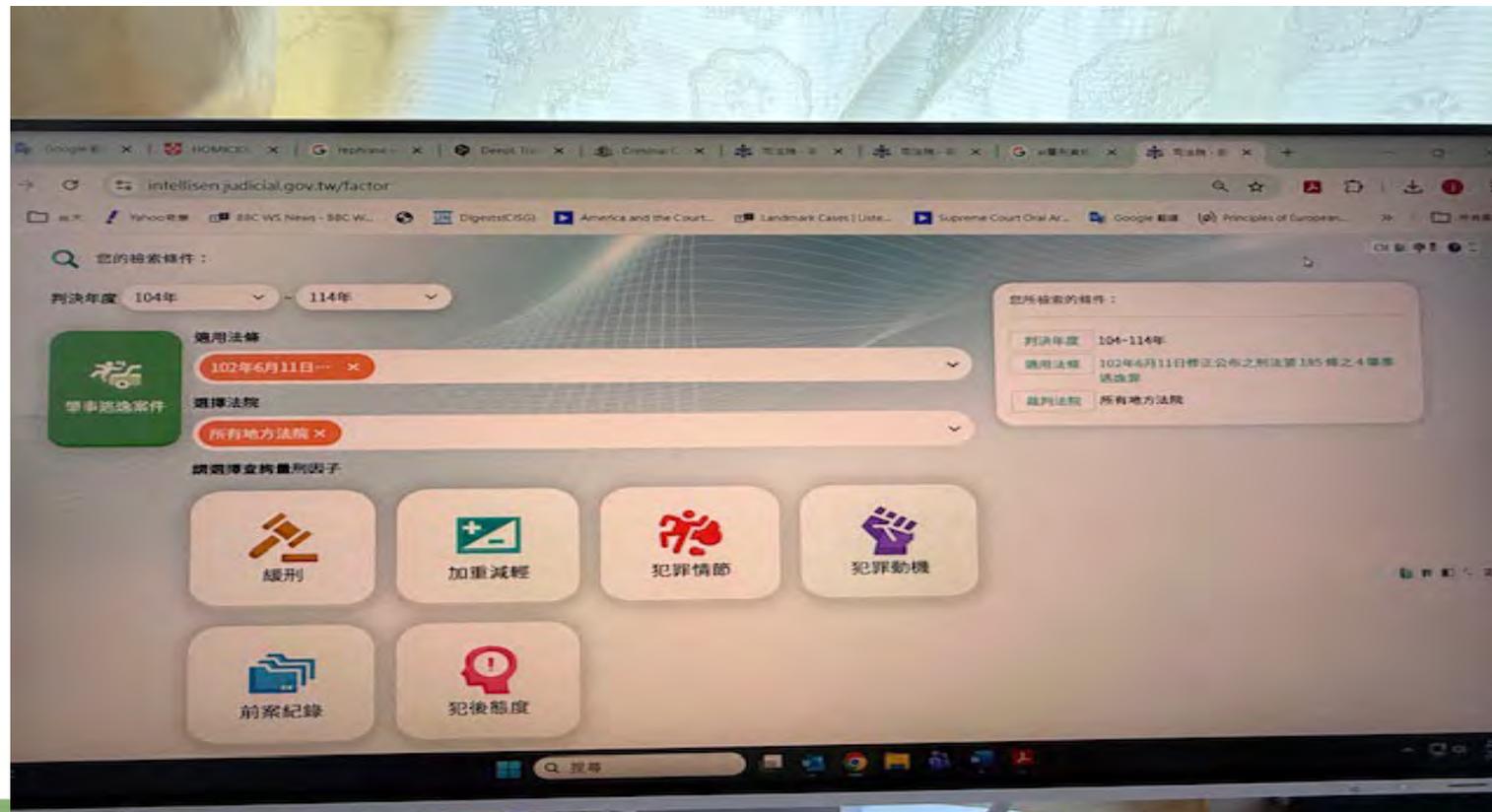


# III. Use of AI: Sentencing and AI



- Figure 3: Hit-and-Run: Judgements from 2015 to 2025, all sentencing factors that should be taken into consideration, including the motive and purpose of the crime, the offender's attitude after the crime, criminal record etc.



## IV. Use of AI in Child Guardianship Arrangements



- Taiwanese judges, when adjudicating custody, must prioritize **the best interests of the child**; in doing so, it shall conduct a **comprehensive evaluation of all circumstances**, with particular emphasis on:
- (1) The age, gender, number, and health of the children;
  - (2) The child's own preferences and developmental needs;
  - (3) The parents' age, profession, character, health, financial capacity, and overall living environment;
  - (4) Each parent's willingness and commitment to child-rearing;
  - (5) The emotional bonds between the child and the parents, as well as other household members;
  - (6) Any conduct by one parent that obstructs the other's exercise of parental rights; and
  - (7) The cultural traditions, customs, and values of each ethnic group.



## IV. Use of AI in Child Guardianship Arrangements



- In addition, the Taiwanese legislature has mandated that custody disputes undergo mediation as a procedural prerequisite to judicial adjudication. Nevertheless, **the ambiguity of the 'best interests of the child' standard frequently leads to divergent interpretations among mediators, undermining the consistency of the process.**
- To address these challenges, the Judicial Yuan has introduced AI-driven tools to help litigating parents, their attorneys, mediators and social workers better grasp the judicial logic behind custody rulings.
- By analyzing past precedents, **these AI systems facilitate out-of-court settlements and clarify legal expectations, ultimately minimizing the emotional and financial costs associated with protracted litigation.**

## IV. Use of AI in Child Guardianship Arrangements

- Numerous Taiwanese district courts that frequently deal with family law cases have integrated a 'AI-assisted parental rights adjudication prediction system' into their proceedings.
- Under this framework, litigants interact directly with the AI-driven system, inputting specific factors mandated by the Civil Code.
- This interactive process allows the litigating parents to independently explore custody outcomes that presumably align with the best interests of the child, providing a data-driven foundation for their specific case.



## IV. Use of AI in Child Guardianship Arrangements



- By engaging with these tools, parents can learn to view the 'best interests of the child' through a dispassionate, third-party lens. This allows mediators and social workers to maintain their neutrality while using AI-generated insights as an objective baseline for negotiations.
- Consequently, subjective biases can be minimized and the potential for a mutually agreeable parenting plan can be expanded, which significantly enhances the mediation's overall efficacy.

## IV. Use of AI in Child Guardianship Arrangements



- An AI system developed by a group of scholars has been proven to be able to offer the litigating parents a **structured framework to evaluate their roles as caregivers, summarizing the strengths and weaknesses of their case.**
- This system acts as a bridge, **translating complex court logic into understandable terms** so that the parents can see how their statements influence legal outcomes.
- In other words, the system helps litigants **move personal emotions and focus on the statutory factors that truly drive parental rights decisions,** leading to a more rational and informed legal strategy.

## V. Conclusion: Will AI replace judges?



- The Taiwanese court system is highly digitalized, with AI playing an essential role in judiciary. This is especially true in cases involving sentencing and parental rights disputes, where AI-driven insights help bridge the gap between abstract legal principles and practical, data-backed outcomes.
- A question arises therefore: 'Will AI eventually replace the judge' ?
- The answer: **AI can only serve as an auxiliary tool; the final judgment should still be made by judges (and) citizen judges** in order to maintain judicial ethics and the public scrutiny of judgments.

## V. Conclusion: Will AI replace judges?



- A user manual published by a Taiwanese district court explicitly points out that the use of AI is restricted by three core mandates: **(1) Collaborative Role:** AI assists but does not replace judges; all results must be verified by a human judge. **(2) Accountability:** All AI findings must be traceable to their sources and reproducible to avoid hallucination and arbitrary conclusions. **(3) Strict Confidentiality:** Information security is the highest priority, requiring AI usage to stay within the court's firewall and prohibiting any unauthorized disclosure of unmasked data .

## V. Conclusion: Will AI replace judges?



- The Judicial Yuan, in alignment with the guidelines published by the competent administrative agency, has also frequently underscored its intent to deploy **AI as an auxiliary tool to alleviate the judicial burden, particularly for drafting judgments in specific crime categories. The core judicial functions**—including fact-finding, legal interpretation, and sentencing —**remain the exclusive prerogative of the judges**, ensuring that human discretion is not displaced by algorithmic output.

# Taiwanese Judges' Engagements with AI



- Some judges frequently commission AI to conduct specialized research (examining the evidentiary value of virtual currency flow, analyzing Korean and Japanese judicial system, or comparing and bail review systems etc)
- Some judges utilize AI to analyze the criminal facts established by lower courts in order to consolidate key issues.
- Some judges employ AI to analyze and evaluate expert witness reports in order to prepare cross-examination.
- Certain judges discuss topics with AI systems and request assistance in drafting short written submissions.
- Currently, GIMINI or CLAUDE appear to be favoured by a significant number of judges, while others strongly recommend the 'DEEP RESEARCH'.

# Taiwanese Judges' Reflections on use of AI



In principle, Taiwanese Judges hold a positive and affirmative attitude towards the use of AI. Most of them are not particularly worried about the potential impact of AI on judicial independence or abuse of AI, believing that the final decision rests with the judge, which is not fundamentally different from the usual division of labor between judges and their assistants.



# Digitalization and the Use of AI in the Taiwanese Judiciary



Thank you very much for your attention!

# Taiwanese Judges' Engagement with and Reflections on AI



Regarding the concern of ‘default–effect’, ‘anchor-effect’ and ‘automation bias’, Taiwanese judges believe that whether problems would arise therefrom depends largely on self-discipline. To put it simply, judges are well ware of the risks associated with the use of AI. Nevertheless, giving that AI is able to broaden judges' knowledge base, assist in reasoning and decision-making, and substantially reduce their workload, they are unlikely to abandon its use. They remain mindful, however, that AI should serve solely as an auxiliary tool.