</sup> Ibid

<sup>31</sup> Judiciary of Kenya., 'Judiciary to Leverage AI to Enhance Justice' Available at <https://judiciary.go.ke/judiciary-to-leverage-ai-to-enhance-justice/> (Accessed on 25/03/2026)

<sup>32</sup> Organisation for Economic Co-operation and Development., 'AI in Justice Administration and Access to Justice' Op Cit

<sup>33</sup> Ibid

<sup>34</sup> United Nations Educational, Scientific and Cultural Organization., 'Safeguarding human rights and judicial independence in the age of algorithmic justice' Available at <https://www.unesco.org/en/articles/safeguarding-human-rights-and-judicial-independence-age-algorithmic-justice> (Accessed on 25/03/2026)

under the rule of law<sup>35</sup>. Further, bias and errors in AI algorithms can lead to unjust and unfair outcomes that undermine human rights requirements under the rule of law<sup>36</sup>.

Addressing the foregoing challenges is key towards strengthening access to justice through courts while upholding judicial independence and the rule of law.

### **3.0 Harnessing Artificial Intelligence in Courts for Enhanced Access to Justice**

AI promises to broaden and strengthen access to justice in the digital era. It has been pointed out that justice systems, particularly in the Global South, which are challenged by backlogs, lengthy procedural requirements and limited accessibility, can gain immensely from AI integration for improved efficiency, effectiveness, affordability and accessibility of court processes<sup>37</sup>. Investing in AI and digital infrastructure in courts is therefore vital towards strengthening access to justice.

However, in light of its risks and ethical concerns, there is need to ensure safe, responsible, ethical and purposeful adoption of AI in justice systems including through upholding judicial independence and the rule of law. In order to safeguard judicial independence, it is imperative to foster human oversight when harnessing AI<sup>38</sup>. Judicial officers have been urged to avoid relying exclusively on AI systems to generate decisions or automate entire court processes<sup>39</sup>. It has been pointed out that there is need for human oversight and intervention especially in algorithmic decision-making in order to avoid AI replacing independent analysis of law, facts and evidence by judicial officers<sup>40</sup>. It is

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<sup>35</sup> Burgess. P., 'AI and the Rule of Law' Available at <https://www.bloomsbury.com/us/ai-and-the-rule-of-law-9781509963171/> (Accessed on 25/03/2026)

<sup>36</sup> American Bar Association., 'Access to Justice 2.0: How AI-powered software can bridge the gap' Available at <https://www.americanbar.org/groups/journal/articles/2025/access-to-justice-how-ai-powered-software-can-bridge-the-gap/> (Accessed on 25/03/2026)

<sup>37</sup> Organisation for Economic Co-operation and Development., 'AI in Justice Administration and Access to Justice' Op Cit

<sup>38</sup> United Nations Educational, Scientific and Cultural Organization., 'Draft guidelines for the use of AI systems in courts and tribunals' Available at <https://unesdoc.unesco.org/ark:/48223/pf0000393682> (Accessed on 25/03/2026)

<sup>39</sup> Ibid

<sup>40</sup> Ibid

therefore necessary to adopt AI as an assistive tool to expand access to legal information, enhance efficiency in court processes, and support the administration of justice, always under human supervision and ethical review in order to uphold judicial independence<sup>41</sup>.

Further, in order to uphold the rule of law, it is necessary to safeguard human rights. Algorithmic biases in AI can fuel discrimination and human rights violations particularly against women and girls, indigenous communities and people of colour<sup>42</sup>. It has been pointed out that AI systems can worsen existing biases in the justice system, particularly regarding race, sex and socio-economic status thus undermining the rule of law and access to justice<sup>43</sup>. It is therefore necessary to avoid biases including through training AI systems on accurate and fair data sets and conducting regular audits towards safeguarding human rights and the rule of law<sup>44</sup>. In addition, there is need to ensure that AI adheres to the transparency, accountability and due process requirements under the rule of law<sup>45</sup>. For instance, adopting AI tools that explain the rationale behind their output and decisions can enhance transparency and accountability<sup>46</sup>. Further, informing parties on how and why AI tools are adopted in court processes and giving them an opportunity to contest decisions is necessary in ensuring transparency, accountability and due process towards upholding the rule of law<sup>47</sup>.

Through the foregoing, it is possible to appropriately harness AI in courts while upholding judicial independence and the rule of law.

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<sup>41</sup> Ibid

<sup>42</sup> Organisation for Economic Co-operation and Development., 'AI in Justice Administration and Access to Justice' Op Cit

<sup>43</sup> Ibid

<sup>44</sup> Simshaw. D., 'Interoperable Legal AI for Access to Justice' *The Yale Law Journal*, Volume 134, 2025

<sup>45</sup> United Nations Educational, Scientific and Cultural Organization., 'Draft guidelines for the use of AI systems in courts and tribunals' Op Cit

<sup>46</sup> Ibid

<sup>47</sup> Ibid

#### **4.0 Conclusion**

The emergence of AI promises to improve access to justice in the digital age. However, if not appropriately harnessed, AI can undermine judicial independence and the rule of law<sup>48</sup>. It is therefore necessary to embrace AI in courts while upholding judicial independence and the rule of law including through human oversight of AI, tackling biases and discrimination in algorithmic decision-making, and upholding transparency, accountability and due process requirements under the rule of law<sup>49</sup>. AI is a powerful and transformative tool that should be harnessed in courts while safeguarding judicial independence and the rule of law towards strengthening access to justice in the digital era.

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<sup>48</sup> Organisation for Economic Co-operation and Development., 'AI in Justice Administration and Access to Justice' Op Cit

<sup>49</sup> United Nations Educational, Scientific and Cultural Organization., 'Draft guidelines for the use of AI systems in courts and tribunals' Op Cit

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