

EMPLOYING ARTIFICIAL INTELLIGENCE IN CONSTITUTIONAL JUDICIARY

O USO DA INTELIGÊNCIA ARTIFICIAL NO PODER JUDICIÁRIO CONSTITUCIONAL

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Abstract

The world is witnessing rapid technological developments, which have been reflected in all areas of life, including the judiciary, and due to the capabilities of artificial intelligence in learning and acquiring knowledge, it is necessary to examine the possibilities of employing it in constitutional litigation, as it is the pillar of the legal and political system and the basis for protecting rights and freedoms, and the paper aims to describe the stages of introducing artificial intelligence in this type of litigation, without prejudice to the role of the human judge in analysis and evaluation, and along these lines, we will divide this paper into two stages; the first stage is the stage before the case reaches the competent constitutional judge, and the second stage is the subsequent one.

Keywords: Smart Technologies. Independence of the Constitutional Judiciary. Smart Tools. Iraqi Federal Supreme Court. Rights and Freedoms. Constitutional Litigation.

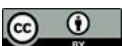
Resumo

O mundo está testemunhando rápidos avanços tecnológicos, que se refletiram em todas as áreas da vida, incluindo o poder judiciário; e, devido às capacidades da inteligência artificial em aprender e adquirir conhecimento, é necessário examinar as possibilidades de empregá-la no contencioso constitucional, uma vez que este é o pilar do sistema jurídico e político e a base para a proteção dos direitos e liberdades, e o presente artigo tem como objetivo descrever as etapas da introdução da inteligência artificial nesse tipo de litígio, sem prejuízo do papel do juiz humano na análise e avaliação; nesse sentido, dividiremos este artigo em duas etapas: a primeira etapa é aquela que antecede o encaminhamento do caso ao juiz constitucional competente, e a segunda etapa é a subsequente.

Palavras-chave: *Tecnologias Inteligentes. Independência do Poder Judiciário Constitucional. Ferramentas Inteligentes. Supremo Tribunal Federal do Iraque. Direitos e Liberdades. Contencioso Constitucional.*

1 INTRODUCTION

The world has recently witnessed changes at the level of legal transactions, through the use of smart tools to help accomplish tasks quickly and more efficiently, and the use of artificial intelligence has become one of the main pillars that contribute to keeping pace with technological developments and digital transformations, with functions that are manifested in assistance, analysis and prediction. The ordinary judicial courts



have utilized these functions, whether at the substantive or procedural level, in many cases that do not need complex judicial procedures so that they are easier to address in a less complex manner, so AI technology can be used in them to resolve and settle these disputes and end them. As for the higher judicial courts, they have not used smart technologies until today, perhaps because of the complex cases that reach the Constitutional Court, which require the constitutional judge to have constants that make him reconcile the constitutional text with the social and political environment, in addition to the lack of technological stability, and the lack of training and technological awareness for constitutional judges about the mechanisms of use, the limits or stages of their use, and the type of cases in which they are used if they are related to monitoring the constitutionality of laws, or interpreting constitutional texts, and other reasons related to fear and confidence in technology.

In light of the reluctance and lack of actual use of artificial intelligence in the constitutional judiciary, as well as the lack or absence of legal studies related to the application of artificial intelligence in higher courts in a detailed manner and determining the function of each characteristic of artificial intelligence, we decided in the research paper to research the employment of artificial intelligence in the constitutional judiciary, identifying the tasks of smart tools as an initial experience of application, determining the effects of application in the constitutional institution, then balancing them, especially after artificial intelligence became a path that everyone will take sooner or later.

The importance of the research lies in the application of artificial intelligence, after the flow of new ideas in the field of law in general, and the constitutional judiciary in particular, and the issues and challenges facing the application, and the benefit in completing judicial procedures faster, as algorithms have a role in providing solutions faster, as well as adding new functions to smart technologies with technological development, and the importance of the research also lies in combining between the constitutional judiciary as a constitutional institution and the supreme authority of the state, and artificial intelligence as a technology that represents a new challenge in the procedures of the constitutional lawsuit in particular. In addition to the lack of legal research on the application of artificial intelligence in the constitutional judiciary in detail, as previous research focused on analyzing legal data and predicting decisions in the ordinary judiciary, which encouraged us to conduct a study on the topic.

In light of the acceleration of technological developments with their advantages and disadvantages, a set of questions arise about artificial intelligence and the mechanisms of its application in constitutional courts, the most important of which are how the constitutional judiciary deals with smart tools? What are the possibilities for this deal as an initial application before going into the details of analysis and prediction? Does artificial intelligence have the ability to replace the constitutional judge for prediction or analysis?

This study aims to answer as much as possible the questions that have been raised, while reinforcing the research ideas with a set of constitutional judicial rulings, as well as addressing some examples of the role of artificial intelligence in primary courts as a positive result of enhancing the role of smart technologies in the judicial field in general, then entering the scope of constitutional justice by clarifying the mechanism of applying artificial intelligence and the most important effects it brings, and the requirements for its application in a way that achieves the desired benefit from it.

The research paper used the comparative approach by reviewing the experiences of some countries with artificial intelligence, and the analytical approach to analyze some judgments and insights as much as possible, hoping to reach a balance between the application of artificial intelligence and the protection of the constitutional judiciary in the era of accelerated and advanced technology: Evaluating the application of artificial intelligence in the constitutional judiciary and the third axis: Balancing between the independence of the constitutional judiciary and the application of artificial intelligence.

2 THE FIRST AXIS / MANIFESTATIONS OF THE APPLICATION OF ARTIFICIAL INTELLIGENCE IN THE CONSTITUTIONAL JUDICIARY

The most dangerous area for the application of artificial intelligence is the constitutional judiciary, given that the rulings issued are final and binding rulings that are not subject to appeal before any other court, and the establishment of constitutional courts and their provision in the body of the constitutional document represents an important constitutional development, as it came in response to legitimate judicial and popular desires to ensure constitutional oversight governing legislation and regulations and

ensuring their conformity with the constitution¹ , as well as the interpretation of constitutional texts and other tasks assigned to the constitutional judiciary, and this is referred to in the Constitution of 2005 in Article , if it defines its exclusive and independent functions and other tasks assigned to the constitutional judiciary, and this is what the Iraqi Constitution of 2005 referred to in Article (93), if it defined its functions exclusively and independently, and emphasized the finality of its decisions and their binding on all authorities according to the text of Article (94) of the said Constitution "The decisions of the Federal Supreme Court are final and binding on all authorities", to ensure that public needs are met and political balances are maintained, as the judicial policy followed by the court must be developed and not rigid, due to the fact that by the Court is evolving and not rigid, due to the influences subject to it and the factors contributing to its determination, in addition to the change and development of society's values according to developments in aspects of life, including economic and social, which requires the Court to always evolve and respond to the changes that occur and reconsider its policy from time to time, but this response must be within the scope of the constitutional provisions and in a way that does not prejudice the status and role of the Court.² , and smart technology represents one of the contemporary developments and challenges that have occupied the application in the judicial field, and its application extends from ordinary courts to higher courts, but this application in the latter courts is not without risks, due to the specificity of these judgments and their effective role in achieving balance on all political and social levels, and from the manifestations of the application of smart technologies in the constitutional judiciary are:

1) Salhi MBE (2008), *Procedures for issuing a constitutional judgment: Journal of Legal Sciences*, 23(1), pp. 76-121. <https://search.emarefa.net/detail/BIM>

2) Hatem, M.A. (2018), *The Federal Supreme Court in the Iraqi Constitution*: Manshurat Zain Al-Huqqawiya, Beirut

2.1 First - enhancing the efficiency of the procedures for filing a constitutional lawsuit and the judicial administration of the court

Smart technology enhanced by machine learning has a number of advantages that contribute to increasing the efficiency of the procedures for filing constitutional lawsuits and judicial administration, which we mention in turn:

1- In the field of receiving applications for unconstitutional appeals: Artificial intelligence can contribute to improving access by providing electronic tools and applications that facilitate dealing with the judicial system and provide legal information and guidance quickly and effectively, and artificial intelligence can be used to develop electronic judicial systems that allow submitting applications online and following up on whether the application is accepted or not, which contributes to improving access to justice, which reduces the cost and complex procedures, and many individuals have difficulty understanding laws and their legal rights, and technology can

AI can also develop systems that provide easy and fair access to information related to the constitution or laws through simple and user-friendly interfaces, individuals or legal professionals can search and access laws, legal regulations and information related to their rights and legal procedures, AI uses machine learning techniques and natural language processing to analyze legal records and previous judicial decisions, when a lawyer faces an issue or case and wants to know if that issue has been discussed in the past and what decisions have been made regarding it, he or she can

2- Scrutinize the mandatory data in the constitutional petition: The petition is a written request submitted by the plaintiff to the judge through which he presents his requests and allegations to obtain a judgment in the case to establish a right or protect his legal status, and it must include a set of mandatory data stipulated by law, and with reference to the Internal Regulations of the Iraqi Federal Supreme Court No. (1) of 2022, we find that it regulates the subject of constitutional lawsuit procedures and refers to the Iraqi Civil Procedure Law No. (83) of 1969 (as amended) in everything that is not specifically provided for in its Internal Regulations, and requires that the constitutional

lawsuit must meet Article (44, 45, 46 and 47) of the Civil Procedure Law No.³(83) of 1969 as amended (, and Article (46) of the law referred to the data that must be available in the petition, namely "the names of both the plaintiff and the defendant and their place of residence, the name of the court before which the lawsuit is filed, and the place chosen for the purpose of notification The Court's Rules of Procedure, according to Article (20), stipulates that "the plaintiff must submit the lawsuit by himself or his agent, who must be a lawyer with absolute authority, in addition to meeting the following conditions:First: The plaintiff must have a current, direct and influential interest in the legal, financial or social status of the subject matter of the suit, provided that it exists from the filing of the suit until the issuance of the judgment: The challenged text must have already been applied to the plaintiff, and thirdly: The plaintiff must not have benefited from the challenged text in whole or in part. Fourth: The petition must include the plaintiff's email address and the defendant's address or email, a clear statement of the challenged text and the constitutional text allegedly violated and the reasons for the constitutional violation, and a copy of the challenged legislative text must be attached to it."

After completing the required procedures in accordance with the aforementioned, and before the lawsuit begins its path before the competent committees and then the constitutional judge, it is possible to use a developed smart tool that plays a role in verifying the identity of the plaintiff and its conformity with the mentioned authorities, and verifying the data of the lawsuit petition, starting with grammatical and linguistic verification, and making sure that the linguistic wording is suitable for the judicial body, then searching the submitted data and its conformity with the conditions stipulated in the law, in terms of the plaintiff's data and the challenged legal text, and checking its consistency with the constitutional violation included in the petition, in addition to checking the constitutional articles and their proportionality to the subject of the lawsuit, in addition to verifying the extent to which they are in line with the subject of the petition

3- Registration of the constitutional case: After the previous procedures are completed and the case is marked by the president of the court, it is registered in the court's registry, in preparation for setting the date of the argument according to the priority

3) Hamid RB (2018) *Formal procedures for filing a direct constitutional lawsuit in Iraq*: Official website of the Iraqi Federal Supreme Court. <https://www.iraqfsc.iq/news> (Accessed March 5, 2025)

of its submission, and the date of the argument is set and notified to the litigants, but if the dates are published on the court's website, it informs the plaintiff of the specific date, in accordance with Article (21) of the Rules of Procedure of the Iraqi Federal Supreme Court, as well as the petition the case to the defendant by his address or e-mail and must respond to it in writing within (15) days, and the court proceeds with its procedures when the answer is not answered and the mentioned period ends, and here appears for the tool. A smart tool or a smart chat site dedicated to answering litigants' questions about hearing dates and notifications and providing them with copies of their court decisions, after printing, proofreading and translating them, through e-mail or the platform, as well as publishing them on the court's official website to inform the public of its decisions, due to the ability of smart technologies to work without boredom and permanently without regard to time or circumstances surrounding the work, as well as accuracy in performing the tasks assigned to them and accelerating the pace of the required operations, which in turn requires the intervention of the court's staff.⁴ , and in the case of conducting the pleading without the presence of the opponents, the smart tool can record the pleading electronically to ensure openness to the procedures of the session in full and display it on the smart platform for the opponents, along with the paper file written by hand or using a typewriter, and the recording is attached to the court's transcript, provided that a digital record of the sessions is allocated to provide⁵ interactive solutions for communication, investigation and legal proceedings remotely, which contributes to the provision of justice and access to justice for all.

4- Judicial management and auditing: Smart technologies enhance the efficiency of the performance of the tasks of the specialized committees in the Federal Supreme Court by performing tasks that require the presence of human cadres, which contributes to their completion in the shortest possible time⁶ , including case management, resource planning in the judicial system can be used to prioritize and distribute cases based on specific analyses and criteria, which improves the efficiency of judicial work and provides

4) -Karim, S.A. (2022) *The Legal Regulation of Artificial Intelligence: Doctoral dissertation*, Karbala University, Faculty of Law

5) Laptev VA, & Feyzrakhmanova D R (2024) *Application of artificial intelligence in justice: current trends and future prospects*. *Human-Centric Intelligent Systems*: 4,PP394-405. <https://doi.org/10.1007/s44230-024-00074-2>

6) Hassan FA (2023), *The role of artificial intelligence in promoting effective justice before the judiciary* - Master's thesis, Qatar University, College of Law, pp. 1-168

effective use of available resources⁷ also forecasting to determine the need of courts for judges and employees and determining the standard of delayed cases in the courts. Predicting the need for courts to form judicial departments, determining the court's need for human resources, preparing statistics and information about the work of the court, organizing and documenting the court's activities, because artificial intelligence has the ability to collect large amounts of information and data and perform this more efficiently, and effective processing of constitutional court data can have a role in determining the non-compliance of lower courts with its rulings, and in achieving assistance in achieving control over the constitutionality of laws due to the ability of technology to respond more quickly⁸, and can detect fraud, forgery and manipulation of legal documents and take the necessary legal action, which contributes to improving security in light of technological developments⁹. The table 1 will summarize the distinct roles of AI in the three main stages discussed in the paper:

Table 1

AI Functions in Different Judicial Stages

Benefits	AI Functions	Judicial Stage
Saves time, ensures legal compliance, reduces administrative workload	Document intake, linguistic verification, legal eligibility checks	Pre-Judicial
Enhances transparency, speeds up processing, supports remote access	Smart chatbots, session recording, e-filing, and procedural notifications	During Case Proceedings
Enables consistency, statistical insight, facilitates open justice	Data analytics, precedent tracking, decision publication automation	Post-Judgment

2.2 Second - enhancing constitutional judgment

The procedures of the Iraqi Federal Supreme Court in issuing the constitutional judgment in accordance with Articles (18, 19, 20) of its rules of procedure, by accepting

7) Imam. HM (2024) *The role of intelligence in promoting justice: Challenges and opportunities: Journal of Social Studies*, 30(1), 60-80

8) Saiz P (2021) *Docket selection and judicial responsiveness: The use of AI in the Colombian Constitutional Court: William&Mary Bill of Rights Journal*, 30(2),pp418-453. <https://scholarship.law.wm.edu/wmborj/vol30/iss2/9>

9) Imam. HM (2024) *The role of intelligence in promoting justice: Challenges and opportunities: Journal of Social Studies*

the request of the case to determine the constitutionality of a text from the ordinary courts during the consideration of a case pending before it, as well as the litigants may defend the unconstitutionality of a legal text related to a case pending before the trial court, and also "any of the three federal authorities, ministries, independent bodies, the Prime Minister of the region, bodies not linked to a ministry, and governors request the court to decide on the constitutionality of a legal text or system, ..."The Court may conduct whatever investigations it deems necessary in the cases and requests before it, may assign one or more of its members to do so, may request any papers or data from any party and may, if necessary, oblige those parties to submit them, even if the laws or regulations do not allow their submission, and may seek the opinion of advisors or experts in various specialties, according to Articles (42 - 43) of the Law.43) of the Law, the Court shall issue its judgment in the case before it, after deliberation among its members in the session set for the hearing or set another date for it, specifying the reasons, constitutional and legal texts and constitutional principles on which it relied in issuing the constitutional judgment in accordance with Article (34) of the Court's Rules of Procedure

According to what was mentioned earlier, there are two ways to initiate a constitutional lawsuit, the first is the direct lawsuit, and the subsidiary defense by the ordinary courts and the litigants in the case before the ordinary courts, in addition to that, every individual or a recognized organization with an interest and the public prosecution has the right to initiate the lawsuit, whether directly or subsidiary defense, and the procedures for issuing a constitutional ruling in the Federal Supreme Court are summarized in stages, the first stage being the acceptance of the request submitted by the mentioned parties, then checking the request in accordance with what was mentioned first, in preparation for preparing a report to the President of the Court to accept or reject its registration, and the Supreme Judicial Council unanimously approved the Code of Judicial Conduct.

The Supreme Judicial Council also unanimously approved the Code of Judicial Conduct, and relied on a number of basic principles and ethical duties for the behavior of judges and the adoption of the principles of integrity, transparency, efficiency, diligence, commitment to the law and human rights, adherence to the principles of job commitment and maintaining the prestige and dignity of the judiciary, with the aim of issuing decisions that lead to the realization of the truth and reach the goal sought by the judicial authority,

which is a fair judiciary away from the slightest level of suspicion that surrounds the judge in his judiciary because of the privacy of the task assigned to him .¹⁰

We do not fail to mention that the role played by the constitutional judiciary in issuing constitutional rulings in the form of oversight¹¹ on the constitutionality of laws according to some of its decisions¹² , and the interpretation of constitutional texts according to some of its decisions , has importance in maintaining the stability of society and public institutions in a manner that guarantees the interests of the public. Whenever there is a development in society and public institutions, situations that did not previously exist, the role of the constitutional judge in establishing legal principles in line with the new development situations becomes clear, and when the constitutional judge is presented with new facts, he must not stand idly by under the pretext of the absence of the text.¹³ , and the Federal Supreme Court in Iraq has a role in developing many constitutional principles according to some of its decisions , which contributes to the development of constitutional texts despite the recent establishment of the court, as it became possible under contemporary constitutional law for the constitutional judiciary to develop constitutional principles in an exceptional and indirect manner, when it exercises its competence stipulated in the constitution¹⁴

Despite the important role of the constitutional judiciary in practicing the constitutional tasks entrusted to it, and practicing the jurisprudential role in line with the new developments that occur in society, the technological developments that hit the legal field necessitate a necessary application, especially after it turned into a path that everyone will take sooner or later. Many previous general researches have referred to the application of smart technology in the field of law and lawmaking and its use in the ordinary judiciary with assistance, analysis and prediction, but this does not prevent us

10 - The Code of Judicial Conduct was approved by the Supreme Judicial Council (unanimously) at its sixth session dated 6/26/2022.

11 -The Federal Supreme Court has emphasized in many of its decisions the importance of the principle of constitutional presumption, in which the validity and approval of the constitution is assumed as a general principle in every legislation issued by the competent authority, as the court does not rule that a law is unconstitutional, unless it is proven with certainty and no doubt that it violates the constitution.

12) Iraqi Federal Supreme Court (IFSC) (2007, January 8) Decision No. 25/Federal/2007. Retrieved April 1, 2025, from <https://www.iraqfsc.iq/ethadai.php>

13) Taleb, M.J. (2020) Mohammed Jabbar Taleb, The Judicial Policy of the Federal Supreme Court in Iraq: Doctoral dissertation, Al-Alamein Institute for Graduate Studies, Najaf

14) - El-Shennawy M W (2016) *Judicial control over constitutional amendments*, Dar Al-Fikr and Law for Publishing and Distribution, Cairo

from researching the scope of constitutional law, which distinguishes our research from others because of the specificity of the rulings issued by the constitutional judiciary and their importance in legal and factual application. The error in the application of artificial intelligence in the ordinary judiciary is easier than in the field of constitutional law, as its rulings are final and binding on all authorities, and in direct contact with the stability of state institutions and the rights and freedoms of individuals, while private research related to artificial intelligence and constitutional law, which are few, we find that they referred to making decisions and predictive analysis using technology, under the pretext of the lack of independence of the constitutional judiciary, which is a potential danger to the highest institution in the state, in addition to the potential violation of the rights and freedoms of individuals, so how can the matter be rectified if a decision is issued loaded with error as a result of bias or inaccuracy in the input data or smart technology.

Based on the above, the integration of artificial intelligence in the field of law has become a tangible reality by automating tasks and legal analysis, as technological development has contributed to opening a new path in the legal field, and the use of technology is a revolution in the legal system by providing quick and simplified practices and solutions in a way that serves individuals on the one hand and those working in the field of law on the other. We do not neglect to mention that what has been mentioned does not deny the importance of technology in the lower courts, as it has been used to assist in issuing decisions alongside the human judge, and we cannot mention all of them, and previous research has confirmed¹⁵ la The disparity in opinions between supporters and opponents of the application of artificial intelligence in making decisions in courts¹⁶, and the conflict still exists about the seriousness of the practical application, as decisions provided with the help of intelligence cannot be relied upon without the presence of human scrutiny and the existence of appropriate controls.

15) Perona R & Carrillo de la Rosa Y (2024) *Unveiling AI in the courtroom: Exploring ChatGPT's impact on judicial decision-making through a pilot Colombian case study*. *AI&Society*. <https://doi.org/10.1007/s00146-024-01943-x>

16 - For example, Professor Juan David Gutierrez Rodriguez of the Universidad del Rosario in Colombia warned of AI concerns related to the ruling issued by the Labor Court in Cartagena, identifying the lack of precision and clarity in ChatGPT's answers, and that the system could give contradictory or incorrect answers, explaining that the judge changed the tool's responses to suit the court's ruling, after asking the same questions to the tool. Prof. (Maria Florez Rojas) from the University of Groningen presented a report on the dangers of placing excessive trust in smart technologies and issuing final judgments relying on them without scrutiny, and trust in these technologies is likely to lead to serious consequences.

Among the practical examples of the application of smart technologies, in China, the "TADRS" system was used in the field of resolving traffic accident disputes, which was adopted by traffic courts and police in a number of provinces of China; including Sichuan Province, which is a developed system that uses data extraction algorithms represented by road, traffic, weather, vehicles, traffic lights, driver, accident data and others, and uses algorithms to propose appropriate solutions and then present them to the human judge, and China has made "smart courts" the basis for its digital development¹⁷, because of its ability to deal with artificial intelligence techniques intelligently, and this confirms the promotion of advanced governance between law and technology¹⁸. This table will compare the use of AI in different countries' judicial systems, especially in relation to your discussion in the practical examples section (e.g., China, USA, Colombia, France).

Table 2

Comparative Examples of AI Application in Judicial Systems Worldwide

Observed Challenges / Concerns	Purpose/Functionality	AI System / Tool Used	Country
Limited transparency and oversight	Traffic dispute resolution using data extraction and prediction	TADRS, Smart Courts	China
Racial bias, lack of explainability	Risk assessment and recidivism prediction in criminal justice	PSA, COMPAS	USA
Weak machine learning, legal oversimplification	Drafting assistance, document filtering, docket selection	ChatGPT, Prometea, PretorIA	Colombia
Ethical concerns, constitutional review implications	Enabling individual administrative decisions through automation	Automated Admin Decisions	France

In the United States, the technology has been applied in several systems, including the Public Safety Assessment System (PSA) in criminal courts when taking protective action against a defendant, or releasing and setting bail, and the COMPAS system determines the chance of reoffending based on a scale of 1_10 and judges make

17) Zheng G G (2020) *China's grand design of people's smart courts*. *Asian Journal of Law and Society*, 7,p.p561-582. <https://doi.org/10.1017/als2020..20> .

18) Lucero K (2019) *Artificial Intelligence Regulation and China's Future: Columbia Journal of Asian Law*, 33(1) p94-171.

judgments on the measures of restraint or parole based on the system's recommendations. However, according to a study conducted by the non-profit organization Pro _Publica, black people are twice as likely to commit crimes as white people, which leads to biased and unequal predictions towards people of color, resulting in a biased decision¹⁹

Perhaps the most relevant example to the paper is the upholding of a decision by the Constitutional Court of Colombia from the Labor Court of Cartagena that was made using the ChatGPT app, but this ruling only upheld the use of smart technology and complemented the arguments of the last judge²⁰, as well as the French Constitutional Council in the ruling issued on 12/7/2018 "on the constitutionality of Article (12) of the law authorizing the administration to make individual administrative decisions in an automated manner"²¹

The tasks of artificial intelligence in law are generally represented by assistance, decision-making and predictive analysis, and those who call for its application in the constitutional judiciary as a whole may be premature at the present time, as it is not an easy task to apply practically in the highest authority in the state, and there must be a governing law, a well-defined organization and continuous human intervention, and this is what we explain in the second axis. The potential application in the constitutional judiciary focuses on several points in the field of making a constitutional judgment:

1- In the field of procedures and issuing a constitutional judgment (monitoring the constitutionality of laws): Artificial intelligence is an effective and fast tool in searching and scrutinizing the legal texts before it, adapting those texts to the facts of the case and downloading those facts with the constitutional requirements, which constitutes a methodology for the work of artificial intelligence in a way that gives the possibility of adopting constitutional oversight, as artificial intelligence is intelligence programmed according to algorithms and these. The latter can identify legal texts that violate the constitution more quickly and in less time, as artificial intelligence is an effective tool for researching and scrutinizing the legal texts presented to adapt them to the facts of the

19) Laptev VA, & Feyzrakhmanova D R (2024) *Application of artificial intelligence in justice: current trends and future prospects. Human-Centric Intelligent Systems: 4,PP394-405.* <https://doi.org/10.1007/s44230-024-00074-2>

20) Gutiérrez J D (n.d.) *ChatGPT in Colombian Courts.* Verfassungsblog. <https://verfassungsblog.de/colombian-chatgpt/> (Accessed March 4, 2025)

21) Mohammed M F (2022) *Legislative regulation of artificial intelligence applications: Journal of Legal and Economic Research*, no (81), pp 1024-1137.

case, and it is worth noting that in accordance with the principle of independence of the constitutional judiciary and protection of the constitution, artificial intelligence will limit its task to alerting the constitutional judge to the existence of a violation of constitutional texts. Based on the task of the constitutional judge to issue a decision of unconstitutionality, he is the competent authority in drafting constitutional provisions, while the competence of interpretation depends on legal philosophy and politics, and it is difficult for artificial intelligence to accurately simulate this, but not involving artificial intelligence in analyzing and predicting the results of the case before the judge is due to reasons related to the independence of the constitutional judiciary, its judicial status and its role in developing constitutional texts and protecting public rights.

2- In the area of departure from previous constitutional principles²² : The Federal Supreme Court issues rulings that have binding force and absolute authority in the face of all state authorities, due to their in-kind nature aimed at the constitutional text, but some rulings may be tainted with error, or the ruling may fail to keep pace with new circumstances in various fields, which obliges the constitutional judge to depart from the constitutional principle in a matter that he approved in a previous ruling to correct the error or keep pace with new circumstances, and to approve a new constitutional principle. When ruling on a matter that is identical in its circumstances and circumstances to the first matter, and is more developed than the previous principle, according to its decisions²³, and the constitutional judiciary adopts this method in order not to empty its ideas into rigid molds and provisions, which leads to the loss of constitutional texts to continue in application, but to keep pace with developments and establish general principles of law²⁴

Artificial intelligence has a role in assisting the constitutional judge in this area, as due to the amount of data and case law entered, the artificial intelligence can in record

22 -One of the practical applications of the Iraqi Federal Supreme Court is its reversal of its previous orientations regarding the interpretation of laws, as the court went in many decisions that its competence contained in Article (93/II) of the Constitution allows it to interpret constitutional texts only, not including the interpretation of laws, so the court dismissed many requests for interpretation submitted for the purpose of clarifying some legal texts on the grounds of lack of competence, on the basis that the interpretation of law texts falls within the competence of the State Council, not the competence of the Federal Supreme Court, and with a new orientation of the court in which it reversed its previous orientations and issued a decision

23)Iraqi Federal Supreme Court (IFSC) (2007, January 8) Decision No. 25/Federal/2007. Retrieved April 1, 2025, from <https://www.iraqfsc.iq/ethadai.php>

24) Janabi AS (2022) *The role of the constitutional judiciary in the development of constitutional texts*: Dar Al Musalla, Baghdad

time review the case law and present the principle similar to the case, alert the constitutional judge to the existence of judicial precedents and identify the error in the previous principle or the new circumstances when presenting a case similar to a previous one in its circumstances and nature bearing an error or new cases that added a new constitutional reality, or created circumstances requiring a new principle, which facilitates the search and audit process in the judicial precedents and saves time and effort.

As noted²⁵ Smart technologies have the ability to make constitutional decisions more efficiently and effectively, as well as improving the performance of constitutional judges and issuing independent judgments, then emphasizing the involvement of judges in issuing judgments, in addition to making judgments, there is the review of constitutional documents by the tool "LawGeex" because of its advantage over humans, and its ability to track laws and regulations, as well as predictive analysis using the "Lex Machina" platform, from a review of the tools mentioned in the previous research, we find that the tool has the advantage of favoring it over humans From the review of the tools mentioned in the previous research, we find that the "LawGeex" tool is specifically created to facilitate civil and commercial contract processes for medium and large companies, as it is designed to deal with a number of legal documents and contracts, as it provides solutions to facilitate the negotiation, review and approval processes²⁶ Although Lex Machina contains sufficient legal information and data, this platform was launched to deal with class actions, which are filed by one person usually on behalf of a group of individuals with the same interests²⁷ , so is the specific tool for contracts and negotiation and the platform specialized in collective litigation capable of making a constitutional ruling if it is applied as a general tool in the constitutional judiciary? It is possible to adopt these tools, but in the manner of analysis or review of some elements of the lawsuit, such as documents to ensure their authenticity, or the seriousness of the requests submitted and

25) Taniady V, & Siahaan S T (2023) *Artificial intelligence and the constitutional court: A new path of making independent decisions?*: Journal *Kajian Pembaruan Hukum*, 3(2),PP157-184. <https://doi.org/10.19184/jkph.v3i2.41726>

26) AI Online Course (n.d.) Lawgeex: <https://www3.technologyevaluation.com/solutions/53516/lawgeex?srsltid=AfmBOopEOvUweFhKCSyXbvVMcX5aZmvolTz55cmgv8c0Bp4BykN60cZy> (Accessed March 4, 2025)

27) Judson A (2023) *Lex Machina launches legal analytics for new practice area: Class action litigation*. LexisNexis. <https://www.lexisnexis.com/community/pressroom/b/news/posts/lex-machina-launches-legal-analytics-for-new-practice-area-class-action-litigation> (Accessed March 6, 2025)

their compliance with the constitution and law, after providing them with constitutional case law, constitutional texts and laws issued based on the constitution, without relying on a predictive final result determined by a tool, while the issue of independence faced by the constitutional judiciary is the same as the algorithms faced by algorithms which are Fosch-Villaronga, 2022) .

In the Colombian Constitutional Court, the program "prometea" was used and then developed into "pretorAI", as indicated by²⁸ , a program used by a lawyer's office to help it predict the cases it represents, and used in the aforementioned court, to review or select files is not easy, as the latter program was described as modest and not using machine learning, and even with its development or the adoption of modern tools, the court may return to consider the same types of cases in which it issued previous rulings, as the algorithms are based on previous facts. This raises an issue in the court about addressing emerging social issues and issuing new rulings, and if AI is used to analyze or make a decision, the court cannot integrate its ethical, emotional, or economic components and balance them to determine the choice of a case file or analyze a document, in addition to the multiple fields of human expertise to ensure that the constitutional judiciary remains an open and knowledgeable institution. Moreover, artificial intelligence, as we indicated in the adoption of analysis or review, is based on a previous case or an existing case, which means that the main method of data processing is mainly based on judicial precedents, which makes the constitutional judiciary restricted and rights and freedoms become less responsive to the changing conflicts in political and social life, and the court cannot integrate its moral, emotional, or economic components to determine the selection of a case file or analysis of a document. If there are shifts or changes that may be slight, and it is necessary to reconsider the prediction of the results because the formulation of the judgment is not limited to the judgment only, but must determine the reasons behind its issuance and the materials on which it was based, as relying exclusively on specific tools may not meet the purpose because the approach adopted in determining the results and the language of judicial rulings differs from one country to another²⁹ .

28) Saiz P (2021) *Docket selection and judicial responsiveness: The use of AI in the Colombian Constitutional Court: William & Mary Bill of Rights Journal*, 30(2),pp418-453. <https://scholarship.law.wm.edu/wmborj/vol30/iss2/9>

29) Medvedeva M, Wieling M, & Vols M. (2023) *Rethinking the field of automatic prediction of court decisions. Artificial Intelligence and Law*,31(2),pp195-212. <https://doi.org/10.1007/s10506-021-09306-3>

Also, predicting the court's judgment may end up determining the result from the text of the judgment in case of insufficient knowledge of the exact data in the case, and we can determine the reason behind the uselessness of smart tools in constitutional justice with a simple example of the Dutch Supreme Court after submitting a request to the court about the phrase "Holland disarms" at the top of the tower in North Holland, that this phrase is a violation of Article 1 of the Landscape Management Regulation, so the Dutch Supreme Court responds that the regulation lacks binding force due to its lack of proportionality or conflict with freedom of expression, as stated in Article (7) of the Dutch Constitution, which made this case studied in law schools, and this ruling is not easy to predict its results and reasons for artificial intelligence³⁰

3 THE SECOND AXIS / EVALUATION OF THE APPLICATION OF ARTIFICIAL INTELLIGENCE IN THE CONSTITUTIONAL JUDICIARY

The competition in the exploitation of smart technology imposes concerns whose manifestations appear in the judicial field, and its application in the constitutional judiciary involves two main pillars; the first is the concern about the substitution of smart tools for the constitutional judge in making future constitutional decisions, and the second is the protection of the principle of independence of the constitutional judiciary, and the principle of public rights and freedoms, and despite its superiority in many cases, this does not end future concerns whose effects are likely to appear in practical application, and in the scope of the evaluation, these principles appear as a basic reservation for the balance of the constitutional judiciary function in particular in potential cases of analysis or prediction.

30) Verheij B (2020) *Artificial intelligence as law: Presidential address to the seventeenth international conference on artificial intelligence and law: Artificial Intelligence and Law*, 28(2),p181-206. <https://doi.org/10.1007/s10506-020-09266>

3.1 Undermining the independence of the constitutional judiciary

The potential risk of compromising the independence of the constitutional judiciary when artificial intelligence tools are granted the authority to make the constitutional judgment through predictive analysis of the details of the case and the basis for intelligent judgment by constitutional judges, and in light of the diversity of smart tools, in addition to the Lex Machina program, there are a number of legal applications, including the Ross application. This application provides a legal service manifested in receiving questions smoothly and providing answers by referring to laws and case law according to the questions submitted, provided that the questions are formulated in a detailed manner that includes all the details of the case, and the challenges in this application lie in the difficulty of learning to There is also an application (Ravel), which was jointly founded by the Harvard Law School Library and Stanford Law School graduates, to add US court rulings and law texts for easy access in digital form, and provide paid analysis services, when submitting a case to obtain an analytical opinion, this application is based on requests and cases submitted in the past and the specific language and rules that were previously cited, and determines how a particular judge responded to the same type of case or request in the past³¹

The question that arises here is what if a new case is filed that follows a new law or regulation and there is no case law, or if there is case law but it is not sufficient? Another question is what if some case law was inadvertently neglected by the developers of the tools and was used to assist the judge in the analysis? The mentioned tools are not a panacea , so the task of the human judge remains essential to review without relying entirely on the analysis or prediction of the results provided by smart tools.

In order to issue a balanced intelligent judgment that is compatible with the presented case, it is necessary to take into account the essential points extracted from the texts of the case when predicting the arguments and providing an adequate explanation of the legal rules, and then the latter tools must have this feature to be able to take the above, and the applications are not effective well when the case information is presented

31) Ashley K D (2017) *Artificial intelligence and legal analytics*: New tools for law practice in the digital age. Cambridge University Press,p.351-352.

incompletely or indirectly or dispersed in the sources provided, and then the success of their work depends on the accuracy of the human judge and the accuracy of the information entered³²

Among the challenges to the independence of the constitutional judiciary in light of AI applications and their tasks in analyzing documents and predicting the verdict are manifested in a set of essential points:

Table 3 **systematically outlines the key risks and concerns** discussed in second axis, especially around judicial independence, discretion, and public rights.

Table 3

Potential Risks of AI Integration in Constitutional Judiciary

Legal/Constitutional Implication	Description	Risk Area
Undermines judicial philosophy and flexibility	AI may limit judges' interpretative and discretionary powers	Loss of Judicial Discretion
Contravenes constitutional rights like Article 17 (Iraq Const.)	AI systems may collect and misuse personal or biometric data	Violation of Privacy
May breach equality and fairness clauses (e.g., Article 14)	AI decisions influenced by skewed or discriminatory data	Algorithmic Bias
Threat to legal sovereignty and national identity	Use of foreign-made AI tools incompatible with national constitutional frameworks	Foreign Influence on Sovereignty
Leads to legitimacy crisis and public backlash	Excessive reliance on opaque AI tools could erode trust in judiciary	Overdependence and Public Mistrust

3.2 Restricting the discretionary power and considerations influencing the formation of the constitutional judge's belief

There is no doubt that this belief is of undisguised importance, as it has a direct impact on the outcome of the judgment and announces it in conjunction with the reasons and the operative part of the judgment that is binding on everyone and all state authorities, as the role of the judge is not limited to the literal conformity of constitutional and legal texts, but the nature of constitutional judgments, their purpose, and the greatness of the consequences. The nature of constitutional rulings, their purpose and the greatness of their consequences require many considerations that have an impact on the formation of the judge's belief, which must be taken into account in the pending case, including scientific,

32) Ashley K D (2017) Artificial intelligence and legal analytics: New tools for law practice in the digital age. Cambridge University Press, p.351-352. last source

basic and economic considerations, in addition to other Arab and foreign constitutions³³, not to mention the opinions of the judges of the court, the experience generated, intellectual and legal orientations, as well as public opinion and its acceptance of the court's rulings³⁴ The matter is not limited to reviewing the case papers to derive a ruling, as much as it concerns a country with a specific intellectual and ideological belief and a constitution that revolves around this belief, and a legal text accused of violating this belief, as the challenged legal text may be ambiguous and require interpretation from the judiciary, which obliges the constitutional judge to put himself in the place of the authors of the constitution, indicating their intentions of the texts to be applied to the dispute, in order to reach their goals. The role of the constitutional judge is not limited to interpreting an ambiguous text, but goes beyond it to assume the role of the drafters of the constitution who are lying in the ground³⁵ , according to its decisions ³⁶ and the means of the constitutional judge in investigating the will of the drafters of the texts whose application is required is to resort to the preparatory works and their historical development to determine the interpretation of the text.

The constitutional judge also has a discretionary authority that is not based on constitutional texts but rather on general considerations, in order to apply the spirit of the constitution and reach a balanced and just solution, and to avoid accusing the constitutional judiciary of denying justice, An example of this is the implementation of the oversight of the legislator's discretionary authority and access to the oversight of the

33 -Although there is no clear constitutional basis for this phenomenon, and this phenomenon is not without criticism, there are justifications that contributed to the judiciary's recourse to it, such as enriching the legal thought and constitutional culture of the constitutional judge, for example, the decision of the US Federal Supreme Court in the case of "Ropers. Simmons 2005, which decided the unconstitutionality of imposing the death penalty for crimes committed by juveniles under the age of eighteen, based on the local practices of states and the prevailing national trend and judicial precedents, and also cited the practices of other countries, as it explained that since 1990 AD and the date of its decision, only seven countries other than the United States of America implement the death penalty for juvenile offenders, namely Saudi Arabia, Pakistan, Iran, Yemen, Nigeria, Congo and China, as Justice Kennedy (Kennedy) noted that those countries since 1990 have repealed or denied the death penalty for minors in practice, and that the

34) Al-Sattar, SA (2023) *The affective construction of constitutional court rulings: Journal of Legal Studies*, 61(2), September 2023, pp765-861

35 -In determining the meaning of the legislative text subject to interpretation, the ESCC resorts to investigating the legislator's will in order to uncover his intent and his preparatory work leading up to it, and it is assumed that this text is expressed in order to reach this end by the legislative development of the text to be interpreted.

36) ESCC (2003, August 17) Decision in Request No. 1/24, Legislative Interpretation. ESCC (2004, March 7) Decision in Request No. 1/26, Legislative Interpretation.

political appropriateness of legislation and its motives in accordance with the ESCC decisions.³⁷ Here, the question arises as to what is the explicit constitutional text that exempts the court from monitoring the political appropriateness of legislation and its motivations? Then where is the other text on which it relies to exercise this control as an exception, there is no doubt that there is no explicit constitutional text in both cases, and it can only be said that the court has implemented the spirit of the constitution and applied it to the dispute before it. Does artificial intelligence have the ability to follow the approach taken by the court without the existence of the constitutional and legal text that authorizes it to do so, and the lack of case law to begin with, as a judge may use comparative judiciary to infer and base his rulings on. For example, the ESCC decision (1997) "that some rights and freedoms that are not explicitly included in the constitution are branches of stipulated assets, for example that personal freedom is an asset from which freedom of contract branches, and for this purpose the court referred to the phrase (comparative judiciary), as if it had conducted a comparison between the judiciary of many countries to reach this conclusion,"³⁸. Table 4 provides a side-by-side comparison of what human judges can do versus what AI systems are capable of (or incapable of), especially under the themes of discretion

Table 4

Distinctions Between Human Judicial Reasoning and AI-Based Judicial Assistance

Remarks / Implications	Artificial Intelligence Tool	Human Constitutional Judge	Aspect / Function
AI lacks philosophical/legal interpretive judgment	Can identify patterns in text and suggest statutory links	Interprets texts in light of historical intent, moral values, and societal change	Legal Interpretation

37 - Although the Court explicitly recognizes that this convenience is not subject to constitutional oversight, we find that it takes the controls and restrictions provided by the constitution as an entry point for that oversight, as the Court specifies that the origin of the legislative authority when regulating rights is discretionary, and judicial oversight of the constitutionality of legislation does not extend to the appropriateness of its promulgation, but this does not mean that this authority is allowed to enact laws without being bound by the limits and controls provided for in the constitution, and political convenience does not prevent laws from being subject to constitutional oversight if they deal with matters regulated by the constitution and set specific controls for them.

38) ESCC (1981, May 16) Judgment in Case No. 5/1, Const. Jud.ESCC (1985, February 2) Judgment in Case No. 67/1, Const. Jud.ESCC (1987, May 16) Judgment in Case No. 131/6, Const. Jud.ESCC (1997, August 2) Judgment in Case No. 35/17, Const. Jud. Official Gazette, No. 33, p. 821.

AI cannot simulate discretionary reasoning	Operates within predefined algorithms and datasets	Exercises flexible judgment beyond literal text to balance societal interests	Discretionary Power
Core reason why AI cannot replace constitutional judges	Cannot innovate or create legal doctrines	Can create or evolve new doctrines in absence of explicit legal text	Development of Constitutional Principles
Human contextualization is irreplaceable	Does not "feel" or intuit social or political climate	Considers economics, ethics, sociology, political sensitivity	Sensitivity to Social Context
Limitation of AI in open-textured constitutional issues	Cannot process unseen scenarios without prior data	Adapts to unprecedented legal scenarios through jurisprudential creativity	Handling Ambiguity and Novel Cases
Requires human review to prevent injustice	Susceptible to embedded data bias or algorithmic skew	Capable of moral reflection and self-correction	Bias & Fairness Management
Judicial responsibility cannot be outsourced	No legal personhood, accountability rests on creators	Accountable to judicial standards, ethics, public trust	Legal and Political Responsibility
AI may aid research but cannot decide relevance	Can retrieve data but lacks evaluative judgment	Draws insights from foreign or international legal systems	Capacity for Comparative Reasoning
Vital in human rights and dignity-oriented rulings	Completely devoid of empathy	Considers the lived experiences of litigants and broader human consequences	Emotional Intelligence & Empathy
Legal storytelling remains a uniquely human function	Generates output without jurisprudential narrative	Provides detailed reasoning for decisions including dissent and deliberation	Judgment Narrative & Reasoning

Within the scope of the discretionary power of the constitutional judge, which exceeds the ability of artificial intelligence in various applications, are scientific considerations. When the human judge finds that the judgment to be issued is consistent with the provisions of the constitution, but approving the judgment may result in a social, political or economic crisis, the judge refrains from approving it, and seeks to devise a solution that reconciles the constitutional provisions and protects public interests, so the role of the constitutional judge is not limited to approving the judgment only. He seeks to ensure the stability of state systems and politics, without being captive to a literal interpretation of constitutional and legal texts. An example of this is the rulings of the Egyptian Supreme Constitutional Court³⁹⁾, in which it decided "that the laws issued by the parliament in the previous period after the publication of the ruling that the law on the basis of which it was elected was unconstitutional, and consequently it was considered

39) ESCC (2005, April 10) Judgment in Case No. 157/24, Const. Jud. ESCC (2005, May 8) Judgment in Case No. 42/26, Const. Jud

dissolved since its convening, without the existence of a constitutional provision stipulating this. The justification that led the court to the latter result was to reconcile scientific and legal considerations at the same time, and to prevent a legal and constitutional collapse, as the court stated: "If elections to the People's Assembly were held based on a legislative text that was proven unconstitutional by a ruling issued by the Supreme Constitutional Court, the implication of this ruling is that the composition of the Assembly is invalid since its election, but this invalidity does not at all lead to a constitutional collapse. It does not entail the annulment of the laws, decisions and measures adopted by the Council during the previous period and until the date of publication of the ruling in the Official Gazette, but these laws, decisions and measures remain valid and effective, unless they are repealed or amended by the constitutionally competent authority or their legislative provisions are ruled unconstitutional by an ESCC ruling, if there is any other aspect other than what this ruling is based on"⁴⁰

Despite the role played by the constitutional judge, proponents of AI claim, as noted⁴¹ its role in enhancing legal certainty, in a way that makes the legal system more efficient due to its ability to realistically analyze data and predict a solution that is almost suitable for the case presented in the lower courts, but this view is criticized and difficult to apply in the scope of constitutional justice because of the important role played by the constitutional judge and the accumulated experience, and the cases that reach the constitutional court usually do not carry a clear rule. The current artificial intelligence techniques and tools do not carry the standard thinking, which is the most commonly used thinking in the constitutional judiciary, and as we indicated in the case of analogy to scientific considerations, the judge resorts to devising solutions that are most consistent with the constitutional text and public interests, by analogy with the ability of machines to balance several considerations and then predict a balanced result according to what has been mentioned.

40) Al-Assar YM (1999) *The role of scientific considerations in the constitutional judiciary*: Arab Renaissance House, Cairo.

41) Saiz P (2021) *Docket selection and judicial responsiveness: The use of AI in the Colombian Constitutional Court*: *William&Mary Bill of Rights Journal*, 30(2),pp418-453. <https://scholarship.law.wm.edu/wmborj/vol30/iss2/9>

3.3 Restricting the discretionary decisions of the constitutional judge

Another challenge to the application of smart technologies in the constitutional judiciary is discretionary decisions, whose role may be limited by the use of artificial intelligence applications, which means "developing a new constitutional principle when there is no text in the constitution that can be applied to the matter before it, or not using the court's interpretative jurisdiction to find a solution to that issue, here he resorts to *ijtihad* to develop a constitutional principle inspired by the general principles of law or the spirit of the text" ⁴²

The constitutional judge, through jurisprudential decisions, has an important role in the development of constitutional texts, because no matter how precisely they are drafted and encompass all the issues for which they were enacted, they remain unable to address the various emerging situations and circumstances, no matter how far-sighted their authors are about future affairs, they must be surprised by constitutional developments, which creates a constitutional vacuum between constitutional texts and the requirements of reality, and here the role of the constitutional judiciary emerges to rule on the presented cases and jurisprudence to fill the constitutional void, ensure the vitality of the constitutional document, then develop constitutional texts, by absorbing infinite facts, because the constitutional judiciary

The constitutional judiciary is no longer merely an applied judiciary that automatically applies the constitutional provision to the matters before it, but rather it has come to exercise a major creative role through which it has contributed many times to developing constitutional texts and adapting them to changing and renewed circumstances, and the constitutional judge can fulfill the constructive role by following various means, the most important of which is the development of constitutional principles. When there is no text to apply to the case before him, the constitutional judge resorts to jurisprudence, creating a new constitutional rule or principle inspired by the principles of law or the spirit of the constitutional document, but he may amend that rule or constitutional principle to another rule or constitutional principle that is more

42) Al-Musawi MJ (2021) *The Judicial Policy of the Federal Supreme Court in Iraq*: Doctoral dissertation, Al-Alameen Institute for Graduate Studies, Najaf

responsive to developments.⁴³ One of these means is also the participation of the constitutional judge in the constitutional reform process, through his vital role in monitoring constitutional amendments, as well as his important role in rationalizing legislative policy and correcting the course of the practical reality of its practice in a way that ensures harmony and integration between the constitutional document and the dynamics of the renewed reality in all fields of life⁴⁴, and an example of the constitutional principles developed by the Iraqi Federal Supreme Court is the principle regarding the parties that have the right to submit a request to interpret one or more texts of the constitution, as the constitution and court law before the issuance of the Iraqi system Iraq, 2011)⁴⁵, as well as its decision to impose its censorship on constitutional amendments, especially in the absence of an explicit constitutional provision authorizing it to exercise this censorship, but it can impose censorship on these amendments from both the formal and substantive aspects, the institution of its censorship on constitutional texts that include restrictions on the amendment procedure, and it practiced The Federal Supreme Court has exercised formal oversight over constitutional amendments in one of its decisions, which states: "The Federal Supreme Court finds that the application of the provisions of Article (126) of the Constitution when submitting a proposal to amend one or more articles of the Constitution is only after deciding on the amendments recommended by the committee provided for in paragraph (I) of Article (142) and in accordance with the procedures laid down in this Article. It is clear from the above decision that the Court held itself competent to supervise constitutional amendments from the formal aspect to ensure that the competent authority complies with the procedures prescribed by the Constitution, basing its supervision on the restriction stipulated by the constitutional legislator in Article (142 / V) of the Constitution, where the Court emphasized the necessity for the competent authority to follow the exceptional path provided for in Article (142 / V) of the Constitution, where the Court emphasized the

43 -In its response to the request to interpret Articles (22) and (38), the court affirmed that a request to interpret the provisions of the constitution must be submitted either by the Presidency of the Republic, the House of Representatives, the Council of Ministers, or the ministers, and not by civil society organizations, political blocs, or parties.

44) Janabi AS (2022) *The role of the constitutional judiciary in the development of constitutional texts*: Dar Al Musalla, Baghdad

45) IFSC (2017, April 4) Interpretative Decision No. 35/Federal/2017. Retrieved March 31, 2025, from <https://www.iraqfsc.iq/ethadai.php>

necessity for the competent authority to take the The Court's efforts to apply constitutional texts in a manner appropriate to the circumstances of society and the interests of its members are evident in the justification provided in its decision and other rulings⁴⁶ of the Court⁴⁷

An example of the important role of the constitutional judiciary is the declaration of an unconstitutional situation in Colombia that requires more solutions from the court than a remedy for the situation presented to the claimants, and the ability of the court to issue a judgment in such a case was due to the court's familiarity and judgment with different types of cases about the violation of human rights and freedoms, which enables the court to collect cases and issue orders to the government for legal change or design public policies or the court may address the reform of a system within the entire government, specifying the reasons and supported by concrete measures and monitoring the mechanism of change, and can use artificial intelligence to determine the compatibility of the claims made.

The scope of the relationship between law and other social spheres was described by the German sociologist "Niklas Luhmann" as "law is an operationally closed, epistemologically open social subsystem," meaning that law is defined by rules and procedures specified in constitutions first and then laws, but it is socially developed according to the changes that occur in the reality of civil and political society. In order to maintain the cognitive openness of the law, it requires when choosing a case file or reviewing documents to analyze a group of cases, taking into account the prevailing social and political developments, comparative legal experiences, and other other approaches. Making a judgment depends on several considerations related to knowledge and integration of various contexts and according to criteria determined by the constitutional judge, as well as making a constitutional judgment requires a broad judicial horizon and imagination that looks to the future without limiting itself to past facts, such as the case of directing the issuance of a law of rights due to an unconstitutional situation, as the constitutional judge can distinguish when and why a particular case is more likely to be

46 - It also determined the effective date of constitutional rulings, whether the court's decisions are retroactive or not, by introducing a constitutional principle that rulings issued by the Federal Supreme Court are effective as of the date of their issuance.

47) IFSC (2018, February 12) Jurisprudential Decision No. 28/Federal/Media/2018. Retrieved April 1, 2025, from <https://www.iraqfsc.iq/ethadai.php>

unconstitutional. However, smart tools may not be able to determine this in advance, and if they can, it is not clear that they can identify and distinguish what is relevant and why, in addition to the judge's knowledge and ability to integrate different knowledge in economics, ethics and sociology and introduce them into the legal field .⁴⁸

This shows here the role of the constitutional judiciary in developing constitutional texts and innovating discretionary decisions to address legal issues that are presented to it for the first time and which the legislator failed to regulate, thus filling the shortcomings of the constitutional document beyond the limits of the literal application of the constitutional texts, and this is supported by the previous point of view about the absence of judicial precedents similar to the aforementioned entered by artificial intelligence trainers, and in the absence of governing texts, how is the treatment by analysis and prediction of constitutional cases, so do machines have the ability to diligence and fill the constitutional void by the mechanism adopted by the constitutional judge, the inputted data may not be sufficient to decide.

3.4 Designing AI applications from foreign private companies

Creating and training smart applications for use in constitutional justice from foreign companies represents another challenge to the independence of the constitutional judiciary, as this may conflict with the national sovereignty of the state in matters related to the core work of the authorities or the system of government, such as the introduction of foreign legal elements that are inconsistent with the specificity of the constitutional, political, social and economic environment of a country, which contradicts what the general will of the people accepted in its national constitution, each constitution is related to a specific social context, and the facts listed may be similar to the case presented, but the constitutional text to be applied may be different, in addition to traditions and moral values.

48 - The court triggers the unconstitutional situation as a result of the violation of fundamental rights, and the market economy or state institutions may be the cause of this phenomenon, such as the case of the perpetration of the metaphor by armed men and displaced peasants due to the civil war in Colombia.

3.5 Over-reliance on smart applications

These fears are manifested in the portrayal of smart tools as entities with malicious intentions, and these fears are not based in a vacuum, as we often witness humans delegating various practices to artificial intelligence tools, for example, we have the adaptation of intelligence in analyzing some documents and predicting the outcome of court cases. In addition to the benefits resulting from the application of intelligence, public opinion trends and the academic field show that excessive use leads to the erosion of the authority of the judicial system and lack of confidence in the issued judgments, which negatively affects the commitment of individuals to legal provisions, as confidence in judgments is a fundamental pillar and a fundamental challenge to the application of artificial intelligence in constitutional justice⁴⁹, 2023 Also, the input data is a source of concern, given that the algorithms are based on the input data, if you enter judgments that carry a certain discrimination in gender or race that may be for reasons of social status or that serve the interest of an individual in recognition of an excluded situation at the time, it is natural that the judgments predicted by artificial intelligence will carry the same discrimination. The accuracy of the data is not the only concern, as algorithms sometimes work to limit the use of the judge's personal experience, values, and moral judgments, by contributing to the judge's discouragement, not without the risk of shifting the judge's focus to making the evidence conform to the algorithm⁵⁰ , but the human mind is a remarkable mechanism that is characterized by its ability to understand complexity, balance variables accurately, and create different behaviors in judgments⁵¹

We conclude from what was mentioned, despite the advantages achieved by artificial intelligence in the field of justice, it is not qualified to replace the human judge at any time, if it is not possible to read the behavior of the plaintiff, or fully evaluate the

49) Zhang J, & Moreira J I (2023) *Promoting trustworthiness in the application of artificial intelligence in the judiciary: The intersection of media communication, court decisions, and public trust*. *International Journal of Criminal Justice Sciences*, 18(2), 481-496. <https://doi.org/10.5281/zenodo4756330>.

50) Stern R E, Lipman B L, Roberts M E, & Wang A (2022) *Automated justice? Artificial intelligence in Chinese courts: Columbia Journal of Transnational Law*, 59, pp514-553. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4026798

51) Brožek B, Furman M, Jakubiec M, & Kucharzyk B (2024) *The black box problem revisited: real and imaginary challenges for automated legal decision making: Artificial Intelligence and Law*, 32(2), p427-440. <https://doi.org/10.1007/s10506-023-09356-9>

case based on the analyzed data only, and this is achieved with the presence of a human judge taking advantage of the cooperation provided by artificial intelligence, such as providing advice or advisory opinion to issue a judgment more quickly, and human biases can be exposed when complete and transparent information is entered.

3.6 Infringement of public rights and freedoms

Despite the benefit that artificial intelligence achieves in terms of speed and ability to absorb an unlimited number of data and assist the judiciary, as we indicated earlier, this importance is not without challenges and limitations, the most important of which are related to public rights and freedoms, and the extent to which smart tools protect or violate them is not new, and researchers in recent years have paid a great deal of attention to this topic, identifying the effects of intelligence and the extent of transparency and biases when issuing smart predictions, perhaps the most important of which is the right to privacy. Perhaps the most important of them is the right to privacy, but this topic is becoming increasingly important and fundamental within the framework of the constitutional judiciary, because the constitutional courts are the basis for protecting the public rights included in the constitution, with greater importance than other courts, and a prominent example of this in the Netherlands is the fraud detection system "SyRI", which collected an unlimited number of personal data of individuals, and the mentioned system was challenged by civil rights organizations, to issue a ruling stating that smart tools violate the right to privacy⁵², 2024 , and its importance was confirmed by the constitutional text of Article (17) of the Iraqi Constitution of 2005, "Everyone has the right to privacy", and the introduction of ethnicity is part of accuracy programs sometimes, or an element of training, and some liken the addition of ethnicity "like visual accounting in daily human interactions", and represents a training element that does not raise any issue involving infringement of public rights and freedoms, except in the case of affecting constitutional provisions, and the concerns raised in this regard is the bias derived from training data, for example, according to in 2013, 90% of searches for

52) Barysè D & Sarel R (2024) *Algorithms in the court: Does it matter which part of the judicial decision-making is automated? Artificial Intelligence and Law*, 32:117,p118-146. <https://doi.org/10.1007/s10506-022-09343-6>

African⁵³-American people show ads for arrest records, compared to about 25% for white people.

The data and surveillance of individuals represent the most accurate risk of limiting judicial decisions about the intersection of smart gadgets with the right to privacy⁵⁴, and another challenge to the application of technology is bias in issuing judgments, and it is worth noting that the impartiality of the constitutional judiciary is the most important condition for the validity of the judgment, and the violation of this quality entails the absence of a sense of justice, the abandonment of confidence in the judicial rulings, which generates chaos and the collapse of the rule of law and the possibility of individuals resorting to taking their rights themselves, which requires integrity and impartiality in judgments towards the parties to the case to ensure the prestige and status of justice and achieve credibility for the legal system⁵⁵ and equality for all individuals according to Article (14) of the Iraqi Constitution of 2005, "Iraqis are equal before the law without discrimination on the basis of gender, race, nationality, origin, color, religion, sect, opinion, economic or social status."

As a result of what was mentioned, individuals show their fears towards algorithms based on the idea of lack of impartiality, and as it is known that everything that is man-made is subject to error and imperfection, and this makes us face the hypothesis of the extent of bias towards certain individuals, and the bias may be due to the lack of judicial knowledge of the algorithm programmers.⁵⁶ In order to predict a more secure result in prediction, free from bias and strengthened by the confidence of individuals in the results, a questionnaire in which (296) individuals participated via the

53) - Huq A Z (2020) *Constitutional rights in the machine learning state: (Public Law and Legal Theory Working Paper No. 752)*. University of Chicago Law School, pp1-53. https://chicagounbound.uchicago.edu/public_law_and_legal_theory/

54) Fine A & Marsh S (2024) *Judicial leadership matters (yet again): The association between judge and public trust for artificial intelligence in courts: Discover Artificial Intelligence*, 4(4). <https://doi.org/10.1007/s44163-024-00142-3>

55) Zafar A (2024) *Balancing the scale: Navigating ethical and practical challenges of artificial intelligence: (AI) integration in legal practices: Discover Artificial Intelligence*, 4(27). <https://doi.org/10.1007/s44163-024-00121-8>

56) - Al-Karim YA (2023) *Artificial Intelligence Judgment Digitization Approach and Application: International Academy of Mediation and Arbitration*, pp. 4-30. <https://doi.org/10.13140/RG2.2..10259.45604>

Internet was conducted by⁵⁷, The result centered on the fact that using an algorithm with a medium level of automation in information acquisition is more secure, they believe that low levels predict more neutrally in the later stages, individuals trust the ability of intelligent tools in the information gathering stage more than their ability to predict judgments, and they believe that judges have a negative role in the last stage, while they emphasize their important role in applying their analytical and judicial expertise, as others have indicated⁵⁸ that 40% of individuals do not trust artificial intelligence, and often educated individuals are more skeptical because they know its limitations and potential risks, and it is certain that human judgment may also carry bias, so the use of the machine must be free of bias.⁵⁹ However, technological knowledge and confidence in the judiciary can minimize the potential risks and lead to successful court rulings⁶⁰

In addition to the aforementioned challenges, there is a risk that is similar to the risk of compromising public rights, which previous researchers did not refer to in the research papers within the challenges to rights and were limited to addressing the challenges of bias, impartiality and adequacy, and is represented by the repetition of constitutional provisions related to public rights, and their adherence to one pattern without diversity or compatibility with emerging social conditions, and in addition to what was mentioned, there is the accumulated judicial experience and the judicial orientation of the judiciary. The accumulated judicial experience and the judicial orientation of the constitutional judge, as one of the deliberating constitutional judges may have a special and distinct philosophy acquired from the practice of judicial work, which has an important impact on his orientation, and he was one of the best experienced judges, and the most eloquent in expressing the values that represent a better approach to society, reflecting on constitutional legality and the ability to devise the best and most

57) - Barysè D & Sarel R (2024) *Algorithms in the court: Does it matter which part of the judicial decision-making is automated?* *Artificial Intelligence and Law*, 32:117,p118-146. <https://doi.org/10.1007/s10506-022-09343-6>

58) Fine A & Marsh S (2024) *Judicial leadership matters (yet again): The association between judge and public trust for artificial intelligence in courts: Discover Artificial Intelligence*, 4(4). <https://doi.org/10.1007/s44163-024-00142-3>

59) Imam. HM (2024) *The role of intelligence in promoting justice: Challenges and opportunities: Journal of Social Studies*, 30(1), 60-80

60) - Górski M (2023) *Why a human court? On the right to a human judge in the context of the fair trial principle: eucrim - The European Criminal Law Associations' Forum*, 1, 83-88. <https://doi.org/10.30709/eucrim-2023-008>

likely solutions to serve the public interest⁶¹, which enhances the ability to create new rights from a public right mentioned in the constitution, and this happens in specific cases before the judiciary, and it requires a social movement to decide on a new right⁶², so can AI generate new rights when predicting, and perhaps its ability to collect data is stronger than predicting new rights from an existing public text.

For example, the Federal Constitutional Court in Germany went to support the right to education, in its ruling issued on November 30, 2021, in which it recognized for the first time the right to "school education for children and adolescents against the state", and it seems that this recognition came as a result of the threat posed by the pandemic to education at the time, and Article (2, paragraph 1) of the Basic Law of Germany indicated "Everyone has the right to the free development of his or her personality." Furthermore, Article 7(1) states that "the entire school system is under the supervision of the state." The Constitutional Court ruled that these articles correspond to the individual right to school education, "The Court explained that the right to education stems from the right of children to the free development of their personality as stated in Article 2(1) of the Basic Law." The Court also stated that the right to education stems from the right of children to the free development of their personality as stated in Article 2(1) of the Basic Law. The Supreme Court of Japan, in a 1995 ruling, recognized the right to fingerprint protection based on Article 13 of the Japanese Constitution, which states, "All citizens are respected as individuals, and the rights of citizens to life, liberty, and the pursuit of happiness, as long as they are not contrary to the public interest, shall be respected to the fullest extent in legislation and other national policies." Based on this, the court noted that fingerprints are unique to each human being, and with them there may be an invasion of privacy, and the court's ruling implies that individuals should not be forced to provide fingerprints, as they do not provide information about their thoughts or personal lives, and that the right to protect fingerprints is part of the text of Article (13) related to the freedom of citizens in their private lives"⁶³

61) Al-Murr A (2003) *Judicial control of the constitutionality of laws in its main features*: René-Jean Daboui Center for Law and Development, Alexandria

62) -Hashiguchi M (2024) *Constitutional rights of artificial intelligence: Washington Journal of Law, Technology&Arts*, 19(2),pp23-63. <https://digitalcommons.law.uw.edu/wjlta/vol19/iss2/2>

63) Hashiguchi M (2024) *Constitutional rights of artificial intelligence: Washington Journal of Law, Technology&Arts*, 19(2),pp23-63. <https://digitalcommons.law.uw.edu/wjlta/vol19/iss2/2>

This supports our previous opinion that the rulings of the constitutional judiciary are sensitive and necessary to organize the entire society without limiting it to an individual, as the role of the constitutional judge is not limited to the legal aspects and literal conformity to the texts, but extends to other aspects such as innovation and the creation of constitutional rights.

4 THE THIRD AXIS / BALANCING BETWEEN THE INDEPENDENCE OF THE CONSTITUTIONAL JUDICIARY AND THE APPLICATION OF ARTIFICIAL INTELLIGENCE

In light of the developments in artificial intelligence, and the spread of electronic transactions, it has become easy to attack the data provided by individuals, whether to complete transactions or subscribe to websites, and the matter is not limited to this limit, as complex technology is able to track the lives of individuals and enter their daily details without the need for human intervention, which exposes their lives to violation and assault by others, so it became necessary to establish constitutional protection for the privacy of individuals in light of technological development, by enshrining this protection constitutionally, and passing laws regulating the use of smart technologies, also the existence of the supervision

4.1 First. Legal regulation of AI technologies

The legal regulation of artificial intelligence is one of the fundamentals of the practical application of smart technologies, if the application cannot continue without the existence of a law regulating this, as a result of the lack of smart technologies to understand social norms, which requires the existence of appropriate legislation, especially in cases where there is a conflict with constitutional principles, which leads to serious consequences, and here the need appears for a legal framework to regulate the use of artificial intelligence and protect the personal data of individuals in the digital environment, as well as determine legal responsibility for illegal acts that may arise from the use of smart technologies, and perhaps the easiest way to create the

The prominent role of the legislative authority in regulating the practice of smart technologies appears, and steps have already begun to move in this direction, including the position of the American legislator and the European legislator, in 2024 the "Artificial Intelligence Law" entered into force, and it is the first European law for artificial intelligence, regulating what is related to advanced technology and emphasizing finding the right balance between protecting individual rights on the one hand and innovation on the other⁶⁴ As for the position of the Iraqi legislator, he regulated the limits of what relates to AI systems or its applications in traditional legal frameworks originally, as he did not deal with these terms, but addressed some of its issues in the provisions of the Civil Code No. 40 of 1951, under the name of mechanical machines or objects that require special care in Article 231, which stipulates that "whoever has at his disposal mechanical machines or other objects that require special care to prevent their damage, shall be responsible for the damage they cause He shall be responsible for the damage he causes unless he proves that he took sufficient precautions to prevent such damage." It is noted in this text that the Iraqi legislator did not address the idea of artificial intelligence or its technologies, as there is no sufficient legal regulation of artificial intelligence in the legislative system in Iraq, whether in terms of producing or importing its intelligent applications, or even how to use it properly according to the ethics of artificial intelligence, which is regulated by the legislation of some countries

It is worth noting that the Iraqi Council of Ministers recently launched in 2023 (the National Strategy for Artificial Intelligence and Big Data Integration), and it was created in order to reach the final vision for the establishment of the Iraqi National Strategy for Artificial Intelligence, which is currently under development, and this strategy was established with multiple ministries in the Iraqi government as well as the participation of the private sector side by side following the "rapid development approach" in which the Iraqi government receives all ideas and projects that have a role in developing and enhancing the government's vision in the field of AI applications, and the Iraqi government encourages the role of citizens. Table 5 highlights how different legal systems (Iraq, EU, USA) are approaching **regulatory frameworks** for AI in judicial

64) AI Online Course (n.d.) Lex Machina [AI software overview]. AIONLINECOURSE: <https://www.aionlinecourse.com/ai-softwares/lex-machina> (Accessed March 4, 2025)

contexts. It supports your discussion in the **third axis** regarding legal regulation and oversight.

Table 5

Legal and Regulatory Responses to AI Use in Judiciary

Relevance to Constitutional Judiciary	Status / Scope	Legal Framework / Initiative	Jurisdiction
No current law for constitutional judiciary use	Preliminary strategy; lacks specific AI regulation	Civil Code Art. 231; National AI Strategy (2023)	Iraq
Prohibits high-risk AI in justice without transparency	First comprehensive AI law; risk-based approach	Artificial Intelligence Act (2024)	European Union
Emphasizes human oversight; cautious on constitutional use	Fragmented approach; focuses on fairness and explainability	State-level initiatives; AI Bill of Rights (proposed)	United States

4.2 Second. Judicial supervision of the application of smart technologies

The application of smart technologies in the Iraqi Federal Supreme Court is not limited to the issuance of legislation suitable for artificial intelligence, but there is an urgent need to develop the constitutional judicial system in a way that enables it to supervise the application of smart technologies. Perhaps it is recognized that federal courts monitor the decisions of lower courts, but this does not prevent them from exercising control over their decisions before they are issued in a way that achieves justice, through several practices, including integrity tests, to investigate the extent to which algorithms can receive data and their ability to process it to verify the conformity of the rules

It is not limited to strengthening the role of the constitutional judiciary by supervision and monitoring, but also requires the qualification of human, financial and technical cadres, as the availability of human cadres is the most important component of any successful institution, in accordance with the needs of the court related to information systems or artificial intelligence, especially the financial aspect from which the institution draws its strength in developing infrastructure, as well as training judicial cadres to refine skills and develop their practical performance, and promoting technological culture such

as establishing training institutes and preparing training plans to understand the mechanisms to deal with algorithms and achieve efficiency in work⁶⁵

From what was mentioned, in order for smart applications to be trustworthy and applicable, they must be in accordance with the constitution and respect legal rules, as well as ethical rules, the effectiveness of the systems in a way that achieves confidence in them, and respect for human autonomy, i.e. the human judge is the main pillar in issuing judgments using artificial intelligence as an auxiliary tool. Without giving it the primary role in the constitutional judiciary in a way that gives it the right to take or predict judgments, with attention to continuous development by specialized bodies and experienced teams with the ability to simulate development and effectiveness for use in a safe manner that does not raise any reservation related to the privacy of individuals or compromise them, and it is necessary to focus on several points, including not relying entirely on algorithms by copying them. The legislator determines the controls of the use of artificial intelligence technology in the field of judicial justice, so that this technology is not a tool to violate the rights of individuals and not to compromise the confidentiality of the data and information provided by him, in addition to emphasizing the rule of justice and equality between members of society, continuous training and adding new provisions, case law and constitutional and legal texts to all state laws so that the machine can review the constitution when examining the constitutionality of a text, to become a smart technology with it.

5 CONCLUSION

At the conclusion of our modest research paper entitled (Employing Artificial Intelligence in Constitutional Judiciary), we would like to point out a set of conclusions and proposals, represented by the following:

65) Imam. HM (2024),p100.

5.1 Conclusions

1_Artificial intelligence has a prominent and newly developed role in performing many legal tasks in many countries, and its tasks are distributed between assistance, analysis and prediction, due to the ability of machine learning algorithms to accomplish tasks accurately and quickly in light of the increasing cases before the ordinary courts.

2_The application of artificial intelligence in the constitutional judiciary is not an easy matter, given that the rulings issued by it have an important specificity as they are peremptory rulings that cannot be challenged, and because they relate to the sovereignty of the state, the constitutional judiciary is like a device that preserves the primacy of the constitution, ensures constitutional justice, and prevents the authorities from arbitrarily using their constitutionally recognized rights, and Iraq has not yet used artificial intelligence in the judiciary, but this does not prevent application as assistive tools with direct control of smart tools and review of their work, whether in procedures before the case reaches the competent judge, or reviewing legal texts and conformity with them.

3_ Artificial intelligence is currently gaining double importance as the most prominent example of technological development due to its superior ability to accomplish tasks that mimic human intelligence, and interest in its application is increasing after it has become a path that everyone will take sooner or later, and perhaps the talk about legal and ethical regulation is the most important in light of the application, and when researching comparative legislation, we find that the American and European experience is distinguished by the adoption of laws or readiness to launch legislation governing artificial intelligence, but the Iraqi legislator has not issued a governing law or ethical instructions to facilitate application. We find that the American and European experience is distinguished for its adoption of laws or its readiness to launch legislation governing artificial intelligence, but the Iraqi legislator has not issued a governing law or ethical instructions that facilitate application, which generates uncontrolled use of smart technologies, but this negatively affects the use due to the absence of legal legislation.

4_- The search for the independence of the constitutional judiciary through artificial intelligence is premature, and the use of artificial intelligence in the constitutional judiciary does not achieve exemplary application, regardless of the efforts made, as there remain shortcomings that are completed by the human judge, which relies

on the important role of humans in accomplishing and thinking with discretionary authority and combining various data to issue a judgment that is consistent with the nature of society and constitutional and political life.

5.2 Proposals

1- In order to preserve the constitutional status that the constitutional judiciary enjoys among other institutions, protect personal data, and the general trust of individuals in the constitutional institution, we propose the enactment of a law that regulates the use of artificial intelligence, and the imposition of judicial oversight in the appropriate manner, and provides for the formation of a body headed by the Minister of Communications and the membership of a number of ministry representatives to oversee the quality of the systems used and the nature of their work, establish the basics of their use, and guide the competent authorities on how to use them ethically and not in violation of legal rules, to achieve the maximum possible benefit from smart technologies, in addition to keeping pace with developments in the field of AI.

2_ To apply artificial intelligence in the Iraqi Federal Supreme Court, it is necessary to use a tool with a distinct and institutionalized design that saves personal data and does not share it with other parties, in order to preserve privacy with machine learning that can be supervised and monitored, and to use it experimentally, as well as strengthening the role of the Arabic language digitally by training linguistic engineers to study computational linguistics, which achieves the link between smart technologies and understanding the Arabic language.

3_ To achieve the controlled use of smart technologies, there must be conditions that vary between laws that define the controls and limits of smart technologies, training, infrastructure allocation, and transparency, and Iraq is newly seeking to activate the mentioned use, relying on the experiences of countries, and the Supreme Judicial Council has begun to actively enter into these efforts, through cooperation with UNESCO in Iraq, in order to achieve the link between smart technologies and the understanding of the Arabic language. with UNESCO in Iraq to train more than a hundred judges, as a first phase, by introducing them to training courses at the Judicial Development Institute, achieving information literacy and technical literacy, in order to prepare judges capable

of dealing with issues arising from the use of artificial intelligence, which has become an inevitable and inevitable path, as specialists believe.

4_Strengthening cooperation with developed countries to develop artificial intelligence, exchange experiences, and import tools that suit the constitutional environment.

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Authors' Contribution

All authors contributed equally to the development of this article.

Data availability

All datasets relevant to this study's findings are fully available within the article.

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