

Artificial Intelligence in the New Civil Procedure Code

Panama's New Civil Procedure Code introduces a meaningful change: the incorporation of information technology and artificial intelligence (AI) to facilitate and streamline access to justice in judicial proceedings through an Automated Judicial Management System, which can perform all types of procedural acts. This responds to a global trend that seeks to preserve the principles governing this new Code, such as speed, transparency, procedural legality, adequate judicial protection, and due process, pillars that aim to guarantee a more accessible and efficient system for citizens.

The incorporation of artificial intelligence in the judicial sphere may raise some uncertainty or even fear, particularly due to the risks associated with the opacity of the algorithms' operation and the concern generated by the idea of artificial intelligence making decisions in matters that require judges not only to apply the law technically, but also to apply rules of judgment regarding the assessment of evidence and the ability to reason with criteria of human justice

Far from ignoring these concerns, the reform of the Civil Procedure Code establishes clear limits on the use of these tools in Article 172. The rule allows the use of artificial intelligence and other technological means only when the immediacy of the judge, transparency, ethical compatibility, and usefulness for the administration of justice are guaranteed. In addition, it stipulates that the Judiciary will determine which procedural acts can be processed using AI, implying gradual and controlled implementation. Most importantly, the article explicitly states that artificial intelligence will not replace the human reasoning of judges or magistrates

In addition to the above, as Ramón Antonio Peláez Hernández warned at the XIX Panamanian Congress on Procedural Law 2024 held in Azuero, the use of technologies in the judicial sphere cannot be conceived as a substitute for human labor, but rather as a mechanism for facilitation and support. He adds in line with Panamanian regulations that "about the use of artificial intelligence, it should be conceived as a tool to facilitate the work of the judge, but in no case should it be used to delegate the resolution of conflicts to said intelligence, as it must be noted that critical analysis of the evidence is what determines the meaning of the ruling, and on that point, machines lack that sensory-perceptive capacity." Therefore, AI should be understood as a complement that helps to streamline procedures and organize files, without neglecting the human element that gives legitimacy to resolutions: healthy criticism.

Panama is not alone in this endeavor. Countries such as Colombia have made progress in this area with Decree 806 of 2020 and Law 2213 of 2022, which permanently incorporated digital justice into their legal systems. In the European Union, the EU Artificial Intelligence Act contains a regulation that differentiates between high- and low-risk systems, particularly restricting the use of AI in the administration of justice. In contrast, legislative initiatives are underway in Brazil and Argentina to facilitate access to court rulings.



These modern additions represent an immediate response to the procedural burden, while also streamlining judicial proceedings and increasing citizens' access to justice. However, specific challenges remain in Panama: the possibility of bias in these systems, the need to ensure adequate technological infrastructure throughout the country, and the risk of transferring functions that require critical deliberation and human judgment to artificial intelligence.

Although artificial intelligence promises a more agile and efficient judicial system, the legitimacy of judicial decisions will continue to depend on human judgment, albeit to a lesser extent. The challenge is not only to modernize justice in line with international trends, but also to ensure that the incorporation of these technological tools does not erode essential principles such as judicial independence, reasoned motivation, and public confidence in the impartiality of the courts.

At Alcogal, we closely follow regulatory developments and technological implementations in the judicial sphere, aware that responsible digitization will be key to transforming civil proceedings in Panama. Our commitment is to accompany our clients and the justice system in this transition, combining innovation with legal rigor.



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