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

Year VII, v.1 2026 | Submission: 02/05/2026 | Accepted: 05/05/2026 | Publication: 08/05/2026

Succession and artificial intelligence: the legal validity of applying automated systems in the organization of inventories in light of inheritance law and procedure.

Succession and artificial intelligence: the legal validity of the application of automated systems in the organization of inventories in the light of succession and procedural law.

Succession and artificial intelligence: the legal validity of the application of automated systems in the organization of inventories in light of succession and procedural law.

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SUMMARY

This article aims to analyze whether the application of automated systems in the organization of inventories can be legally valid under Brazilian Inheritance and Procedural Law.
Thus, this study investigates the compatibility of the use of Artificial Intelligence with the validity requirements of legal transactions, with inheritance principles such as saisine, the indivisibility of inheritance, and the protection of the legitimate share, and with the constitutional guarantees of due process, the right to a fair hearing, and legal certainty. The methodology used is qualitative in nature, with a deductive approach, based on bibliographic and documentary research, from the analysis of legislation, doctrine, and institutional materials relevant to the topic, with the aim of understanding the legal limits to... The use of Artificial Intelligence in probate proceedings. It is observed that, although automated systems can contribute to the efficiency and speed of succession procedures, their use does not eliminate the legal requirements for the validity of legal acts nor does it replace human action in the formation of will, in the control of legality, and in decision-making.
Furthermore, it is noted that civil liability for any damages arising from the use of technology remains linked to the human agents responsible for validating the actions taken. Therefore, it is concluded that the use of Artificial Intelligence in the organization of inventories is legally permissible, provided that it is restricted to the instrumental scope and subject to human supervision, observance of constitutional principles, and compliance with the legal requirements of Inheritance and Procedural Law, in order to guarantee the validity of the actions taken and the preservation of legal certainty.

Keywords: succession; inventory; artificial intelligence; legal validity; civil liability.

ABSTRACT

The present article aims to analyze whether the use of automated systems in inventory organization can be considered legally valid under Brazilian Succession and Procedural Law. Thus, it investigates the compatibility of the use of Artificial Intelligence with the requirements for the validity of legal acts, the principles of succession law such as saisine, indivisibility of the estate, and the protection of the forced share, as well as the constitutional guarantees of due process of law, adversarial proceedings, and legal certainty. The methodology adopted is qualitative and deductive, based on bibliographic and documentary research, and draws on the analysis of legislation, legal doctrine, and institutional materials relevant to the subject, with the aim of

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understanding the legal limits of the use of Artificial Intelligence in inventory procedures. It is verified that, although automated systems may contribute to efficiency and celerity in succession procedures, their use does not eliminate the legal requirements for the validity of legal acts nor replace human intervention in the formation of will, legal control, and decision-making.
Furthermore, it is observed that civil liability for potential damages resulting from the use of such technology remains linked to the human agents responsible for validating the acts performed.
Therefore, it is concluded that the use of Artificial Intelligence in the organization of inventories is legally admissible, provided that it is restricted to an instrumental role and subject to human supervision, compliance with constitutional principles, and adherence to the legal requirements of Succession and Procedural Law, in order to ensure the validity of legal acts and the preservation of legal certainty.

Keywords: *succession; inventory; artificial intelligence; legal validity; civil liability.*

1. INTRODUCTION

The incorporation of Artificial Intelligence technologies in the legal field has promoted
significant changes in the way technical and procedural activities are carried out,
especially with regard to automating repetitive tasks, organizing documents, and...
Data analysis and the drafting of legal documents. In the context of Inheritance Law, this highlights-
if there is a trend towards modernization of inventory procedures, both in the judicial sphere and
in an extrajudicial proceeding.

Alongside technological advancements, the Brazilian legal system has been undergoing a process...
a movement to reduce the judicial process and simplify inheritance procedures, with the goal of
to make the transfer of assets faster and more efficient, especially after the introduction of
Extrajudicial inventory under Law No. 11.441/2007 (Brazil, 2007).
Expanding the scope of extrajudicial probate proceedings and seeking greater efficiency in the process.
The processes demonstrate that the legal system has become progressively more open to
Incorporation of technological tools capable of optimizing legal activity. In this context,
Artificial intelligence emerges as a tool capable of assisting in conducting procedures.
of inventory, contributing to the reduction of procedural delays and to efficient organization.
the information necessary for the division of assets.
However, the use of automated systems in procedures that produce effects
Relevant legal issues raise important questions about the legal validity of the acts.
Practiced with the aid of Artificial Intelligence. Unlike merely artificial intelligence tools.
In administrative terms, the inventory procedure involves the practice of formal legal acts that
result in the transfer of assets, the definition of inheritance rights, and the production of
legal effects vis-à-vis third parties and the State, which requires strict adherence to legal norms and
of the principles governing Inheritance Law and Civil Procedure Law.

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Given this scenario, the present study is limited to analyzing the use of Artificial Intelligence in light of inheritance law, considering the following problem: Is it legally valid to...
Use of Artificial Intelligence systems in the organization of inventories and distributions in
Brazilian legal system?

The overall objective of this research is to analyze whether the application of automated systems in the organization...
Inventory proceedings can be legally valid under Brazilian Inheritance and Procedural Law.
With the specific objective of examining the regulatory framework applicable to inventories and partitions.
In Brazil, investigate how Artificial Intelligence tools can assist in...
conducting these procedures, analyze the legal risks arising from the automation of actions.
succession plans and verify civil liability for any errors arising from the use of these.
technologies.

The rationale for this study is based on the increasing use of technologies.
Artificial intelligence in the legal field and the need to understand its legal limits.
Application in procedures that produce relevant legal effects. The relevance of the research.
This stems from the need to reconcile technological innovation with legal certainty, in order to
to ensure that the use of automated systems contributes to the efficiency of procedures.
succession matters, without compromising fundamental principles, such as due process of law, the
contradictory, the right to a full defense, and accountability for actions taken. Thus, the study shows itself
relevant both from an academic point of view, as it contributes to the debate on the application of
Artificial Intelligence in Law, both from a practical point of view, when analyzing the possibility of
The use of these tools in inventory procedures.

The methodology used in this research is qualitative in nature, with a deductive approach.
developed through bibliographic and documentary research. The study is based on the analysis of
Brazilian legislation pertaining to Inheritance Law and Civil Procedure Law, as well as
in resolutions of the National Council of Justice, in draft laws related to regulation
of Artificial Intelligence and in national and international legal doctrine that discusses the use of
Automated systems in the legal field.

2. Inheritance Law and the Probate Process in Brazil

The Law of Succession is a branch of Civil Law responsible for regulating the transmission of property.
from the estate of the deceased person to their heirs, regulating the transfer of assets, rights and
Obligations arising from death. In the Brazilian legal system, this discipline is found...
The foundation lies primarily in the 2002 Civil Code, which structures both intestate and testamentary succession.

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based on rules and principles designed to ensure asset continuity and protection of
heirs and legal certainty. In the present study, the analysis of these fundamentals reveals itself.
indispensable, since any use of automated systems in the organization of
Inventories must observe the material limits previously established by the inheritance regime.
Among the structuring principles of Inheritance Law, the principle of... stands out initially.
saisine, enshrined in article 1,784 of the Civil Code, according to which "upon the opening of the succession, the inheritance
"It is transmitted, from the outset, to the legitimate and testamentary heirs" (Brazil, 2002). This rule
This demonstrates that the death of the testator results in the immediate legal transfer of the estate.
hereditary, although the individualization of assets depends on the completion of the inventory and division of assets.
In line with this understanding, the Superior Court of Justice established guidelines in
In the sense that, with the opening of the succession, the inheritance is automatically transmitted to the heirs.
who come to exercise possession and ownership over the collection as a legal whole,
remaining indivisible until the division is finalized (STJ, REsp 1.813.862/SP, Rel. Min. Nancy
Andrighi, judged on December 15, 2020) (Brazil, 2020).
This position finds direct support in article 1,791 of the Civil Code, which enshrines the
principle of universality or indivisibility of inheritance. According to the provision, the inheritance
It is deferred as a unified whole, even if there is a plurality of heirs, so that, until the
Even after the division of the estate, their right to possession and ownership of the inherited assets remains indivisible.
and submits to the condominium rules (Brazil, 2002). Thus, the legal provision corroborates the orientation.
jurisprudence shows that, prior to the division of assets, there is no material fragmentation of the patrimony.
but rather the maintenance of its legal unity as an estate.
Another fundamental aspect of the Brazilian inheritance system lies in the protection afforded to so-called...
Necessary heirs. Article 1,845 of the Civil Code defines them as descendants, ascendants
and the spouse, whereas article 1,846 guarantees them, by right, half of the inheritance assets,
constituting the legitimate portion (Brazil, 2002). As Gonçalves (2022) observes, this legal reserve
This represents a limitation on the freedom to make a will, aimed at protecting the necessary heirs and...
Preservation of family assets. Therefore, the legal system does not grant freedom...
absolute right granted to the testator to dispose of their assets entirely, imposing restrictions in favor of the testator.
of legally protected interests.
From these devices, it is also possible to infer the existence of a vector of legal equality.
among heirs belonging to the same succession class, especially in the context of inheritance.
legitimate. Although the Civil Code regulates the matter through specific rules of succession.
In terms of inheritance and competition, its normative meaning converges on the prohibition of distinctions.
arbitrary decisions incompatible with the order of succession.

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In the context of inventory and division of assets, these guidelines are particularly relevant, since...
The allocation of shares must strictly respect the legal parameters of competition and...
hereditary reserve. In this context, it is not acceptable for technological instruments, calculations
automated documents or minutes produced by artificial intelligence systems disregard the position.
legal rights of the necessary heirs or alter the legal structure of the succession.
Therefore, it is clear that the succession process is not simply a matter of operation.
Mathematical or administrative. In contrast, inheritance involves legal effects.
immediate, the protection of legally protected subjective positions and the observance of mandatory rules
Regarding the structure of the estate, its indivisibility, and the guarantee of the legitimate share. For this reason, any eventual
The use of Artificial Intelligence tools in inventory management should be...
understood as an auxiliary instrument, never as an autonomous mechanism capable of removing the
The incidence of inheritance principles. From this perspective, technology can contribute to the...
data organization and the systematization of asset information, but it cannot replace the
Human control should not alter the legal framework of succession.

2.1 Judicial and extrajudicial inventory in the Brazilian legal system

The inventory consists of the legal procedure aimed at determining the assets of an individual.
deceased, to the identification of heirs and any creditors, and to the settlement of obligations.
pending issues and, finally, the formalization of the division of assets. This is an essential step for the
regularization of the transfer of assets *upon death,* since, although succession produces effects
In immediate legal terms, the consolidation of individual ownership of assets depends on...
Formalization of the procedure (Gonçalves, 2025).
In Brazilian law, probate proceedings can be conducted through judicial or extrajudicial means.
according to the specific circumstances of the case. Judicial probate is governed by articles...
Articles 610 to 673 of the 2015 Code of Civil Procedure and are generally required in cases involving wills.
due to the interests of an incapacitated person or the absence of consensus among the heirs (Brazil, 2015). In these cases
In certain situations, the intervention of the Judiciary proves necessary to ensure the legality of the...
actions taken and the proper protection of the interests involved.
The judicial procedure comprises a sequence of formally structured acts, which include
the appointment of the executor, the submission of the initial declarations, the valuation of the assets, the
fulfillment of obligations and responsibilities and, finally, approval of the division by the competent court.
It is therefore a rite that combines administrative and jurisdictional aspects and is subject to
ongoing judicial oversight.

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In turn, extrajudicial probate was introduced into the legal system by Law No.
Law 11.441/2007 allows for the division of assets through a public deed drawn up in a notary's office, provided that present requirements such as the capacity of the parties, the absence of litigation, and mandatory assistance. of lawyer (Brazil, 2007).

This approach represents an important tool for reducing litigation, as it allows for greater... Speed and simplification in resolving inheritance issues.

A public deed of inventory has the same legal force as a court decision for registration purposes. and the production of effects on third parties. Even so, the procedure requires oversight. of legality, exercised by the notary within the scope of his delegated public function, which reinforces the the legal-formal nature of the act and the need to observe the normative requirements (Gonçalves, 2025).

In recent years, there has been progress in measures aimed at expanding the use of out-of-court settlements. In this context, Resolution No. 571/2024 of the National Council of Justice stands out, which made the rules more flexible. certain previously imposed restrictions, allowing, in specific cases, the implementation extrajudicial inventory even in situations that would traditionally require the judicial route. judicial, provided that the relevant legal guarantees are ensured (CNJ, 2024). This evolution demonstrates This reflects a trend towards modernization and streamlining of inheritance procedures in the country.

The movement is aligned with the principle of reasonable duration of proceedings, as provided for in Article 5, paragraph 1. Article LXXVIII of the Federal Constitution (Brazil, 1988) reflects the pursuit of greater efficiency in the provision of services. jurisdictional. In this scenario, the use of technological tools emerges as a potential element of support in organizing information, inventorying assets, and preparing preparatory documents. Especially in the extrajudicial context.

Thus, the analysis of inventory modalities demonstrates that, although the order Brazilian legal practice is moving towards dejudicialization and procedural efficiency. The transfer of inheritance rights remains conditional upon compliance with legal formalities and supervision. Human beings are an essential element for legal certainty in the transfer of assets.

In light of the foregoing, it is observed that the inventory procedure, even if simplified in Under certain circumstances, it remains subject to strict legal requirements and the control of agents. qualified, in order to guarantee legal security in the transfer of assets.

In this scenario, the incorporation of new technologies emerges as a tool to support the activity. legal, especially with regard to the organization and processing of information. Thus, The analysis then moves on to Artificial Intelligence in the legal system, investigating its possibilities and... limits in light of the current legal framework.

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3. Artificial Intelligence in the Legal System

Artificial Intelligence (AI) can be broadly defined as the set of technologies capable of simulating human cognitive processes, such as learning, pattern recognition, decision-making and natural language processing, through algorithms and systems computational. According to Casimiro and Teixeira (2024), the adoption of AI in the legal field has as The objective is efficiency, proven by its use in the analysis of large volumes of data, in Automation of repetitive tasks in the preparation of legal documents, in jurimetrics, and in triage. procedural and in supporting decision-making.

The advancement of these technologies has significantly impacted the functioning of the Judiciary. and, in general, legal activities. In Brazil, several courts already use intelligence systems. Artificial intelligence to assist in process screening, identification of repetitive demands, and in... Drafting decision minutes. Among the best-known examples are the Victor system, from The Supreme Federal Court, used in the analysis of general repercussion, and the Socrates system, of Superior Court of Justice, employed in the screening of cases and the identification of precedents. (CNJ, 2020).

The use of Artificial Intelligence in the Brazilian legal system has become regulated by... National Council of Justice through Resolution No. 332/2020, subsequently updated by Resolution No. 615/2025, which establishes principles and guidelines for the development and use of Artificial Intelligence systems in the Judiciary. Among the principles established by The resolution highlights the need for human oversight, system transparency, and... traceability of automated decisions and respect for fundamental rights, especially the right to... due process of law and the right to a full defense (CNJ, 2025).

In the legislative sphere, noteworthy is Bill No. 2,338/2023, known as the Legal Framework for... Artificial Intelligence in Brazil, which seeks to establish general standards for development, The implementation and responsible use of Artificial Intelligence systems. The project establishes guidelines such as algorithmic transparency and accountability for damages caused by systems AI and the need for human oversight in systems that may impact rights. fundamental or produce relevant legal effects (Brazil, 2023).

Given this scenario, it is observed that Artificial Intelligence has been incorporated into the system. Brazilian legal system primarily as a tool to support human activity, and not as substitute for the actions of a judge, lawyer, or notary. The regulation itself The National Council of Justice establishes that Artificial Intelligence systems must be used as tools to aid decision-making, supervision is indispensable.

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human over acts performed with the aid of these technologies (CNJ, 2025).

In this context, the use of Artificial Intelligence in Law should be understood as

A tool to support legal activity, especially in tasks related to organizing information.

Document analysis and drafting of minutes are activities also present in the procedures of

inventory.

3.1 The use of Artificial Intelligence in the Brazilian Judiciary

The incorporation of Artificial Intelligence systems into the Brazilian Judiciary has been occurring for

progressively, especially with the aim of increasing efficiency and reducing the volume of

repetitive tasks and to expedite the processing of cases. In this context, the

The application of these technologies focuses predominantly on instrumental functions.

such as procedural screening, identification of repetitive demands, grouping of processes by

thematic similarity, suggestion of drafts and support for precedent management, without implying, as a rule,

the replacement of human decision-making activity (Mitidiero, 2022).

Among the most relevant initiatives for applying Artificial Intelligence in the Judiciary

In Brazil, the Victor system, developed by the Supreme Federal Court, stands out, whose purpose is...

It is the automated screening of processes and the identification of general repercussions in appeals.

extraordinary. The tool uses machine learning techniques to analyze parts.

procedural and classifying demands, contributing to the rationalization of the procedural flow and to the

coping with the high volume of cases submitted to the Court. As highlighted by

Even within the Supreme Federal Court, the use of Artificial Intelligence has been expanded as

A tool to support judicial activity, especially in the organization and analysis of data.

procedural (STF, 2023).

Within the Superior Court of Justice, the use of Artificial Intelligence systems

It also fits into the logic of improving judicial efficiency, with particular emphasis on

tools aimed at procedural screening and the identification of precedents and demands

repetitive processes. These technologies enable the automated analysis of large volumes of processes.

contributing to greater speed and uniformity of case law, without eliminating the need for

Human involvement in decision-making, as pointed out by Souza and Rodrigues (2021).

In the Labor Courts, there is a noticeable development of solutions aimed at automating...

support activities, such as Chat-JT, an AI-based tool that

It uses natural language processing for automated customer service. The system is geared towards...

to guide users, clarify frequently asked questions, and facilitate access to

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procedural information, contributing to administrative efficiency and improvement of
institutional communication. Its role is limited to the informational field, without interfering in...
decision-making activity, which reinforces its character as an auxiliary instrument within the Judiciary (Souza;
Rodrigues, 2021).

In addition to these initiatives, the National Council of Justice developed the Sinapses platform, which
It functions as a national repository of Artificial Intelligence models geared towards the Judiciary.
The platform enables the sharing of technological solutions between courts and makes it possible to...
task automation, such as process classification, document recognition, and...
Extraction of procedural information, within the context of the digital transformation of justice.
Brazilian (CNJ, 2024).

The use of these tools demonstrates that Artificial Intelligence has been employed.
predominantly as a mechanism for automating administrative tasks and supporting
judicial activity, and not as a substitute for judicial decision. In this sense, studies on the
Applications of AI in the Judiciary highlight that these technologies aim to increase efficiency and...
productivity, while maintaining the centrality of human action in the practice of decision-making acts (Souza;
Rodrigues, 2021).

Thus, according to Wotkoski (2023), the Brazilian model for the use of Intelligence
Artificial intelligence in the justice system is based on the understanding that technology should act as...
auxiliary tool, with the final decision and validity remaining with the human being.
legal aspects of the actions taken. This guideline proves especially relevant for the analysis of its...
application in inventory procedures, since it demonstrates the impossibility of delegating the
decision-making function to automated systems.

Thus, the experience of the Brazilian Judiciary demonstrates that Artificial Intelligence can
to contribute significantly to the efficiency and organization of legal activities, provided that
used responsibly and under human control. This model serves as a benchmark for...
analysis of its application in inheritance proceedings, especially with regard to
organizing inventories and drafting partition agreements are activities that, although they have
They are technical in nature, produce relevant legal effects, and require validation by a professional.
Enabled.

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3.2 Regulation of Artificial Intelligence in Brazil and responsibility for its use.

automated systems

The expansion of the use of Artificial Intelligence systems in the legal field has driven...
development of regulatory parameters aimed at its responsible use, especially in
contexts involving the production of relevant legal effects. In Brazil, even though there is no
With a fully consolidated legal framework, the formation of a regulatory model based on [the following] can be observed.
in administrative guidelines and doctrinal contributions that seek to balance innovation
technological with fundamental guarantees.

In this context, Resolution No. 332/2020 of the National Council of Justice stands out, which
establishes guidelines for the use of Artificial Intelligence in the Judiciary, with emphasis on
principles such as transparency, security, non-discrimination and human oversight (CNJ, 2020). A
The standard highlights the institutional concern to ensure that the use of systems
Automated processes should not compromise fundamental rights or eliminate human control over actions.
practiced.

The requirement for transparency and traceability of systems proves to be particularly relevant.
Given the complexity of the algorithms used, which often have low explainability.
In this sense, the legitimacy of using Artificial Intelligence in Law depends on the possibility
understanding and auditing automated decision-making processes, especially when they have an impact
legally relevant situations (Feigelson, 2020).

In the legislative sphere, Bill No. 2,338/2023 proposes the establishment of a regulatory framework.
for Artificial Intelligence in Brazil, adopting a risk-based approach and
establishing stricter requirements for systems capable of affecting fundamental rights
(Brazil, 2023). This proposal aligns with international trends, which seek to reconcile the
Technological development with the protection of essential legal guarantees.

Contemporary doctrine has also emphasized that the incorporation of Artificial Intelligence into
The legal system cannot imply the transfer of decision-making responsibility to other systems.
automated. As Didier Jr. (2021) observes, the use of technological tools in
The process must preserve the centrality of human action, especially in the acts that produce results.
legal effects, under penalty of compromising due process.

From this overview, it can be observed that Brazilian regulation of Artificial Intelligence does not...
It not only establishes abstract guidelines for use, but also concretely defines the limits.
of its performance in the legal field. By conditioning the use of automated systems to
Human oversight, transparency, and accountability are all excluded by the legal system.

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possibility of granting decision-making autonomy to technology, especially in situations that involve patrimonial effects or subjective rights.

In this context, the discussion ceases to focus exclusively on the admissibility of the use of Artificial intelligence is now requiring a more in-depth analysis of the legal validity of... acts performed with their assistance. This is because, once the impossibility of acting is recognized. Given the autonomy of the systems, it becomes necessary to investigate the extent to which technology plays a role. does it interfere, or not, with the structural elements of the legal transaction and the valid formation of the acts? succession.

Thus, the examination of the legal validity of acts performed with the aid of Artificial Intelligence in Inventories prove to be an indispensable step in understanding the concrete limitations of this technology. in Inheritance Law. It is at this point that the focus of the analysis shifts: from regulation and general principles for verifying the legal requirements for validity, expression of will and of the attribution of responsibility in acts that effectively produce legal effects within the scope succession.

4. THE LEGAL VALIDITY OF ACTS PERFORMED WITH THE ASSISTANCE OF Artificial Intelligence in Inventories

Analyzing the legal validity of actions performed with the aid of Artificial Intelligence systems. In probate proceedings, one necessarily starts from the general theory of legal transactions. especially the requirements set forth in Article 104 of the Civil Code, which requires a capable agent, object lawful, possible, determined or determinable, and in a form prescribed or not prohibited by law (Brazil, 2002). These elements structure the validity of legal acts and function as a normative parameter. to assess the legitimacy of any practice that produces legal effects, including mediated actions through technologies.

In this context, the integration of Artificial Intelligence into the process of forming legal acts This raises a fundamental distinction between instrument and subject of law. AI systems, although Endowed with high processing capacity, they do not possess legal personality or consciousness. or free will, indispensable elements for the configuration of the agent in the legal transaction. Thus, A legal transaction presupposes the expression of human will directed towards producing effects. legal entities, and their formation is not feasible without the presence of a capable individual (Gonçalves, 2022). Therefore, the role of Artificial Intelligence in inventory management must be understood. as an instrumental activity, focused on data organization, drafting minutes, and providing support. technical aspects of decision-making. The legal act, however, is only perfected with the manifestation

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by agreement of the parties and with validation by a competent human agent, be it the magistrate, in

In judicial probate, the notary public is the one who handles the extrajudicial probate. This distinction prevents the attribution of power to the judicial inventory.

It grants decision-making autonomy to automated systems and preserves the classic business structure.

legal.

Contemporary civil law doctrine reinforces this understanding by highlighting that the validity of acts

Legal acts are intrinsically linked to the attribution of responsibility. In this sense, the acts

Legal requirements demand not only the expression of will, but also the possibility of attribution.

of effects and responsibilities to the subject who performs them, which is not the case in systems

automated systems lacking legal personality (Diniz, 2021).

Within the specific context of inventory, this discussion takes on greater relevance due to its nature.

Formal and patrimonial aspects of the acts performed. The division of assets, the declaration of the hereditary estate, and the

Formalizing the transfer of ownership produces direct legal effects and requires oversight.

of legality by the State. This control is exercised by the Judiciary or by notarial services.

who, in their capacity as delegates of public office, act with public faith and responsibility.

legal through the acts that validate.

Therefore, according to Medeiros and Ribeiro (2024), the eventual use of Intelligence

Artificiality in the drafting of partition agreements or in the organization of the hereditary estate does not preclude...

Legal verification by a qualified professional is required. If the system produces a document

with flaws, such as errors in the division of shares, omission of assets, or violation of the legal share, the validity

The act will depend on human analysis, and the verification of the act will be the responsibility of the professional in charge.

compliance with the law. This is justified by the fact that civil liability arises from the practice.

It is the legal act and the function performed by the human agent that matters, not the tool used.

Thus, for Gomes and Silva (2025), the legal validity of acts performed with the aid of

Artificial intelligence in inventory management doesn't stem from the technology itself, but from addressing customer needs.

Legal requirements of the legal transaction and the actions of a capable human agent. Artificial Intelligence,

Therefore, it is included as a technical support tool, without the capacity to replace the official statement.

of will or the control of legality required by the legal system.

It can therefore be concluded that the use of Artificial Intelligence systems in procedures of

Inventory is legally admissible, provided it is limited to the instrumental field and subordinated to...

Human supervision. The validity of succession acts remains conditional upon the manifestation of

The will of the parties, compliance with legal requirements, and validation by a competent authority,

This reaffirms that, in the Brazilian legal system, technology does not replace the legal subject, but

It only assists in your performance.

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

Year VII, v.1 2026 | Submission: 02/05/2026 | Accepted: 05/05/2026 | Publication: 08/05/2026

4.1 Legal certainty, due process of law and limits on the use of intelligence

Artificial intelligence in inventories

The use of Artificial Intelligence systems in inventory procedures should be analyzed in light of the constitutional principles that structure the Democratic Rule of Law, especially those related to the protection of procedural guarantees and the stability of relations. legal aspects. In this context, the incorporation of technologies in the context of inheritance cannot be... understood not only as a technical advancement, but as a legal phenomenon that must comply with limits imposed by the Constitution. The Federal Constitution establishes, in its article 5, items LIV and LV:

> Article 5 (...) LIV – no one shall be deprived of liberty or property without due process of law; LV – litigants in judicial or administrative proceedings, and defendants in general, are guaranteed the right to adversarial proceedings and full defense, with the means and resources inherent thereto.

The centrality of these guarantees in the context of inventory is evident, since the procedure It involves the definition, delimitation, and transfer of property rights among the heirs. often in situations of potential conflict. Based on this premise, the use of Intelligence Artificial intelligence cannot compromise the effective participation of the parties nor reduce the scope of their actions. legal deliberation necessary for the valid formation of acts.

From a doctrinal perspective, the notion of due process of law must be understood in its dimension. substantial, and not just in its formal dimension. As Luiz Guilherme Marinoni teaches, the Due process of law represents a guarantee against arbitrary decisions, requiring rationality. justification and possibility of controlling decision-making acts (Marinoni, 2022). In this sense, the The use of automated systems in inventory management cannot result in opaque decisions or which cannot be challenged, under penalty of direct violation of this guarantee.

Furthermore, the principle of legal certainty imposes the predictability and reliability of legal acts. practiced, functioning as an essential element for the stability of property relations. As Ávila (2021) points out, legal certainty involves not only normative stability, but also the protection of individuals' legitimate trust in the administration of law. The introduction of Artificial intelligence systems, especially those with low transparency, can weaken this. trust is undermined by making it difficult to understand the criteria used to generate results.

In the specific field of technology applied to law, contemporary literature has pointed to the algorithmic opacity is referred to as one of the main risks to ensuring due process.

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In this sense, automated systems can reproduce errors, biases, and distortions in an invisible way.
making its identification and correction difficult (O'Neil, 2016). Although his analysis focuses on
Despite the diverse contexts, this reflection is fully applicable to the use of Artificial Intelligence in various activities.
legal processes involving the definition of rights.
Applying these premises to the inventory procedure, it is found that the use of
Artificial intelligence must observe clear limits. The technology can be employed in activities
support services, such as organizing documents, systematizing asset information, and...
Preliminary drafting of minutes. However, the definition of the hereditary shares, the verification of
The legality of the division of assets and the resolution of any potential disputes require qualified legal analysis and...
The participation of the parties is not compatible with automated decisions.
The absence of transparency, the possibility of review, or the effective participation of stakeholders.
This could compromise the validity of the procedure, leading to the annulment of the actions taken. This is because
The violation of due process and the right to a fair hearing is not a mere formal irregularity, but...
A substantial defect capable of invalidating acts that produce patrimonial effects.
Therefore, the use of Artificial Intelligence in inventories must be understood within the context of...
of a complementarity model, in which technology acts as a support tool for
Legal activity, without replacing human action. This model allows for a balance of efficiency.
procedural with the preservation of fundamental guarantees, ensuring that innovation
Technological advancements must not compromise the legality, legal certainty, and legitimacy of the actions taken.
It is concluded, therefore, that the constitutional limits imposed by the principles of due process
Legality, the right to a fair hearing, and legal certainty act as normative barriers to the use
Unrestricted use of Artificial Intelligence in inventory procedures, requiring that all actions
Technological development must remain subject to human control and adherence to fundamental safeguards.

4.2 Civil liability for acts performed with the aid of Artificial Intelligence

Civil liability arising from the use of Artificial Intelligence systems constitutes a
one of the most sensitive points in the analysis of its application in inventory procedures, having in
given that such acts involve the definition of property rights and may generate significant losses.
in case of errors in the preparation or validation of the information.
In the Brazilian legal system, civil liability is structured based on the idea of
attribution to a human agent, as can be inferred from articles 186 and 927 of the Civil Code, which
They link the duty to compensate to the conduct of whoever causes harm to another (Brazil, 2002). From this
Logically, it becomes unfeasible to assign direct responsibility to Artificial Intelligence systems, a

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since such tools do not possess legal personality nor the capacity to act legally.

Civil liability presupposes the existence of conduct, damage, and a causal link attributable to a party.

subject of law, being incompatible with entities lacking legal will (Cavalieri)

Son, 2021).

In this context, according to Caligari (2024), the use of Artificial Intelligence in inventories

It should be understood as an instrumental activity, the eventual failure of which does not break the nexus of

human responsibility. Thus, errors arising from the use of automated systems, such as

inconsistencies in division agreements, omissions of assets, or improper application of the rules

Successional matters should be attributed to the professional responsible for verifying and validating the act.

whether he is a lawyer, notary or magistrate.

From this point on, contemporary civil liability maintains the imputation of guilt as its central axis.

who has a duty of care in conducting the activity, especially in contexts that

They involve risk and technical complexity (Martins-Costa, 2020).

In the specific context of extrajudicial inventories, this logic becomes even more evident when...

of the responsibility assigned to notaries, who perform a delegated public function. Law No.

Law 8.935/1994 expressly states:

Article 22. Notaries and registrars shall be liable for damages caused by themselves and their agents.

to third parties, in the performance of acts inherent to the office, ensuring the right of recourse to the first parties,

in case of fraud or negligence on the part of the agents.

The legal wording makes it clear that the responsibility arises from the exercise of the notarial function, being

The instrument used to perform the act is irrelevant. Therefore, even if the notary uses...

technological tools, including Artificial Intelligence systems, remain

fully responsible for verifying the legality and correctness of the actions taken under its authority.

public faith.

The doctrine has also highlighted the incorporation of technologies in the performance of activities.

Legal procedures do not eliminate the duties of diligence, prudence, and technical competence required of...

professionals. Thus, the adoption of new technologies can even expand the duty of care of

agent, since the latter assumes the risk inherent in the use of potentially fallible tools.

(Schreiber, 2019).

Therefore, the use of Artificial Intelligence does not constitute grounds for exclusion from

responsibility, nor does it transfer legal liability to the system used. On the contrary,

This reinforces the need for qualified supervision and human control over the actions taken.

especially in procedures such as probate, where property rights are at stake.

relevant to the legal security of inheritance relations.

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It is concluded, therefore, that civil liability for acts committed with the aid of intelligence...
Artificial intelligence remains fully linked to the human agents that validate it, being the
Technology is merely a supporting tool. This understanding reaffirms the centrality of human action.
in Law and prevents technological innovation from being used as a mechanism for dilution or
avoidance of legal responsibility.

FINAL CONSIDERATIONS

The aim of this research was to analyze the legal validity of using systems of
Artificial Intelligence in the organization of inventories in light of Inheritance Law and Law
Brazilian Civil Procedure. Based on the investigation carried out, it was found that the use
These technologies, although growing and technically feasible, encounter clear legal limitations in
current legal system.

It has been observed that Artificial Intelligence can make a significant contribution to the optimization of
inventory procedures, especially in the organization of information and document analysis.
and in drafting minutes. In this sense, its use represents an important tool for
modernization and efficiency, aligned with the movement towards reducing litigation and the pursuit of greater
Speed in the delivery of justice.

However, it was found that Artificial Intelligence does not have the legal capacity to practice law.
autonomous in legal acts, since it does not possess legal personality, free will, or capacity to...
to assume responsibilities. Therefore, their actions must necessarily be understood as
It is essential to assist human activity, and the substitution of the actions of responsible agents is not admissible.
for the validation of the actions taken.

It was also found that the use of automated systems does not eliminate the responsibility of
professionals involved, with lawyers, notaries and magistrates remaining responsible for
verification of the legality of the actions taken and any damages resulting from their actions.

In this context, human supervision proves to be an indispensable element for the legal validity of acts.
Performed with the aid of Artificial Intelligence.

Furthermore, it was concluded that the use of these technologies must respect the principles.
fundamental principles of the legal system, especially legal certainty and due process of law,
The right to a fair hearing and full defense must be respected, and automation cannot compromise the regularity and...
legitimacy of succession procedures.

Therefore, the hypothesis initially proposed was confirmed, in the sense that the use of
Artificial intelligence in inventory management is legally valid, provided it is limited to...

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Function as an auxiliary instrument, in compliance with legal regulations and with guaranteed supervision.
human. On the other hand, its autonomous action in the practice of legal acts is not permitted, under penalty
of violation of the validity requirements and structuring principles of Law.
In conclusion, Artificial Intelligence represents a promising tool for...
improving succession procedures, provided it is used responsibly and in accordance with the law.
in accordance with the legal system, with continuous development being fundamental.
Specific regulations that ensure a balance between technological innovation and safety.
legal.

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Year VII, v.1 2026 | Submission: 02/05/2026 | Accepted: 05/05/2026 | Publication: 08/05/2026

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