Machine Translated by Google
RCMOS - Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: 05/15/2026 | Accepted: 05/18/2026 | Publication: 05/21/2026

Artificial **intelligence in civil proceedings: impacts on evidence production, automated decisions, and fundamental guarantees.**

Artificial intelligence in civil procedures: impacts on the production of evidence, automated decisions, and fundamental guarantees

Artificial intelligence in civil procedure: impacts on the production of tests, automated decisions and fundamental guarantees

Francisca Letícia Silva Aguiar1
Marcela Campos dos Santos Leonhardt2
Naiara Nascimento dos Santos3
Enemara de Oliveira Assunção4

Summary

Artificial intelligence (AI) has expanded technological capabilities in the context of civil proceedings, but has also raised challenges to the evidence production chain, judicial decision-making, and the preservation of fundamental guarantees. In the production of evidence, technologies such as *deepfakes...* They break the presumption of authenticity of audiovisual media, requiring specialized technical-expert validation to ensure reliability. Regarding decisions, there is doctrinal and normative convergence in the sense that AI should operate only as an auxiliary instrument, under close human supervision, never replacing the magistrate. Furthermore, the application of AI in the Judiciary imposes unrestricted respect for the clauses guaranteeing due process, the right to a fair hearing, the right to a full defense, the right to reasoned decisions, and the right to a natural judge, which requires algorithmic transparency and technical accountability. This study critically analyzes these dimensions, articulating the national doctrinal dialogue and judicial decisions, in order to demonstrate that, although AI can increase efficiency, it also imposes constitutional risks that can only be mitigated by adequate regulation and the strengthening of fundamental procedural safeguards.
Keywords: artificial intelligence; digital evidence; deepfake; automated judicial decisions; procedural guarantees.

Abstract:

Artificial intelligence (AI) has expanded technological capabilities within civil procedures. However, it has also raised significant challenges regarding the production of evidence, judicial decision-making, and the preservation of fundamental guarantees. In the field of evidentiary production, technologies such as deepfakes undermine the presumption of authenticity traditionally associated with audiovisual media, necessitating specialized technical and forensic validation to ensure reliability. Regarding judicial decisions, both legal doctrine and regulatory frameworks converge on the understanding that AI should operate solely as an auxiliary tool under strict human supervision, never replacing the judge. Furthermore, the application of AI within the Judiciary demands full compliance with the constitutional guarantees of due process of law, adversarial proceedings, full defense, reasoned decisions, and the principle of the natural judge, which requires algorithmic

[1] 9th semester Law student at the Aparício Carvalho University Center – FIMCA. Email: leticia539@icloud.com

[2] Ninth-semester Law student at the Aparício Carvalho University Center – FIMCA. Email: marcelaleonhardt@gmail.com

3 Academic in the 9th semester of Law at the Aparício Carvalho University Center – FIMCA. E-mail: naiaranascimentodossantos413@gmail.com

[4] Supervising Professor. Graduated in Law from the State University of Ponta Grossa. Master's degree in Law. Social Relations from the Federal University of Paraná – UFPR. Professor affiliated with the Department of Law at the Aparício Carvalho Integrated Faculties – FIMCA. Lawyer. E-mail: enemara.oliveira@fimca.com.br. Link to Lattes Curriculum: http://lattes.cnpq.br/7069955233599741

This article is published in open access under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google
RCMOS – Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: 05/15/2026 | Accepted: 05/18/2026 | Publication: 05/21/2026

transparency and technical accountability. This study critically examines these dimensions by articulating national doctrinal perspectives and judicial precedents to demonstrate that, although AI may enhance procedural efficiency, it also poses constitutional risks that can only be mitigated through adequate regulation and the strengthening of fundamental procedural safeguards.
Keywords: artificial intelligence. Digital evidence. Deepfakes. Automated judicial decisions. Procedural guarantees.

Introduction

The technological advances of recent decades have brought about profound transformations in social, economic, and institutional structures, and the Judiciary has not remained immune to this. process. Artificial intelligence has begun to be used in different stages of the activity. jurisdictional, from the screening and classification of cases to the identification of precedents and the Drafting decision minutes, establishing a new paradigm of institutional modernization. (Gontijo *et* al., 2024). This scenario is reinforced by initiatives such as the Justice 4.0 Program, from The National Council of Justice, which encouraged the adoption of technological solutions in the courts of throughout the country, in accordance with the constitutional principle of reasonable duration of proceedings, provided for in article 5, item LXXVIII, of the Federal Constitution (Cadip, 2025).

Specifically in civil proceedings, artificial intelligence has begun to influence the production and the evaluation of evidence, with systems capable of authenticating digital documents, analyzing audio and videos and identify patterns in large volumes of procedural data (Gontijo *et* al., 2024). In parallel, generative artificial intelligence tools, capable of creating texts, images and Synthetic videos have brought new challenges to evidentiary integrity, especially with the The emergence of so-called *deepfakes,* capable of authentically simulating non-existent situations and compromising the reliability of digital evidence (Tavares, 2025). This scenario calls for in-depth reflection on the criteria of admissibility, authenticity, and evaluation of evidence produced or analyzed with the aid of technology.

Despite the benefits mentioned, the use of artificial intelligence in civil proceedings This raises complex questions regarding the preservation of fundamental constitutional guarantees. assured. The algorithmic opacity of automated systems can compromise the adversarial process, the right to a full defense, the duty to provide reasons for judicial decisions, and the principle of the judge. natural, generating risks of discrimination and exclusion from human control over the activity. jurisdictional (Durli, 2025; Pollicino and Paolucci, 2022).

Given this, the following research problem arises: how does the application of Artificial intelligence in civil proceedings impacts the production of evidence and automated decisions. without compromising the fundamental guarantees provided for in the Federal Constitution?

This article is published in open access under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google
RCMOS – Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: 05/15/2026 | Accepted: 05/18/2026 | Publication: 05/21/2026

It is assumed that artificial intelligence can contribute to procedural efficiency, since that its use be accompanied by mandatory human supervision and mechanisms of algorithmic explainability, in accordance with the constitutional principles of the process. (Pollicino; Paolucci, 2022). It is also acknowledged that the risks arising from algorithmic biases and the The lack of transparency in automated systems necessitates specific regulation and control. democratic to guarantee the legitimacy of AI-assisted judicial decisions (Durli, 2025). In this sense, the question arises: is it possible to reconcile the automation of civil proceedings with full... Observance of the fundamental guarantees provided for in the Brazilian legal system?

The overall objective of this work is to analyze the impacts of artificial intelligence on the process. Brazilian civil law, focusing on the production of evidence, automated decisions, and limits. imposed by fundamental guarantees. As specific objectives, it seeks to: conceptualize the Artificial intelligence and its main applications in civil procedure; examining the positioning Doctrinal analysis regarding the compatibility of automated systems with constitutional principles; to analyze the jurisprudence of Brazilian courts on the subject; and to investigate the normative debates. and current legislation regarding the regulation of artificial intelligence in the Judiciary (Gontijo *et* al., 2024; Cadip, 2025).

The relevance of this study stems from the growing prominence of artificial intelligence. in the Brazilian justice system, a phenomenon that demands critical reflection from the legal community. The lack of consolidated regulations on the use of AI in civil proceedings can lead to violations of fundamental rights, especially in the face of tools such as *deepfakes,* which They threaten the integrity of digital evidence and legal security (Tavares, 2025).

From an academic standpoint, the research aims to contribute to the advancement of the debate on The constitutionalization of algorithms and the protection of fundamental rights in the digital age, area still lacking specific scientific production within the scope of Brazilian civil procedure.

The methodology adopted consists of a narrative and qualitative literature review, with gathering works from recognized databases, such as Google Scholar, Journals CAPES and SciELO, through filtering by keywords, artificial intelligence, civil procedure, digital evidence, automated decisions and fundamental guarantees, and with a period of time included between 2016 and 2026. As an inclusion criterion, articles published in the following languages were selected. Portuguese, English, and Spanish, available free of charge; works with texts were excluded. incomplete or with restricted access (Marconi, Lakatos, 2019).

Following this introduction, the work is structured into three main thematic sections. A The second section will address artificial intelligence, presenting its concept, evolution, and main features. applications in the legal context, with emphasis on judicial automation and the use of systems in the Judiciary.

This article is published in open access under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google
RCMOS - Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: 05/15/2026 | Accepted: 05/18/2026 | Publication: 05/21/2026

The judiciary, as well as its impact on judicial decisions. The third section will discuss preservation. of fundamental guarantees, with emphasis on the right to a fair hearing, the right to a full defense, and due process. legal, the rationale for decisions, and the need for human oversight. Finally, the fourth section will examine the impact of artificial intelligence on the production of digital evidence, considering the challenges related to the authenticity, reliability, and evaluation of this evidence in civil proceedings.

Artificial intelligence

Artificial intelligence, known as AI, can be conceptualized as a field of science. of computing dedicated to creating systems capable of performing tasks that would normally require human intelligence, such as reasoning, learning, decision-making, and problem-solving. complex problems (Gontijo et al., 2024).

According to Siqueira et al. (2022), AI ranges from classic algorithms based on fixed rules even more advanced machine learning and deep learning systems, that use structures similar to artificial neural networks to interpret large volumes of data and identify non-linear patterns.

The term artificial intelligence was first introduced in 1955 by researchers John McCarthy, Marvin Minsky, Nathaniel Rochester and Claude Shannon, during the The famous Dartmouth Conference, with the conjecture that all aspects of learning They could be described with sufficient precision that a machine could simulate them (Siqueira). et al., 2022). This historical definition remains influential, even though the technology has evolved. significantly since then.

In the legal field, artificial intelligence has been defined as a set of systems. computational tools aimed at discovering patterns, identifying trends, and analyzing potential scenarios. to make predictions about what might happen in similar concrete cases, thus helping, in decision-making (Gontijo et al., 2024).

Durli (2025) adds that artificial intelligence in the context of the Judiciary is This is achieved through automation tools that assist in classifying actions, in managing procedural steps and even issuing decisions, always with the The stated objective is to optimize judicial review time and eliminate the possibility of erroneous decisions. conflicting issues that generate legal uncertainty. The author emphasizes that AI can be especially useful. in repetitive tasks and mass processes, in which the basis, the cause of action and the The requests are very similar, allowing the machine to assist the data administrator in a... volume of data that is impossible to update manually (Durli, 2025).

This article is published in open access under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google
RCMOS - Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: 05/15/2026 | Accepted: 05/18/2026 | Publication: 05/21/2026

The use of these tools by the Judiciary raises discussions about security.
legal aspects, institutional responsibility, and reliability of information produced by systems.
automated.

One of the main topics currently under discussion concerns algorithmic explainability.
Contemporary doctrine holds that individuals affected by automated decisions should
to have access to the criteria used by artificial intelligence systems. This understanding stems from
directly from the adversarial process and the right to a full defense.

Another relevant debate concerns mandatory human supervision. A large part of
The authors understand that artificial intelligence can assist judges and court staff, but not
to completely replace human judicial activity.

Artificial intelligence is not endowed with absolute neutrality, as its algorithms are products of...
of human interpretations and decisions, and may carry biases and prejudices from their creators.
(Pollicino and Paolucci, 2022). Durli (2025) emphasizes that algorithmic biases can be a cause
of unequal treatment, since the dependence on the data provided, as well as the values and
The intentions of the programmers can result in subjective decisions and potential illegalities.

The author exemplifies this concern with the case of the COMPAS system in the United States.
United, which displayed clear racial bias by categorizing Black people as having greater
propensity for recidivism compared to white people (Durli, 2025). Thus, the concept of intelligence
Artificiality in civil proceedings cannot be dissociated from the need for ethical control and transparency.
and respect for fundamental rights.

Furthermore, Siqueira et al. (2022) highlight that artificial intelligence operates through
different techniques, the most common being supervised learning, unsupervised learning and...
by reinforcement. Each of these techniques presents specific challenges for procedural law,
especially regarding the explainability of decisions and the possibility of judicial review. The authors
They argue that, for AI to be used ethically in the Judiciary, it is necessary that...
Systems should be designed with mechanisms for transparency and auditability, allowing them to...
parties and judges understand how the machine arrived at a particular conclusion (Siqueira
et al., 2022). Therefore, the concept of artificial intelligence in civil proceedings should not be understood as...
not as an autonomous and neutral entity, but as a complex tool that reflects choices.
Humans are the primary agents and, therefore, require strict regulation and supervision.

In the Brazilian legislative landscape, Bill No. 2338/2023 stands out, known as
Legal Framework for Artificial Intelligence. The project establishes guidelines for the regulation of...
Artificial intelligence in Brazil, classifying systems according to the degree of risk involved. The project
It includes requirements related to transparency, the protection of fundamental rights, and oversight.

This article is published in open access under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google
RCMOS - Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: 05/15/2026 | Accepted: 05/18/2026 | Publication: 05/21/2026

human and automated systems auditing.

The National Council of Justice also began issuing regulations on the use of Artificial intelligence in the Judiciary. Resolution No. 332/2020 establishes ethical guidelines for... The use of AI by Brazilian courts, requiring adherence to transparency and security. and to respect for fundamental rights. The resolution stipulates that artificial intelligence systems The methods used by the Judiciary must respect principles such as equality and non-discrimination. advertising and human control.

In this context, it is clear that the contemporary trend does not point towards replacement. The complete execution of the magistrate's duties by the machine is not the primary focus, but rather the development of intelligence models. Artificial assistive devices designed to support judicial activity.

2.1 Judicial Automation

Nazareno Reis and Gabriel Furtado (2022) define automated decision-making as decision-making by a A computer system in which the program (algorithm) determines the result based on data. input, without conscious human intervention. In this concept, the machine processes It digitizes information and "simulates" the calculable portion of human intelligence, but does not operate. by free will. In other words, automated decisions involve elements of intelligence. artificial intelligence systems that perform arithmetic calculations according to pre-established rules, providing a response (decision) based on the patterns identified in the data.

Judicial automation can be understood as the use of technological systems, algorithms and artificial intelligence mechanisms to assist or perform related activities to the functioning of the Judiciary. Such systems are mainly used in tasks repetitive tasks, in the organization of procedural data, in the triage of demands, and in the identification of precedents.

The expansion of artificial intelligence in the Judiciary is directly related to the development of the algorithmic society. Jack Balkin defines the algorithmic society as one structured in The text discusses the role of algorithms and automated systems in making social and economic decisions. The influence of these mechanisms goes beyond the economic field and also reaches institutions. public, including the judicial system.

Frank Pasquale, in his work "The Black Box Society," argues that algorithms exert a growing normative power without adequate social transparency. For the author, systems Automated systems can directly influence the lives of individuals without the criteria used being considered. be fully understood by society.

This article is published in open access under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google
RCMOS - Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: 05/15/2026 | Accepted: 05/18/2026 | Publication: 05/21/2026

In this sense, Pasquale states that automated systems remain "obscured by a triple layer of technical complexity, secrecy and economic espionage norms" (PASQUALE, (2015). The author's observation highlights that algorithmic nebulosity does not stem solely from technical difficulty in understanding artificial intelligence systems, but also the absence institutional transparency regarding the criteria used in automated decisions. Within the scope In civil procedure, this issue takes on particular relevance, as the use of algorithms without Adequate explainability can compromise fundamental guarantees, reinforcing the need for Continuous human oversight of decisions assisted by artificial intelligence.

In the constitutional field, Francisco Balaguer Callejón defends the need to "constitutionalize". the algorithm", adapting automated systems to constitutional principles and guarantees. fundamental. Technological advancement demands the updating of traditional legal structures to To ensure the effectiveness of fundamental rights in the digital age.

Contemporary legal doctrine recognizes that artificial intelligence has significant potential. for the modernization of the Judiciary. However, a large number of authors argue that its Use must comply with the fundamental rights enshrined in the Constitution. Federal.

Ingo Wolfgang Sarlet argues that the protection of personal data constitutes a fundamental right. autonomous, directly related to the dignity of the human person, to freedom and self-determination informative. The author states that there is no irrelevant personal data in society. information, as any automated processing can have an impact on rights fundamental.

Laura Schertel Mendes also points out that automated decisions must observe criteria of Transparency and explainability, ensuring that the individual is aware of the parameters used. by algorithms.

Daniel Mitidiero argues that technology can contribute to streamlining the system. procedural, especially in the organization of precedents and repetitive demands, provided that it is preserving the human basis of judicial decisions.

Similarly, Patricia Peck states that the development of artificial intelligence should observe ethical principles, transparency and accountability in the automated processing of information.

Constitutional Amendment No. 115/2022 included the protection of personal data among the rights. fundamental rights foreseen in article 5 of the Federal Constitution.

The General Data Protection Law (Law No. 13.709/2018) plays a fundamental role in

This article is published in open access under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google
RCMOS – Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: 05/15/2026 | Accepted: 05/18/2026 | Publication: 05/21/2026

right to request a review of decisions made solely on the basis of treatment
automated.

The National Council of Justice has begun to encourage the digitization and automation of the Judiciary.
through the Justice 4.0 Program, developed in partnership with the United Nations Program
for Development. Among the main benefits of judicial automation are:
Reduction of procedural delays; increased judicial productivity; rationalization
administrative; standardization of case law; optimization of repetitive tasks.

In the context of case law, the Supreme Federal Court has recognized data protection as
fundamental right implicit in ADIs 6387 and 6388, relating to the sharing of data of
telecommunications users. In ADI 6387, the STF highlighted the importance of protecting the
Privacy and informational self-determination in the context of mass data processing.
personal. The decision consolidated the understanding that data protection constitutes an element
essential to the preservation of individual liberties.

The Supreme Federal Court has also been debating issues related to the responsibility of
digital platforms when interpreting article 19 of the Brazilian Internet Bill of Rights in Topic 987.

The various courts have started using artificial intelligence systems. The Supreme Court
The Federal government implemented the Victor system, an artificial intelligence tool developed in
partnership with the University of Brasília, used to identify processes related to
general repercussion. The Supreme Federal Court (STF) has adopted a cautious stance, using artificial intelligence.
exclusively for preparatory and screening activities, such as document sorting,
classification of procedural documents and identification of major general impact issues
incidence, without delegating the decision-making function to it. Subsequently, the STF launched other tools,
such as RAFA, which classifies processes according to the Development Goals.
Sustainable development is part of the UN's 2030 Agenda, and VitórIA identifies and groups processes with these themes.
similar (CADIP, 2025).

The Superior Court of Justice has started using technological tools to increase efficiency.
administrative and judicial productivity and developed the Socrates and Athos systems, designed to
Identify groups of similar processes and monitor convergent and divergent understandings.
always under human supervision (CADIP, 2025).

At the Federal Regional Court of the 1st Region, projects for procedural automation and electronic management.
Solutions to address repetitive demands are also being implemented, especially in line with the
guidelines of the National Council of Justice.

The Court of Justice of Rondônia has also joined the judicial digitization process.
participating in programs linked to Justice 4.0 and implementing processing mechanisms

This article is published in open access under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google
RCMOS – Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: 05/15/2026 | Accepted: 05/18/2026 | Publication: 05/21/2026

Electronics and process workflow automation. Emphasis is placed on the development of proprietary tools.
artificial intelligence tools, such as Sinapses and Codex, developed in partnership with the Council
National Justice System and later expanded nationwide (CADIP, 2025). The TJRO also
developed LexIA, an automation tool aimed at streamlining judicial processes, and established a center.
study and application of artificial intelligence in the routines of the Judiciary (CADIP, 2025).
However, as in other courts, the jurisprudential practice in Rondônia has been of
to use artificial intelligence exclusively for repetitive and automated tasks, such as
classification of petitions, drafting of orders, and triage of cases.
preserving the final decision as the exclusive prerogative of the human magistrate, in accordance with
in accordance with the guidelines established by Resolution No. 332/2020 of the National Council of Justice, which
It requires human oversight and transparency in the use of artificial intelligence tools in government.
Judiciary (CNJ, 2020).
Despite technological advancements, the doctrine emphasizes the need for human oversight.
mandatory in decisions assisted by artificial intelligence. Judicial activity involves
Constitutional interpretation, balancing of principles, and analysis of subjective elements.
incompatible with fully automated decision-making.
The use of artificial intelligence raises significant concerns, such as algorithmic opacity.
which can make it difficult to understand the criteria used by automated decisions,
compromising constitutional principles related to the right to a fair hearing, the right to a full defense, and due process.
legal process.
Another risk highlighted by legal scholars relates to algorithmic discrimination: automated systems.
Analysts trained with biased data can reproduce social and institutional inequalities, affecting...
The impartiality of the decisions.
Regarding the use of artificial intelligence in judicial decisions, such as judgments and rulings,
especially in their justification. Article 93, item IX, of the Federal Constitution requires
Adequate motivation is needed, which makes it difficult to adopt completely automated and opaque models.
Therefore, the use of artificial intelligence in the judicial process must occur in a compatible manner.
in accordance with the Democratic Rule of Law and the constitutional principles of due process.
In the field of judicial decisions, the central debate revolves around the boundary between automation and...
Human control. AI technologies can assist the judge in repetitive tasks, such as research.
case law, screening of appeals and drafting of decision outlines, but several currents
They argue that AI should not go beyond the role of a mere supporting player.
Convergingly, the guidelines of the Brazilian Judiciary itself have been reinforcing this.
idea. Resolution CNJ 615/2025, for example, expressly established that AI systems that

This article is published in open access under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google

Year VII, v.1 2026 | Submission: 05/15/2026 | Accepted: 05/18/2026 | Publication: 05/21/2026

Those operating within the Judiciary should require continuous human supervision and allow the magistrate to modify...
any results generated.

In parallel, the institutional announcement from TRF1 emphasizes that "AI should only act as
A decision support tool, never a replacement for human action," a position that reflects
understanding of legal scholars such as Gaio Jr. and Gontijo. In fact, national legal doctrine is critical of the "judge-
The algorithm is based on the non-transferable nature of the judicial function: only the natural judge,
Endowed with impartiality and social trust, he can make the final judgment on controversies.

In this context, automated decision making is only authorized at subsidiary levels, such as
suggestions for agreements based on objective parameters or the predictive application of legal rules,
always with full subsequent human involvement.

The CNJ (National Council of Justice) and the TRF1 (Regional Federal Court of the 1st Region) emphasize that decisions arising from civil actions or enforcement proceedings should not derive from...
exclusively from automated data processing; on the contrary, there must be transparency.
Regarding the use of AI and the recording of its participation in the process.

The civil legislator himself, for example, already provides for the possibility of acts in article 193 of the CPC.
electronic procedures, but always subject to ratification by the magistrate, thus preventing any
The idea is that AI could act ex officio in the final stage of the provision. In short, it is observed...
convergence between authors and the normative position that the judge cannot delegate.
your final decision rests with an algorithm.

The Judiciary has consolidated an approach based on the ethical governance of AI: it has established the
The National AI Committee created guidelines that prohibit the algorithmic classification of people and
They ensure the constant updating and auditing of systems, all to prevent automatic deviations.
without supervision.

3. Preservation of Fundamental Guarantees

National doctrine has focused on analyzing the compatibility between artificial intelligence and...
Fundamental guarantees of civil procedure. The principle of due process of law requires that...
Automation should not eliminate the right to a fair hearing or the right to a full defense.

Gontijo et al. (2024) emphasize that civil procedure is an instrument for guaranteeing democracy.
and must ensure that the parties have the opportunity to actively participate in the decision-making process.
judicial, which includes the right to challenge the criteria used by intelligence systems.
artificial.

According to the authors, the lack of algorithmic transparency can make the exercise of... unfeasible.
contradictory, transforming the judicial decision into a black box unsusceptible to control by

This article is published in open access under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google
RCMOS – Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: 05/15/2026 | Accepted: 05/18/2026 | Publication: 05/21/2026

parts, which would directly violate article 5, item LV, of the Federal Constitution (Gontijo et al.,
2024). The mere migration from the physical to the electronic process, without a transformation in
The mindset of procedural institutions has proven insufficient to ensure the desired speed.
Durli (2025) deepens the analysis by examining each procedural principle from the perspective of automation and
It argues that the principle of the natural judge, provided for in article 5, items XXXVII and LIII, of the Constitution
Federal law imposes an obstacle to the creation of arbitrary tribunals, and it is unconstitutional to delegate the power to do so.
to give decision-making power to machines or to allow judgments to be made by robots, because that
It would violate the right to a trial by a competent and impartial human authority.
Regarding the principle of reasoned decisions, as stipulated in article 93, item IX, of the Constitution.
Federal and detailed in article 489 of the Code of Civil Procedure, Durli (2025) states that the decision
Judicial decisions, in addition to being public, need to be well-justified and substantiated to avoid arbitrariness.
which becomes problematic when the rationale depends on opaque algorithmic reasoning,
whose internal logic is inaccessible neither to the parties nor to the judge himself.
Pollicino and Paolucci (2022) complement this reasoning by highlighting the opacity of the systems
The use of machine learning limits the possibility of effective judicial oversight, requiring the development of...
of explainability and auditability mechanisms as new requirements arising from guarantees
fundamental in the digital age.
The authors mentioned above argue that the principle of transparency, traditionally
Associated with the publicity of procedural acts, it takes on a new dimension when it comes to algorithms.
because a lack of understanding of how AI works can hinder social and legal control over it.
the decisions (Pollicino and Paolucci, 2022). In this way, it is proposed that the right to explanation be
recognized as a logical consequence of the adversarial process and the right to a full defense in the digital environment,
requiring that AI systems used in the Judiciary be designed to provide justifications
understandable for their recommendations or decisions.
Kasemirski et al. (2024) add that informational self-determination, that is, the right of
An individual's right to control their personal information is a fundamental guarantee that must be...
protected in the automated processing of data and that the application of the General Data Protection Law
In the Judiciary, it is an indispensable tool to ensure that AI respects privacy and...
dignity of the parties.
Tiago Fachini emphasizes that fundamental rights and guarantees are "instruments for the protection of
The individual in relation to the actions of the State, based on the principle of the dignity of the human person.
In addition, it should be noted that such rights "guarantee the minimum necessary for the individual."
"exist in a dignified manner." These concepts make it clear that fundamental guarantees (for example,
Article 5, sections LIV and LV of the Brazilian Constitution aim to protect essential values such as freedom, equality, and dignity.

This article is published in open access under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google
RCMOS – Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: 05/15/2026 | Accepted: 05/18/2026 | Publication: 05/21/2026

and therefore cannot be relativized by the application of any technology. Thus, within the scope
In civil procedure, the use of AI must fully respect fundamental clauses such as...
The right to a fair hearing and full defense (Article 5, LV) and the requirement for sound reasoning in decisions (Article 93, IX).
As highlighted by Sousa & Garcia (2025) and other authors, deepfakes and automated evidence
In the absence of adequate regulation, they can compromise the legitimacy of the adversarial process and of...
A plurality of ideas is undermining basic procedural pillars. Contemporary doctrine has...
emphasizing the emergence of a new paradigm, the so-called "due process of law in technology,"
in which traditional guarantees are reinterpreted in light of computerized systems.
In this context, CNJ Resolution 615/2025 expressly includes principles of transparency and
auditability, reaffirming that AI should not compromise the basis for decisions nor the
parity of arms between the parties.
These resolutions expressly prohibit the use of artificial intelligence for risk assessment.
individuals require continuous human oversight of automated decisions and determine the
Auditability of algorithms, as a way to protect fundamental guarantees, such as equality,
non-discrimination and due process of law (CADIP, 2025). The new resolution, in particular, seeks
Balancing innovation and legal certainty, ensuring transparency of use and explainability of...
algorithms and human oversight of results as fundamental pillars for the legitimacy of
AI in the Judiciary.

In constitutional terms, the review of exclusively automated decisions finds support in...
Article 20 of the LGPD (Brazilian General Data Protection Law) guarantees citizens the right to request a review of decisions made.
exclusively based on the automated processing of personal data.
Indeed, as noted in the analysis by Migalhas (2025), despite innovations in Brazilian law,
such as the electronic CPC (art. 193) and draft laws under discussion for regulatory frameworks for AI,
"The structure of guarantees that underpin due process remains unchanged, making it necessary to..."
"Standards of transparency, control, and human oversight."
In practice, this requires that the opposing party be informed about the use of artificial intelligence in...
decisional acts (making it possible to challenge them) and that the judge critically address any potential issues.
algorithmic conclusions.
In line with Marinoni (2023) and Didier Jr., the requirement of formal justification (art. 93, IX) and of
Equal treatment (parity of arms) cannot be relativized: it implies that algorithms
They must explain their logic and ensure that access to it is feasible, avoiding a "black box". Articles
Recent legal scholars propose the creation of specific procedural incidents of explainability.
in which the parties could request transparency regarding decisions based on AI.
Until then, all legal effects arising from the technology in the process must be monitored.

This article is published in open access under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google
RCMOS – Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: 05/15/2026 | Accepted: 05/18/2026 | Publication: 05/21/2026

In light of constitutional principles.

In short, national jurisprudence and doctrine converge in treating AI as a valid tool.
provided that its application does not undermine the essence of due process. This stance reflects the
concern in reconciling technological innovation with the preservation of fundamental rights,
avoiding what is called the dehumanization of justice.

4. Impact on the Production of Digital Evidence

According to Ricardo Rodrigues Gama, judicial evidence is the set of means permitted by law.
used by the parties to demonstrate facts in court and convince the judge of the occurrence or
not of those facts.

Pontes de Miranda also teaches that the production of evidence involves the procedural actions of the parties.
intended to confirm the truth or falsehood of the allegations in the process. Thus, the production of
Evidence can be understood as the procedure by which litigants present evidence to the judge.
through legally permissible means, aiming to convince him of disputed facts.

The increasing adoption of digital evidence (electronic messages, audio, videos) has broadened the sources of
evidence in civil proceedings, but it also introduced authentication risks. Deepfakes, that is,
Hyper-realistic synthetic media generated by AI represent the pinnacle of this challenge.

Sousa & Garcia (2025) emphasize that deepfakes promote an "erosion of trust in
digital information" and may "compromise the legitimacy of the adversarial process and the plurality of
"ideas." This language suggests that the mere appearance of truthfulness in these contents does not support...
plus the usual degree of reliability, as highlighted by Minister Reynaldo Soares da Fonseca.
(STJ); evidence produced by generative AI, without technical-expert basis, does not have
"minimum epistemic reliability" to be admitted.

There is a true epistemological rupture in the theory of proof: the traditional presumption of
The authenticity of audiovisual recordings disappears, making credibility dependent on...
rigorous technical validation criteria (specialized expertise, reliable metadata, etc.), not
merely the form of presentation.

Accordingly, contemporary procedural doctrine emphasizes that, although AI can assist in
In the screening of documents and the detection of relevant patterns, the evidentiary assessment cannot be...
Fully automated.

Gaio Jr. & Silva (2023), for example, draw attention to the fact that AI, on its own, is "sensitive
too much" to evaluate evidence, which always requires human supervision for critical examination. From the point
From a normative point of view, Sousa & Garcia (2025) observe that the current Brazilian legal system offers

This article is published in open access under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google
RCMOS - Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: 05/15/2026 | Accepted: 05/18/2026 | Publication: 05/21/2026

"Limited protection" against new threats: laws such as the LGPD (Brazilian General Data Protection Law), the Civil Code, and the Marco Civil da Internet (Brazilian Internet Bill of Rights).
They do not explicitly define malicious conduct involving deepfakes. Therefore, it is recognized that...
need for specific legislation (already under discussion, e.g., Bill 1272/2023, which criminalizes the
malicious manipulation of media), as well as judicial guidelines for more rigorous evaluation.
In recent rulings, the STJ has signaled this caution. In the case of HC 1059475 (2026), by
For example, the Fifth Panel ruled to exclude a report produced by generative AI.
emphasizing that the legal system requires not only legality, but also rational reliability.
in evidence. In this sense, case law gives way to the interpretation that, in civil practice,
Digital evidence (even AI-generated evidence) will only be accepted if there is a mechanism to preserve it.
contradictory, of full defense and of valuation based on expert evidence or technical counterpoint.
Thus, although artificial intelligence expands the repertoire of available information, it is observed that-
There is unanimity in legal doctrine: its presence in the production of evidence necessitates the creation of filters and
more stringent value criteria. Instead of invalidating digital evidence, it is recommended to intensify the
expert procedures and ensure that the examination and discussion of evidence remain open to
contradictory, reiterating the maxim that probative confidence should not arise from appearances, but
based on the technical basis.

Conclusion

The current study showed that artificial intelligence plays an increasingly important role.
necessary in Brazilian procedural law, especially in civil proceedings, by mechanizing
Common tasks, meeting diverse requirements, and performing data searches. In fact, it is possible to understand
that technological advances have contributed to procedural agility, the structuring of
information and efficient administrative work, as the Constitution provides a reasonable time for
the work and no longer for procedural work.

However, it is also observed that the use of artificial intelligence in the jurisdictional context
It can no longer develop in an uncontrolled and unlimited way, to the detriment of that guarantee.
fundamental principle foreseen in the Federal Constitution. Even after robotic systems can assist
judges and staff in the daily operations of the judiciary and in legal work, the issues
Jurisdictional decisions must still be essentially human and take shape through legal analysis,
observance of constitutional norms and subjective considerations, being incapable of being
automated without them making decisions with full autonomy.

AI should be understood as a tool to assist, not as a replacement that...
It performs all tasks in place of humanity. Decisions are made exclusively by AI.

This article is published in open access under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google
RCMOS - Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: 05/15/2026 | Accepted: 05/18/2026 | Publication: 05/21/2026

They completely disregard concepts perceived by humans, such as the morality of modern society. Automated systems lack the capacity for ethical reflection and sensitivity. Social and subjective interpretation are necessary to deal with the complexity inherent in the activity. jurisdictional.

Regarding digital evidence, it was observed that artificial intelligence tools Generative engineering, particularly deepfakes, has introduced new obstacles to proof theory within the framework of... civil procedure. The presumption of authenticity, usually associated with images, videos, and audios, is affected by the increasing sophistication of these technologies, which requires more rigorous verification of Evidentiary reliability through technical expertise, metadata analysis, and guaranteeing the right to... Contradictory. Currently, artificial intelligence is so advanced in image generation that It is extremely challenging to distinguish between a simple creation coldly produced by networks. neural machine learning and something genuinely real. Thus, the study shows that the valuation of Digital evidence requires more complex standards of authenticity and judicial oversight. How to search for it. trained and efficient programs to identify potential counterfeit materials, even if it is necessary Train them continuously so that they advance as AI progresses.

Furthermore, algorithmic blindness was found to be one of the main risks. resulting from the use of artificial intelligence in the Judiciary. The lack of clarity regarding the criteria. The practices employed by automation systems can compromise fundamental rights, such as the right to a fair hearing, the right to a full defense, due process, and the requirement for reasoned judicial decisions. This is where the ability to clarify and understand how algorithms make decisions, as well as Continuous human oversight is necessary to guarantee the constitutional use of intelligence. artificial in such civil cases.

The doctrinal and normative analysis carried out throughout this study revealed that the system The Brazilian legal system must continually strive to create mechanisms for ethical and legal oversight. the use of artificial intelligence. This is mainly achieved through the General Data Protection Law. Data from resolutions of the National Council of Justice and legislative discussions on the Framework Legal aspects of Artificial Intelligence. Furthermore, there are substantial regulatory gaps. particularly with regard to judicial automation, control and accountability for decisions. supported by algorithms.

Based on the study presented, it can be said that artificial intelligence can contribute very important for the evolution and efficiency of the Brazilian civil procedure and it must be kept in order, observe The constitutional principles and the protection of the democratic rule of law. The machine must to play only an auxiliary role in the activity of the Judiciary, with the final decision depending on the judiciary. from the judge's perspective, according to their convenience, and not have much to do with the judge's own actions.

This article is published in open access under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google

Year VII, v.1 2026 | Submission: 05/15/2026 | Accepted: 05/18/2026 | Publication: 05/21/2026

In this sense, the technical training of legal professionals is vital for the necessary, safe, and effective use of the law. Wise users of artificial intelligence tools.

Therefore, the current challenge is not to prevent technological advancement in the Judiciary, because there is nothing to fear in the path the Judiciary is now taking, and it is inevitable. progress.

The fundamental issue lies in collaboration to drive innovation and, Simultaneously, it is essential to ensure legal security for individuals, their rights, and the integrity of the country. This is imperative to have transparent, auditable, and easily understood legislation. understanding, ensuring that the use of artificial intelligence in civil proceedings is conducted in an ethical, democratic, legal and controlled manner.

References

BALAGUER CALLEJÓN, Francisco. **The Constitution of the Algorithm.** Rio de Janeiro: Forense, 2023.

BALKIN, Jack M. **The three laws of robotics in the age of big data.** *Ohio State Law Journal,* vol. 78, 2017.

BARROSO, Luís Roberto. **Course on contemporary constitutional law.** São Paulo: Saraiva, 2023.

BRAZIL. National Council of Justice. **Resolution No. 332, of August 21, 2020.** Provides for ethics, transparency and governance in the production and use of Artificial Intelligence in the Judiciary and takes other measures. Brasília, DF: CNJ, 2020.

BRAZIL. National Council of Justice. **Resolution No. 615, of March 11, 2025.** Establishes guidelines for the development, use, and governance of solutions developed with artificial intelligence resources in the Judiciary. Brasília, DF: CNJ, 2025.

BRAZIL. **Constitution (1988). Constitution of the Federative Republic of Brazil of 1988.** Brasília, DF: Presidency of the Republic, 1988. Available at: Planalto Legislation Portal . Accessed on: May 18, 2026.

BRAZIL. **Constitutional Amendment No. 115, of February 10, 2022.** Amends the Federal Constitution to include the protection of personal data among fundamental rights and guarantees. Brasília, DF: Presidency of the Republic, 2022.

BRAZIL. **Law No. 12,965, of April 23, 2014.** Establishes the Civil Framework for the Internet. Brasília, DF: Presidency of the Republic, 2014.

BRAZIL. **Law No. 13.105, of March 16, 2015. *Code of Civil Procedure.*** Brasília, DF: Presidency of the Republic, 2015.

BRAZIL. **Law No. 13.709, of August 14, 2018. General Law on the Protection of Personal Data (LGPD).** Brasília, DF: Presidency of the Republic, 2018.

This article is published in open access under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google

Year VII, v.1 2026 | Submission: 05/15/2026 | Accepted: 05/18/2026 | Publication: 05/21/2026

BRAZIL. **Bill No. 2,338 of 2023. Provides for the use of artificial intelligence.** Brasília, DF: Federal Senate, 2023.

CADIP. **Artificial intelligence in the Judiciary.** 2nd ed. São Paulo: CADIP, 2025.

DIDIER JR., Fredie. **Course on Civil Procedural Law: Introduction to Civil Procedural Law, General Part and Cognizance Process.** 25th ed. Salvador: JusPodivm, 2023.

DURLI, Carol Giulia Valandro. **The application of artificial intelligence in the Brazilian civil process: advances, challenges, intersections and ethical limits.** São Paulo: PUC-SP, 2025.

FACHINI, Tiago. **Fundamental rights and guarantees: concept and characteristics.** *Projuris,* [n.d.]. Available at: Projuris. Accessed on: May 19, 2026.

FRAZÃO, Ana; MULHOLLAND, Caitlin (coord.). **Artificial intelligence and law: ethics, regulation and responsibility.** 2nd ed. São Paulo: Thomson Reuters Brasil, 2020.

GAIO JÚNIOR, Antônio Pereira; SILVA, Alexandre Pacheco da. **Artificial intelligence, digital evidence and the limits of automation in civil procedure.** Revista Jurídica, Curitiba, v. 5, n. 77, p. 1-20, 2023.

GAMA, Ricardo Rodrigues. **Evidence in civil proceedings.** Campinas: Bookseller, 2005.

GONTIJO, Gita Pereira; PAIVA, Lídia Eller; FARIA, Alexandra Clara Ferreira; SOARES, Carlos Henrique. **Artificial intelligence and civil procedure.** VirtuaJus, Belo Horizonte, v. 9, n. 16, p. 168–181, 2024.

KASEMIRSKI, André Pedroso; BANNWART JÚNIOR, Clodomiro José; STROZZI, Arthur Lustosa. **Protection of personal data and informational self-determination: the extraterritoriality of Law 13.709/2018 and its implications for sovereignty.** Journal of Law, Governance and New Technologies, Florianópolis, v. 10, n. 2, Jan./Jul. 2025.

LAKATOS, Eva Maria; MARCONI, Marina de Andrade. **Scientific Methodology.** São Paulo: Atlas, 2019.

MARINONI, Luiz Guilherme. **New course on civil procedure: protection of rights through ordinary procedure.** 9th ed. São Paulo: Revista dos Tribunais, 2023.

MENDES, Laura Schertel. **Personal data protection and artificial intelligence.** São Paulo: Thomson Reuters Brasil, 2021.

MIGALHAS. **Artificial intelligence and due process of law: contemporary challenges of digital civil procedure.** Migalhas, [n.d.]. Available at: Migalhas. Accessed on: May 19, 2026.

MIRANDA, Francisco Cavalcanti Pontes de. **Comments on the Code of Civil Procedure.** Rio de Janeiro: Forense, 1974.

MITIDIERO, Daniel. **Precedents: from persuasion to binding effect.** São Paulo: Revista dos Tribunais, 2022.

This article is published in open access under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google

Year VII, v.1 2026 | Submission: 05/15/2026 | Accepted: 05/18/2026 | Publication: 05/21/2026

PASQUALE, Frank. **The black box society.** Cambridge: Harvard University Press, 2015.

PECK, Patricia. **Digital Law.** São Paulo: Saraiva, 2022.

POLLICINO, Oreste; PAOLUCCI, Federica. **Digital constitutionalism to the test of the smart identity.** Journal of E-Learning and Knowledge Society, vol. 18, no. 3, p. 8–21, 2022.

REIS, Nazareno; FURTADO, Gabriel. **Automated decisions and artificial intelligence: legal and procedural limits.** Journal of Law and New Technologies, São Paulo, v. 14, p. 1-18, 2022.

ROUVROY, Antoinette; BERNS, Thomas. **Gouvernementalité algorithmique et perspectives d'émancipation.** Réseaux, n. 177, 2013.

SARLET, Ingo Wolfgang. **Protection of personal data as a fundamental right in the Brazilian Federal Constitution.** Journal of Fundamental Rights and Justice, 2020.

SIQUEIRA, Dirceu Pereira; FORNASIER, Mateus de Oliveira; LARA, Fernanda Corrêa Pavesi. **Artificial intelligence and family law: a harbinger of new times for these rights as well?** Cultural Rights Journal, Santo Ângelo, v. 17, n. 42, p. 71-87, May/Aug. 2022.

SOUSA, Gabriel Fialho de; GARCIA, Williana Pereira. **Deepfakes and artificial intelligence: ethical and legal challenges in the Brazilian legal system and the need for regulation.** Revista REDES, v. 5, n. 2, 2025. DOI: 10.5281/zenodo.18024996.

Superior Court of Justice (Brazil). **Habeas Corpus No. 1059475/2026.** Fifth Panel. Rapporteur: Minister Reynaldo Soares da Fonseca. Brasília, DF, 2026.

Superior Court of Justice. **Socrates Project.** Available at: STJ. Accessed on: May 19, 2026. ____

SUPREME FEDERAL COURT. **ADI 6387/DF.** Rapporteur: Justice Rosa Weber. Brasília, DF, 2020.

SUPREME FEDERAL COURT. **ADI 6388/DF.** Rapporteur: Justice Rosa Weber. Brasília, DF, 2020.

SUPREME FEDERAL COURT. **General Repercussion Theme 987.** Brasília, DF, [n.d.].

TAVARES, Cláudio de Mello. **Artificial intelligence and deepfakes: legal and technological challenges to the integrity of the democratic process and implications for the 2024 municipal elections.** Revista Justiça Eleitoral em Debate, Rio de Janeiro, v. 15, n. 1, p. 1-10, 2025.

Federal Regional Court of the 1st Region. **Artificial intelligence in the Judiciary: a tool to support decision-making.** Available at: TRF1. Accessed on: May 19, 2026. _____

This article is published in open access under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.