

Digitalization of justice and the use of artificial intelligence in the Republic of Moldova: the balance between efficiency, access to justice and the protection of human rights

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Introduction

The digitalisation of the judiciary and the integration of artificial intelligence (AI) technologies into justice processes is a global trend, accelerated by the COVID-19 pandemic and recent technological developments. In the context of the Republic of Moldova, these transformations are essential both for the efficiency of the act of justice (reducing the duration of trials, reducing the workload of the staff), and for increasing access to justice (through online services, remote hearings) and ensuring respect for human rights (transparency, fairness, protection of personal data). Justice reform – a major commitment on the country's European agenda – places digitalization at the heart of efforts to modernize the judicial system.

However, it is crucial that these processes are carefully implemented in accordance with the principles of the rule of law and litigants' rights. The balance between efficiency and the protection of procedural rights must be maintained: technology can speed up justice, but it must not affect the fairness of trials, the independence of judges or the right to a fair trial. This policy brief looks at the current state of e-Justice and the use of AI in the Republic of Moldova, the relevant European legislative framework, international best practices, as well as the associated challenges and risks. The document also provides public policy recommendations and a phased action plan (short, medium and long term) for the Government of the Republic of Moldova, in order to accelerate the digitization of justice in safe and effective conditions.

Topicality of the problem

The need for digitization of justice in the Republic of Moldova is determined by several current factors. Firstly, the low level of public trust in the judiciary requires substantial reforms. According to the public opinion barometer (2024), over 70% of citizens say they have little or *no* trust in justice, and only about 15% show high trust. This negative perception – illustrated in the graph below – undermines the authority of the courts and indicates the urgent need for measures to increase the transparency and efficiency of the act of justice. Digitalisation can contribute here through clearer procedures and easy access to information, reducing bureaucratic interactions that can fuel suspicions of corruption.

The population's level of trust in justice (Moldova, 2024). Only ~15% of respondents have high or very high trust in the judicial system, while over 70% say little or no trust.

Secondly, the length of court proceedings and the workload of the courts remain significant challenges. Although comparative statistics show that, in 2020, Moldova had among the fastest civil and commercial proceedings in Europe (329 days average duration, the second shortest among the countries analyzed), the public perception is often that lawsuits take too long. Administrative and bureaucratic inefficiencies exist at court level, and the digitization of processes (e-registries, online case management, electronic summonses) can eliminate delays and reduce the administrative burden on judges. Moreover, digitalization minimizes the risk of corruption and increases transparency, factors highlighted by the authorities as essential for regaining public trust.

Thirdly, the European integration agenda of the Republic of Moldova brings to the fore the need to align with EU standards on digital justice and alternative dispute resolution. The country has undertaken,

through the Justice Roadmap (Chapters 23 and 24 of the EU acquis), to make concrete progress in the modernisation of the judicial infrastructure and the adoption of relevant European legislation. Thus, digitalization is not only a technical option, but a condition for democratic maturity and the path to EU accession. The European Union, for its part, stressed the importance of the digital transformation of justice to increase the resilience and efficiency of legal institutions, including in candidate states.

Last but not least, the lessons of the COVID-19 pandemic have shown the usefulness of digital solutions in justice. In 2020–2021, courts in Moldova (as in other countries) resorted to online court hearings and electronic communication, thus managing to remain operational despite sanitary restrictions. These crisis innovations have demonstrated that justice can be flexible and resilient through technology, but have also revealed gaps – for example, issues of digital literacy and unequal access to the internet, especially in rural areas. Now, in the post-pandemic period, it is time for these solutions to be refined and institutionalized in the long term.

In conclusion, the issue of digitization of justice and the use of AI is of immediate relevance for the Republic of Moldova, standing at the confluence between internal reform requirements (anti-corruption, efficiency, confidence building) and external commitments to harmonize with European standards. We will examine the current situation at national level, the applicable European regulatory framework and relevant examples from other countries, in order to substantiate the recommended courses of action.

1. National situation: e-Justice in the Republic of Moldova

The Republic of Moldova initiated the digitalization of the justice sector in 2009, with the implementation of the Integrated Case Management Program (PIGD) in all courts. This electronic system – developed with external support (USAID ROLISP program) – allowed for the automation of case registration and, crucially, the random assignment of cases by computer, eliminating human influence in the distribution of cases to judges. The IBMS has undergone successive versions of improvement (the last major version dating back to 2015) and has laid the foundations for the further expansion of digital solutions, such as the "electronic file" and the "virtual cabinet" (functionalities discussed since 2016).

In recent years, digitization efforts have intensified. The Government created an Agency for the Digitization of Justice (through the reorganization of the Agency for Court Administration) and started the elaboration of *the Digital Transformation of Justice Program 2025–2030*, which is to outline a unified vision of technological modernization of the judicial system. This programme proposes investments in the IT infrastructure of the courts, the interoperability of legal databases and increased cybersecurity to protect judicial information. An innovative idea is the establishment of a Coordination Council for the digitization of justice, as a platform for strategic cooperation between the Ministry of Justice, the authorities in the sector (SCM, CSP, courts, prosecutor's office), civil society and development partners. The aim of this Council would be to align all digital initiatives under a single strategic umbrella and to monitor the implementation of technical reforms in the judiciary, avoiding the fragmented approaches so far.

Existing digital tools: Currently, Moldovan courts have web portals where the public can check the status of cases (instante.justice.md portal), and court decisions are largely published online. At the same time,

hearings were held via videoconference, especially during the pandemic state of emergency. Basically, remote hearings have become a reality for certain categories of cases, maintaining the functioning of justice and contributing to reducing the stock of outstanding cases. While these measures have streamlined processes, they have highlighted connectivity and digital skills issues of some participants (parties or even court staff), especially in rural areas. Thus, there continues to be a digital gap: not all citizens and legal practitioners are equally prepared to use the new tools.

Mediation and alternative solutions are another pillar of the modernisation of justice. Moldova has had a mediation law since 2007 (later revised), but the effective use of mediation procedures has been reduced over time. A notable development took place in 2024, when the authorities introduced mandatory mediation within the framework of state-guaranteed legal aid: in civil and family disputes where the parties have court-appointed lawyers, they are now obliged to go through a mediation session before going to court. The state covers the costs of mediation for those eligible for legal aid, thus ensuring that mediation does not become a financial burden. The purpose of this policy is to relieve the courts (by amicably resolving disputes) and *to promote a cooperative legal culture*, where minor disputes can be resolved quickly and amicably, outside the courtroom. While it is too early for conclusive statistics, this initiative reflects alignment with European practices to encourage alternative dispute resolution (ADR).

Artificial intelligence in the Moldovan justice system is just beginning. To date, there are no AI systems formally implemented in judicial decision-making. However, incipient elements of intelligent automation and digital support are emerging: for example, the use of *chatbots* or virtual assistants to guide citizens through court portals (answering frequently asked questions), or software for the automatic transcription of audio-video hearings into text. Also, the algorithm for random assignment of files, although it is not AI, is a precursor to the use of technology to ensure the objectivity of the process. There are discussions and visions for the future – for example, the idea of jurisprudence analysis systems to assist judges in documentation (finding relevant precedents) or even *legal prediction tools* that could estimate the duration of a trial or the probability of success of an appeal, based on data from thousands of similar cases. However, such solutions must be approached cautiously, as they raise issues of ethics and accuracy.

Reformers and local specialists emphasize that the digitization of justice is not limited to technology, but also involves organizational and mentality changes. It is necessary to train staff – both judges and prosecutors, as well as clerks, lawyers or bailiffs – to use the new IT systems and adopt electronic procedures. Investments in training and legal digital literacy are just as important as investments in equipment and software. A positive example is the study "Justice in numbers – 2021", developed by civil society together with the Ministry of Justice, which comparatively analyzes the performance of the system and highlights *where* it is necessary to intervene for improvements. This type of data-driven diagnostics should guide the deployment of digital solutions where they have the greatest impact (e.g. in areas with high load or repeated delays).

In summary, the national situation is characterised by an incipient e-justice framework (EDMS, online portals, remote audio-video) that provides a solid foundation, but which needs to be expanded and upgraded. Moldova has the political will to digitize its justice system – evidenced by its high-level commitment and support from external partners – but the challenge is to turn these commitments into

practical, integrated and widely used solutions. The following sections will present the relevant European framework and examples that can inspire the improvement of the national situation.

2. Relevant European legislative framework

European Union policies and legislation provide a robust framework for the digitalisation of justice and the use of AI, setting out both concrete obligations and guiding principles to ensure the balance between innovation and fundamental rights. For the Republic of Moldova, as a candidate state for accession, *the assimilation of these European norms and good practices* is essential. Below, we review the main relevant European instruments:

- Artificial Intelligence Act (AI Act, 2024) – This is Regulation (EU) 2024/1689 on artificial intelligence, adopted by the European Parliament in 2024 (published in the Official Journal of the EU in July 2024). This legislation, the first of its kind in the world, establishes a unified framework to ensure the use of AI in a *safe, transparent, traceable, non-discriminatory and environmentally friendly* way. The AI Act establishes a system for classifying AI applications by risk levels: unacceptable (prohibited), high, limited and minimal. AI systems with a major impact on people's lives – for example, those used in critical infrastructure, education, employment, and law enforcement or justice – are classified as *'high-risk AI'* and subject to strict requirements. Such systems will require rigorous assessments before commissioning and throughout use, transparency and ongoing human oversight. Relevant to the judicial sector, the AI Act requires that any AI tool used in the trial or case management process must comply with standards of quality and impartiality, so as not to prejudice the right to a fair trial. For example, "social scoring" practices (evaluation of citizens based on behavior) or *predictive policing systems* are explicitly prohibited as they are considered to violate fundamental rights. Moldova, as a future member state, will have to harmonize the use of any AI solutions in litigation with these requirements of the AI Act, while preparing compliance oversight institutions.
- Directive 2008/52/EC on mediation in civil and commercial matters – This act obliges Member States to facilitate access to mediation procedures for civil and commercial disputes and to ensure a minimum framework for the quality of mediation. The Directive provides, inter alia, that mediation agreements may be enforced by the courts, thus giving them legal force. It also establishes the confidentiality of mediation (mediators and parties cannot be forced to disclose mediation communications to the court) and the suspension of limitation periods for the duration of mediation, so as not to discourage the parties from trying to reach an amicable settlement. For Moldova, the transposition of Directive 2008/52/EC means aligning national mediation legislation with these standards. A new draft law on mediation (mentioned in the public discussions) aims precisely at the implementation of the directive, including through the certification of mediators, the creation of an EU-standard code of conduct for mediators and the integration of mediation into the pre-trial procedure. By adopting these provisions, the use of mediation would also extend outside the system of free legal aid – possibly even *mandatory pre-judicial mediation* in certain matters, similar to other EU countries (e.g. in Italy or Romania, in areas such as family disputes or small disputes).

- Directive 2013/11/EU on Alternative Dispute Resolution for Consumer Disputes (ADR Directive) – This directive requires EU states to ensure the existence of alternative dispute resolution (ADR) entities for all economic sectors, so that consumers can resort to effective out-of-court remedies in disputes with professionals. The Directive sets quality requirements for ADR entities: independence, transparency, contradiction, legality, speed and the principle of voluntary character. Each state must create a *contact point* and a list of ADR entities notified to the European Commission. For Moldova, the rapprochement with this directive would imply the development of the institutional framework for consumer protection: for example, strengthening the existence of mediation or arbitration centers for consumers, under the monitoring of an authority (ANPC in the EU model). Some initiatives already exist – such as mediation services at the Consumer Protection Inspectorate – but integration into the European ADR network is a goal to be achieved with accession.
- Regulation (EU) No 524/2013 on online dispute resolution (ODR) in consumer matters – This Regulation created the European ODR Platform, a single online portal where consumers and traders can lodge complaints and resolve disputes arising from commercial transactions (in particular those carried out online) online. The ODR platform is available in all official EU languages and connects parties with competent ADR entities. EU traders selling online are obliged to display a link to the ODR platform on their websites. Although Moldova is not yet part of this system, in the perspective of European integration it would be necessary to interconnect national mechanisms to the European ODR platform. This means that Moldovan consumer dispute resolution entities will have to be able to receive and manage cross-border cases through this portal. The adoption of the ODR Regulation will make it easier for Moldovan citizens to resolve cross-border disputes (e.g. online shopping from EU traders), avoiding costly legal proceedings. Already now Moldovan consumers can voluntarily access the EU platform, but their complaints must be taken over by ADR entities in EU countries until formal integration.
- EU Digital Justice Strategy 2025–2030 (DigitalJustice@2030) – The European Commission is working on a new medium-term strategy aimed at accelerating the digitalisation of Member States' justice systems and the use of new technologies, including AI, to improve the efficiency, resilience and quality of justice. This strategy, in the form of a Commission Communication, is to be adopted in the last quarter of 2025, in parallel with the new Judicial Training Strategy 2025–2030. In its preparation, the Commission launched a public consultation (Call for Evidence) in 2025 to which experts and institutions from all countries could contribute. The main directions of action envisaged include: the creation of a scoreboard of the digitalisation of justice in the Member States (for the exchange of best practices and comparative monitoring), the development of an EU-wide "IT/AI Toolbox" – basically a library of IT and AI tools available to national judicial systems – and the strengthening of a European Legal Data Space. This Data Space will facilitate centralized access to legislation and jurisprudence (national and European) and will allow the use of this data for *training* and developing AI applications adapted to the needs of justice. At the same time, the strategy focuses on interoperability and electronic identity: the use of the European Digital Identity (e-ID) and qualified electronic signatures in cross-border judicial proceedings, so that it becomes possible *to conduct cross-border processes completely online*

(e.g. in a Romania-Moldova civil dispute). Although this strategy will not be a binding legislative act, but a set of guidelines (soft law), it is expected that it will generate future European instruments and funding to which Moldova could also have access. Aligning now with the objectives of the strategy – such as training judicial staff in digital skills, collecting statistical data on the use of IT tools or engaging in pilot projects on artificial intelligence in justice – would give Moldova a head start in the European digital integration process.

- European Charter of Ethics on the Use of Artificial Intelligence in Judicial Systems (Council of Europe, 2018) – Although it is not EU legislation, it is worth mentioning the initiative of the Council of Europe (through CEPEJ) which developed a set of ethical principles for the use of AI in the judiciary. The Charter (adopted in Strasbourg in December 2018) outlines five basic principles: *respect for fundamental rights, non-discrimination, quality and security* (algorithms must be designed with reliable and secure data), *transparency and intelligence "under human control"* (explainability of algorithmic decisions and permanent human oversight) and *the principle of subordination (user control)* – that is, the fact that the final decision must also belong to a human actor and litigants must be able to choose not to be subject entirely to a algorithmic decision. These principles have already been invoked in national discussions (e.g. in Romania and the Republic of Moldova) as a benchmark for the development of any legal AI systems. Even if they are not mandatory, they can be voluntarily integrated by states into their good practice guides or codes of ethics for professionals. Moldova could, for example, include provisions inspired by the Charter in the rules of operation of any AI-type applications in justice, thus ensuring that *judicial ethics* is not sacrificed on the altar of technical efficiency.

In addition to the above, there are a number of related EU instruments: Regulation 2023/2844 on the digitization of judicial cooperation (which facilitates electronic communication between courts of different Member States – of interest for the future, when Moldova participates in networks such as e-CODEX), or initiatives such as the EU e-Justice Action Plan (the last one valid being 2019-2023, focused on the development of the European e-Justice Portal and cross-border online services). All this outlines an environment in which *e-justice* becomes the new standard.

For the Republic of Moldova, the adoption of the EU acquis on digital justice and ADR will be both a challenge and an opportunity: a challenge, as it involves significant investment and legislative reforms; opportunity, because it provides access to the European know-how and funding necessary to make a qualitative leap in the way the judiciary works.

International best practices in e-Justice and judicial AI

The experiences of other countries – both within and outside the European Union – provide valuable case studies on how justice can be digitised and artificial intelligence integrated, while maintaining the balance with human rights. In the following, we will highlight some relevant international best practices, briefly mentioning the related achievements and lessons:

- 1) Estonia – "e-Estonia" pioneer of digital justice: Estonia is often cited as an example of the digital transformation of governance, and justice is no exception. The country (with ~1.3 million

inhabitants) has implemented an almost *paperless judicial system*: all cases can be submitted electronically via the e-File portal, parties and lawyers have online access to documents and the calendar of hearings, and communication between the courts and the other institutions is done through the national platform interoperability (*X-Road*). Citizens use the national digital signature to sign legal documents remotely, legally recognized as equivalent to the handwritten signature. Estonia was also among the first countries to experiment with AI in the judicial system: in 2019, the Ministry of Justice launched a project to develop a "robot judge" to resolve small disputes (up to ~7,000 euros) in accelerated procedure. The idea was for an algorithm to analyze the submitted documents and issue a decision, which could later be reviewed by a human judge. This pilot project has not yet been widely implemented (risks have been reassessed), but it shows Estonia's openness to innovation. So far, Estonia uses AI mainly in support tasks: algorithms for the fair distribution of cases, legal *chatbot* systems that guide litigants through the court portal, as well as horizontal government solutions (e.g. an AI that scans satellite images to detect environmental violations, or one that sorts resumes for job placement – solutions that, although they are not directly related to the courts, they demonstrate the ability to use AI in administration). Lesson Estonia: strong digital infrastructure + universal electronic identity = accessible and efficient judicial services. At the same time, Estonia emphasizes the importance of *maintaining human control* over AI decisions – in their plan, the robot judge was designed to be supervised by real judges, precisely to prevent errors or abuses of the algorithm.

- 2) Romania – gradual digitalization and discussions about AI: The neighboring country, Romania, has a larger and more complex judicial system, but here too digitalization has picked up speed in recent years. The Courts Portal (portal.just.ro) provides public access to the files (parties can check the status and solutions), and *the Electronic File* project now allows lawyers and parties, in most courts, to consult the entire content of the files online and submit applications in electronic format. Also, all court hearings are audio recorded, the files being managed electronically. During the pandemic, Romania amended the Code of Civil Procedure to allow online court hearings with the consent of the parties, and many courts continued to use videoconferencing even after the pandemic, especially in civil cases or in remote witness hearings. As far as AI is concerned, Romania still does not have concrete implementations in the courts, but *the debate is very lively*. A recent example (April 2025) was the proposal by a major union in the police and civil servants system (ProLex) that the Ministry of Justice create the legal framework for an "AI judge" in certain high-volume administrative disputes. The motivation was to eliminate non-unitary practices and speed up the resolution of cases (the union accused the fact that, on identical cases, some courts gave opposite solutions – generating the feeling of arbitrariness). Under the proposal, an automated platform would analyse similar cases and pronounce a solution within a very short period of time, which could then be challenged by a human stirileprotv.ro. The reaction of experts was generally cautious: it was pointed out that such a change would raise constitutional issues (the right to an impartial *human judge* is guaranteed) and practical (there are still no sufficiently mature algorithms to motivate complex legal decisions). However, Romania has started to explore AI in specific aspects: at the level of the Prosecutor General's Office, a predictive analysis software for recidivism (similar to COMPAS

used in the US) is being discussed, and the Ministry of Justice has organized conferences on digital technology and AI, promoting the CEPEJ Ethical Charter of 2018. Notably, in Romania the law already prohibits "extraordinary courts", so any *AI tribunal* would require constitutional revisions. Romanian best practices: development of an interoperable national electronic file (in progress), transparency of online judicial data and digital education initiatives for magistrates. Romania emphasizes maintaining *the judicial decision in humans*, but considers it acceptable to use AI as an assistant (e.g. for assignment, writing minutes or automatic anonymization of decisions).

- 3) France – focus on ethics and AI pilots: France, with a vast legal system, has implemented numerous e-justice solutions, but is best known for its prudent and regulated approach to artificial intelligence. There is the "Justice.fr" portal that guides citizens to online services (file minor complaints online, notary appointments, etc.), and certain simplified procedures (such as payment orders for uncontested debts) can be initiated electronically. In parallel, the French Ministry of Justice is running the "Portalis" project – an integrated platform designed to interconnect all court databases and allow both professionals and litigants to manage cases digitally end-to-end. What distinguishes France is its concern for the impact of new technologies on individual rights and the independence of judges. In 2019, France adopted a *groundbreaking law* prohibiting the use of algorithmic identification of judges for the purpose of analysing their jurisprudential trends. In other words, the use of AI to predict how a particular magistrate will judge (based on the history of his decisions) has been banned, and the violation of this prohibition is criminally sanctioned. The purpose of this law is to prevent "profiling of judges" and its possible negative effects (media pressures, forum-shopping depending on the "favorable" judge, etc.), thus protecting the independence and dignity of justice. France is also investing in AI to assist the judiciary: the French Court of Cassation, for example, has tested algorithms for automating the anonymisation of judgments (to speed up the publication of case law by masking the names of the parties) and is examining how it could use AI to classify appeals filed (filtering out admissible from manifestly unfounded). The French government has funded several LegalTech startups that offer *predictive justice services* (estimation of the possible solution based on previous cases) and legal chatbots for citizen guidance, but all under the close supervision of the Council of State and legal ethics commissions. The conclusion of the French example: it is important that digitalization comes with clear ethical rules; France demonstrates that the benefits of AI (automation of repetitive tasks, data analysis) can be used without compromising basic principles – prohibiting certain uses considered unacceptable and maintaining the transparency of the algorithms used in the judicial system.
- 4) Other examples from the EU: Many member countries have started their own projects. Spain has a program called "Digital Justice" with the widespread introduction of the electronic file and online hearings, as well as a virtual assistant (*verbot*) that helps citizens on court websites. The Netherlands has experimented with Online Dispute Resolution (ODR) systems for consumer and family disputes – web-based platforms where parties can negotiate and mediators/experts can provide solutions, all remotely. Finland uses AI to index and search the case law archive (*AI-powered Finlex project*). Italy, having fully implemented the telematic civil process (PCT) – a

complex system of mandatory electronic filing and communication in civil lawsuits – is now looking into the use of AI in court management (e.g. for forecasting future file loads and resource allocation). Last but not least, Belgium and Austria have launched *judicial chatbots* for basic legal information, and Germany is exploring concepts of "digital jurisdiction" in commercial matters (online arbitration chambers with pre-established rules).

- 5) Non-EU states: It is worth mentioning Singapore, which although not in Europe, is recognized as a hub of technological justice: its commercial courts have adopted a 100% digital system (paperless) and sometimes use dynamic electronic evidence (e.g. interactive multimedia presentations in the courtroom). Singapore has also launched an Online Small Claims Tribunal, where parties present their case through the portal and a bailiff issues a digital judgment. Another example is Canada, where provinces such as British Columbia have established an Online Civil Resolution Tribunal – an entity that resolves low-value civil disputes exclusively online, through platform-assisted mediation and digital decision-making if mediation fails. These examples show the potential of ODR to relieve the burden on classic courts.

International good practices highlight some key ingredients:

- The importance of a coherent strategy (not just isolated projects) – e.g. Estonia or Spain had clear national e-justice plans;
- The need to involve magistrates and lawyers in the design (if the users of the system are not consulted, the risk of resistance to change is high);
- Ensuring accessibility for the public – intuitive portals, support for those without digital skills, access points in courthouses;
- Data protection and cybersecurity integrated by design, given the sensitivity of judicial data (e.g. France's solution to anonymise public decisions protects the privacy of the parties).
- Maintaining the human factor: either by supervising AI decisions or by always offering the possibility of *opt-out* (so that a judge or a party can decide not to use the online procedure, if there is a serious reason).

These examples also provide direct inspiration for Moldova – for example, the Estonian model of digital identity could be replicated in the Republic of Moldova (where there is already an electronic bulletin and mobile signature, which can be extended for use in court), and the Romanian model of the electronic file can serve to interconnect the PIGD with public portals. From France and others, Moldova can take the approach of clearly regulating the use of algorithms *before* they become problematic.

3. Challenges and risks

The large-scale implementation of digitalization and artificial intelligence in the justice system comes with numerous challenges and risks, which must be anticipated and managed through appropriate policies. Identifying these challenges is crucial to ensure that the digital transformation will not compromise the rights of litigants and the integrity of the act of justice. The main aspects of attention include:

- Insufficient infrastructure and resources: Full digitalization requires massive investments in IT infrastructure (servers, videoconferencing equipment in all courtrooms, secure networks). Many courts in Moldova still operate in outdated buildings and equipment, where the implementation of technology is difficult. Ensuring sustainable financing – including from the state budget, but also from external funds (EU, partners) – is essential. A related risk is *fragmentation* of solutions: if different systems are deployed in different instances (possibly through uncorrelated pilot projects), interoperability may suffer. That is why centralized coordination (through the Ministry or the Agency for Digitization of Justice) is vital for standardization.
- Resistance to change and the skills gap: Any reform also brings inherent opposition, and in the judiciary some practitioners may be conservative. An untrained judge or clerk may perceive the new systems as a burden or even a threat to their routine. The lack of thorough training can lead to the *non-use* of many functionalities (e.g.: if there is a video conferencing system but the judges still prefer to postpone the case until they can physically bring the parties). Also, the general population – especially in rural areas or among the elderly – could face difficulties in accessing online justice (lack of broadband internet, lack of knowledge of digital procedures, mistrust of technology). Digital literacy is therefore a double challenge: both for the system's staff and for citizens. Ignoring it risks deepening inequalities in access to justice (e.g. young people and companies benefiting from the benefits of e-justice, while disadvantaged people are left behind).
- Data protection and cybersecurity: The judiciary processes sensitive personal data (from data on intimate life in family cases to trade secrets in civil cases or health data in criminal cases). Extensive digitization exposes this data to security risks – cyberattacks, privacy breaches, unauthorized access. A major incident (such as the compromise of the courts' database or ransomware encrypting files) would have serious consequences for public trust and the functioning of justice. The challenge is therefore to ensure robust IT security systems: encryption, regular backups, penetration testing, strict role-based access procedures, etc. Also, compliance with data protection standards (the European GDPR, to which Moldova will also join) implies that there is a clear legal basis for each digital processing of judicial data, limited storage periods, anonymization of data published online and rights for data subjects (e.g. the right to the protection of personal data in judgments – as discussed at ECJ level). The risk is that fast, inadequately secured digitization will lead to leaks of information or unauthorised use of data in files (e.g. profiling of parties or witnesses through data available online).
- Digital exclusion and *access to justice*: One of the central stakes is that digitalisation increases access to justice, not restricts it. However, there is a risk that an excessive focus on online solutions will negatively affect certain groups. For example, people with disabilities (blind, hearing impaired) may experience difficulties if electronic platforms are not designed according to *accessibility standards*. Disadvantaged communities or those without technological resources could be virtually excluded from online procedures. The policy challenge is to always provide *an alternative way* for those who cannot or do not want to use digital: help desks, the possibility of paper submission where necessary, facilities in court offices (kiosks with internet connection for consulting digital files, staff dedicated to helping the public). Also, the language and interface

of the systems must be thought out simply and translated into the relevant languages (Romanian, Russian, Gagauzian, etc., taking into account the demographic context of Moldova) so as not to create linguistic or technical barriers.

- **Financing and long-term sustainability:** The initial implementation of new systems can be covered by projects (EU, World Bank, donors), but maintaining and updating them requires a constant budget. One risk is that, after launch, solutions will not benefit from maintenance and upgrade, leading to degradation or rapid aging. For example, if software license costs are not budgeted annually, new equipment may become unusable. Sustainability also implies *adaptability*: technology evolves rapidly, so the judicial system must be able to integrate novelties (e.g. today videoconferencing, tomorrow virtual reality?) without having to rebuild from scratch.
- **AI-specific risks: bias, opacity, legality:** The introduction of artificial intelligence poses distinct challenges. An AI system "learns" from historical data – if justice data reflects biases (e.g., harsher punishments in a particular region or for a certain group), there is a risk that AI will perpetuate or even amplify these *biases*. Cases in other countries have shown how recidivism algorithms discriminated against minorities or how facial recognition systems have lower accuracy for certain subjects. In the courts, such errors are unacceptable, as they can affect lives (e.g., an erroneous algorithmic assessment could influence a prisoner's parole decision). AI also brings *opacity*: many algorithms (especially *machine learning ones*) are "black boxes", difficult to explain even by creators. Or, in a judicial process, the reasoning of the decision is mandatory – how do you motivate a decision partially generated by an algorithm, if you cannot explain its reasoning? Algorithmic transparency therefore becomes an imperative (including under the AI Act, which calls for increased transparency for AI systems in justice). There is also the issue of *procedural legality*: the current procedural codes provide for certain steps and the role of a human judge. AI integration requires adapting laws – otherwise, AI decisions could be null and void. Finally, the question of liability arises: who is responsible if the AI is wrong? The judge who approved its use, the programmer, the state? These gray areas are still debated in the doctrine.
- **Public acceptance and ethics:** Even if technical issues were solved, a major risk is the public's refusal to recognize digital or AI-driven decisions. Justice has a strong perception component: people want to "present the case before a judge". If the transformation is poorly communicated, there is a risk of a rejection reaction (fears that "the computer decides the fate of man", etc.). This can lead to challenging the authority of the court, to waves of appeals and appeals just on the grounds of distrust in the solution given by an algorithm. To mitigate, transparency and involvement are needed: explaining to the public how technologies are used and how they *do not* affect rights (for example, always ensuring recourse to a judge). Moreover, the ethical implications – such as protecting human dignity, ensuring justice that does not become excessively "*technocratic*" – must be weighed. A legal proverb says: *Justice must not only be done, but also seen to be done*. If the citizen does not "see" justice because everything happens on an opaque portal, the feeling of trust can decrease. The challenge is therefore to preserve the human component and the solemnity of the act of justice even in virtual environments.

- Unevenness of progress: Different parts of the justice system can progress digitally at different speeds. For example, civil courts could quickly reach full digitization, while criminal courts (where detainees are also involved, police, court-appointed lawyers, etc.) could lag behind. This creates the risk of a *dual system*: a "new type of justice" effective in some areas and a cumbersome "traditional" one in others. Similarly, if the judiciary adopts the technology, but other related institutions (police, penitentiaries, expertise) do not, the gain in efficiency can be wasted. An integrated approach is needed, with the involvement of all actors in the judicial chain.

Listing these challenges, it becomes clear that the digitization of justice is a complex process, not just a simple acquisition of computers. Risk management involves strategic planning, broad consultation, investment in people and technology, and a sustained effort to update the legal framework and protect fundamental values. In the next section, we formulate concrete recommendations for the public policies of the Republic of Moldova, considering both maximizing the benefits and minimizing the risks discussed.

4. Public policy recommendations

Considering the above analysis, we propose a set of public policy recommendations meant to guide the Republic of Moldova in the direction of a digitized, efficient justice system aligned with European standards and respectful of human rights. These recommendations are designed to provide decision-makers with a coherent plan of action:

1. Adoption of a comprehensive national strategy for e-Justice and AI – The Government, through the Ministry of Justice, should finalise and formally adopt the *Digital Transformation of Justice Programme 2025–2030*, ensuring that it covers all dimensions: infrastructure, processes, human resources, legal framework. The strategy must also include a *chapter dedicated to the ethics of the use of AI* in the judicial system, possibly by assuming the CEPEJ 2018 principles at national level. Once adopted, the strategy must be clearly communicated to all institutions involved and to the public, in order to create a common horizon of expectation and mobilise support.
2. Strengthening the institutional and coordination framework – The establishment of the Council for the Coordination of the Digitalisation of Justice (as foreseen) should be carried out as soon as possible. This body – including representatives of the Ministry of Justice, the SCM, the PSC, the courts, the legal professions, civil society and development partners – will ensure *the oversight of the implementation* of the strategy and the coherence of the projects. It is also recommended to designate at the level of each court a digitization officer (a kind of local "digital champion", be it a vice-president of the court or chief clerk) who will be the liaison with the Council and follow the application of IT solutions in the respective court.
3. Updating the procedural legal framework – Parliament and the Ministry of Justice to initiate legislative changes to allow and explicitly regulate digital procedures. For example: amending the Code of Civil and Criminal Procedure to recognise *the electronic document* (submission of applications and documents in electronic format, with qualified electronic signature) on an equal footing with the paper document; introducing *summons by electronic means* (e-mail, portal) as a valid and efficient method; establishing the conditions for online court hearings (where they can take place, the right of the parties to request or

refuse, how to record the declarations). An important aspect is *the legal recognition of audio/video recordings* as part of the minutes of the meeting (already mostly happening). Also at the legislative level, it is necessary to transpose the mentioned European directives: a new Mediation Law aligned with Directive 2008/52/EC, possibly a special Law on *alternative dispute resolution* to anticipate the implementation of Directive 2013/11/EU (creating the framework for ADR entities and cooperation with the ODR platform – Regulation 524/2013). At the AI level, it is recommended *to codify the principle of "algorithm under human control"*: no judicial decision can be pronounced exclusively by a machine, the judge always has the ultimate responsibility.

4. Investments in digital infrastructure and interoperability – The Government should allocate dedicated funds to equip all courts with modern equipment: high-speed internet networks (including redundancy in falls), high-quality videoconferencing systems in courtrooms (cameras, screens, audio), high-performance computers and scanners for the transition to the electronic file. Also, strengthening the data centers that host the judicial systems (or migrating to a secure government cloud that hosts court data, with geographical backup). Interoperability is crucial: the Ministry of Justice should continue its efforts to integrate the ISMD with the relevant state registers (population register, business register, cadastre, etc.) so that judges and clerks can directly access the necessary information in the files, eliminating bureaucratic requests to other institutions. A good example is already the initiative to interconnect civil status registers with the PIGD – eliminating the need for the parties to bring birth/marriage extracts, which are available electronically. Moldova should also invest in the implementation of European e-CODEX (secure exchange of judicial documents between countries) standards to prepare participation in the European justice network.

5. ODR pilots and the extension of amicable settlement – As part of increasing access to justice, we recommend the launch, possibly with donor support, of a national platform for online dispute resolution. This could start with the area of consumer protection or small commercial disputes. The platform would guide the parties through a structured process: first exchange of messages and assisted negotiation, then online mediation (an assigned neutral mediator), and if no agreement is reached – the possibility to request an online arbitration decision with limited enforceability. Such a project would decongest the courts, be aligned with EU practices (ODR platform) and provide citizens with a quick and free/cheap way to resolve disputes. The extension of mediation is complementary: in addition to mandatory mediation for legal aid beneficiaries (already implemented in 2024), consideration could be given to introducing *a mandatory information session on mediation* for parties to civil disputes before the first appearance, following the model of other jurisdictions – this way, the parties at least become aware of the option. At the same time, the state could stimulate mediation through tax breaks (exemption from stamp duty if you resolve the dispute through mediation) and by creating mediation centers connected to the courts (judges sending cases to authorized mediators). These policies lead to a paradigm shift: not every dispute has to go before a judge, there are beneficial alternatives.

6. Intensive training and organizational culture change – The Superior Council of Magistracy, the National Institute of Justice (NIJ) and the Lawyers' Union should work together to carry out comprehensive training programs on new judicial technologies. All judges and prosecutors in office to complete practical courses on the use of systems (updated PIGD, electronic file, digital signature, etc.),

basic cybersecurity (to prevent, for example, incidents such as the opening of malware files). For young magistrates, the INJ curriculum should include the special module of *Digital Justice & AI*. Particular attention should be paid to the *ethical* component: training on the risks of algorithmic bias, responsibility in using online information (e.g. being aware that data on social networks can be manipulative, etc.). In addition, it is necessary to be aware of the advantages – *a culture of innovation* in the courts must be encouraged. Here, the management of the system (SCM, court presidents) have the role of promoting positive examples, rewarding staff who adopt the new methods and clarifying that digitization *does not aim to replace people*, but to help them. "Mentor courts" partnerships: courts that have a good command of digital tools can form others (e.g. Chisinau as a mentor for smaller district courts).

7. Ensuring inclusion and accessibility – Any digital solution implemented should be accompanied by measures that ensure universal access. Specifically: the development of the e-Justice portal in simplified language and the provision of the version in minority languages (where relevant, e.g. Russian for Gagauzia or Transnistria). Implement *WCAG standards* for web accessibility so that people with disabilities (e.g., blind people with screen readers) can use court portals. Creation of a digital helpdesk in each court: an official to help parties if needed to file online or participate in a videoconference (similar to the concept of 'digital hubs'). Maintaining, during the transition, the *traditional option*: the citizen who nevertheless submits applications on paper to be served normally, and the court staff will scan and enter the document into the system (without penalizing the party). This avoids that the lack of digital means becomes a lack of access to justice.

8. Transparency and public communication – The Ministry of Justice together with the SCM should launch a public information campaign on e-Justice and its benefits. This would include guides for citizens ("How to file an application online", "How a trial works via videoconference"), demonstration videos, even question and answer sessions with court spokespersons. Also, periodic publication of *usage data*: e.g. percentage of files submitted online, number of meetings held remotely, average duration of comparative processes (digital vs traditional). This kind of transparency will show progress and strengthen confidence that the reforms really work. In addition, it is recommended to involve civil society and lawyers in the regular evaluation of new systems – to collect feedback and adjust where problems arise.

9. AI ethics and regulation – Before implementing any AI-based tool, it is advisable for Moldova to establish its own framework of ethical or even normative principles. For example, the SCM could issue a ruling/circular with *Principles for the use of AI in courts*, reflecting the CEPEJ Charter and the provisions of the AI Act (already mentioned). In parallel, if algorithms are developed locally for the courts, interdisciplinary evaluation commissions (IT-scientists, lawyers, ethicists) should be created to audit the algorithm for bias and fairness before use. Also, each instance using an AI (e.g. for optimised automatic assignment of cases) should inform the parties of this and there should be the possibility to challenge AI-based decisions if suspicions of error arise. One possible mechanism is the appointment of a Judicial Data and AI Ombudsman, a person or structure to oversee the enforcement of rights in the context of new technologies (it could even be the extension of the powers of the Ombudsman or CNDP in this area).

10. International collaboration and learning from experiences – We recommend that the authorities make the most of the available European networks and projects: participation in programs such as *the Justice Dashboard* (the European Commission's justice dashboard), in the working groups of the European Network of Judicial Councils (ENCJ) on digitalization, in bilateral exchanges with countries such as Estonia or Romania for knowledge transfer. Also, attracting technical assistance through tools such as TAIEX, Twinning in the field of e-justice, or inclusion in future projects funded by the EU Digital Programme. Collaboration must also include the local private sector: legal tech *start-ups* in Moldova could be supported to develop solutions in partnership with courts (e.g. a mobile app for litigants).

These recommendations, once implemented, will create the framework for modern and inclusive digital justice. The key element is political and managerial will: technology is available, but success depends on how decision-makers and actors in the system embrace it and orient it towards the good of the citizen.

Finally, in order to move from recommendations to reality, a concrete action plan is needed, on deadlines, which we detail in the next section.

Action Plan for the Government of the Republic of Moldova

The implementation of the proposed reforms requires a phased action plan, with short, medium and long-term priorities. Below is a possible plan for the Government and partner institutions, which groups the measures according to the time horizon:

Short term (in the next 1–2 years):

- *Strategic and legislative adoption*: Formal adoption of the National Strategy for the Digitization of Justice 2025–2030 by the Government; approval by law of the program (if applicable) to give it strength and budget. At the same time, the initiation of the legislative package to amend the Codes of Procedure (civil, criminal, contravention) to allow the electronic file, electronic summons and online meetings (ensuring correlation with the Administrative Code and other special laws). Adoption of the new Law on Mediation, harmonized with Directive 2008/52/EC.
- *Institutions and coordination*: Establishment of the Council for the Coordination of the Digitization of Justice (by Government decision or Order of the Ministry of Justice) and organization of its first sessions. Appointment of a project team at the Ministry of Justice to act as the Secretariat of the Council. In each court, the formal appointment of an IT/digital coordinator (local responsible).
- *Fast funding and immediate projects*: Allocating in the next budget an amount dedicated to equipping the courts (e.g. the purchase of cameras and screens for 50% of the courtrooms that do not yet have them). Immediate implementation of "*quick win*" projects: e.g. launch of an improved court web portal with a section of citizens' video guides; launch of a pilot mobile app for hearing notifications/summons on the phone. Completing the interconnection of the PIGD with the civil status and criminal record databases (if not already completed) so that judges can directly check the identity and background of the parties.

- *Training and awareness-raising*: Organising, through the NIJ, intensive workshops for all court presidents and chief clerks on the digitalisation plan (so that local leadership is aligned). Also, targeted trainings for the IT staff of the courts (cybersecurity, administration of new systems). Launch of the public information campaign – press conferences announcing the start of the e-Justice program, publication on the Ministry of Justice website of the implementation calendar and relevant FAQs.
- *First steps in AI*: Conducting a feasibility study (possibly with external support) on AI opportunities in Moldovan justice. Identifying a narrow field where an algorithm could be piloted without risk (e.g., an AI for anonymizing names in publishable judgments). Establishing a working group of IT experts & lawyers to develop the national ethical guide on AI in justice.

Medium term (3–5 years):

- *Major infrastructure implementation*: Complete modernization of the IT infrastructure in all instances. Ideally, by 2028, all courts should be uniformly equipped: secure communications network (judicial VPN), quality audio-video equipment, fast scanners for archives, electronic document management systems interoperable with the PIGD. Also, the creation of a Single Judicial Data Center – either a government or cloud data center – where court platforms can be securely hosted, with real-time backup (thus, if a local server goes down, the system continues online).
- *Unified electronic file*: The gradual extension of *the electronic file* at national level and *its mandatory* use in certain subjects. For example, it could be decided that for commercial processes between professionals, the filing and service of documents should be exclusively electronic (these parties usually have resources to use the system). For the other subjects, the target would be for a high percentage (over 70%) of the files to be initiated online. The interface of the electronic file must be integrated with the public portal, so that lawyers and litigants, using a digital identity (certificate, electronic bulletin, etc.), can access their files at any time. In addition, the implementation of the electronic signature at the level of the judicial system: all judges and clerks should have a qualified digital signature to sign decisions and procedural documents in electronic format.
- *Online Dispute Resolution (ODR)*: Piloting the National ODR Platform. Initially, we can start with *the field of consumer protection*: the Government (through ANPC and MJ) creates the web platform, the national ADR entities are notified, a few mediators/arbitrators are trained. The project runs for 1-2 years and evaluates: how many cases it solves, how satisfied the users are. Subsequently, the extension to other areas, for example litigation regarding traffic contraventions (where there is a lot of volume anyway and lends itself to standard solutions). Also, preparations for integration with the European ODR platform – participation as an observer in the ODR network.
- *Monitoring and data*: Implementation of a *dashboard* system for court management: real-time indicators on the number of new files entered, the rate of use of digital systems (e.g.: percentage of summons sent by email vs paper, number of videoconferences per month, etc.). This tool, at

the disposal of the SCM and the presidents of courts, will allow the punctual identification of places where digitalization stagnates or where very good results are obtained (good practices). The publication of this data in the Annual Report of the Judiciary will ensure transparency and accountability. Also, conducting a regular satisfaction survey among users (lawyers, citizens) on the digital services offered by the courts.

- *Improvement of the educational and cultural framework:* Continuation of the training programs initiated in the short term, with adjustments from the feedback. Permanent introduction to the INJ and in the continuous training of digital skills modules. Organizing study visits for key personnel (judges, IT specialists) in countries with similar projects (e.g. visit to Estonia to see their e-Court in action, visit to France for discussions on AI ethics). Encouraging an *annual justice innovation competition* : courts should be able to propose ideas for digital improvement, with the best being funded and implemented on a pilot basis (this motivates bottom-up involvement).
- *Secondary and ethical legal framework:* By this deadline, Moldova should have adhered (if it becomes a member of the EU) to the regulations of the AI Act, SAL/ODR, etc. Domestically, the adoption of a Code of Conduct on the use of AI in the judiciary, agreed by the SCM and the body of magistrates, should be finalized, clearly specifying what kind of applications are allowed (e.g. drafting assistance) and which are prohibited (e.g. any form of *social scoring* of the parties, as directly prohibited by the AI Act). Also, complaint mechanisms: establishing the possibility for a party to complain about the misuse of technology (e.g. if a litigant considers that he or she could not actually participate in an online hearing due to technical deficiencies, he or she can request a retrial in person).

Long term (6–10 years):

- *Paperless justice & procedural optimisation:* The target for 2030 would be almost paperless justice. All new files should be fully electronic, old archives should be digitized as they become necessary (without wasting resources on scanning the past that is not accessed). Courts should also be able to operate remotely if the situation requires it (including fully virtual hearings with the participation of judges from home, in exceptional situations such as pandemics). Court proceedings should be reassessed: digitalisation does not just mean the same procedure on the computer, but provides an opportunity to simplify flows. For example, for small debt recoveries – the *automated procedure could be implemented* (the debtor receives an enforceable title if he does not contest online within the deadline, otherwise he goes to court). Or for divorces by mutual agreement – the possibility of filing and settling administrative proceedings online, without a classic trial term.
- *Full integration into EU networks:* In the long term, Moldova is supposed to be a member of the EU, so the plan is for Moldovan justice to be fully interoperable with the European one. This includes: the use of the European Digital Identity by citizens and its recognition by courts (for example, a Moldovan citizen with an EU eID logs on to the court portal as easily as a Moldovan with an electronic ID); participation in e-CODEX (sending and receiving letters rogatory,

European warrants, etc. electronically); cooperation with the European Public Prosecutor's Office (evidence transmitted digitally secured); instant access to EU case law and legislation through the European Legal Data Area. In addition, at the level of mentality, the Moldovan judiciary should be aware of the developments in other states – regular exchanges through EU networks.

- *Advanced Artificial Intelligence under control*: In the long run, we can expect that some AI tools will become mature enough and accepted for widespread use. For example, a *judicial case triage AI* – an algorithm that analyzes new files filed and suggests the optimal route: mediation, simplified procedure or complex process, thus helping with volume management. Or a system of *jurisprudence analytics* that, given a set of facts, proposes to the judge relevant precedents and, possibly, *patterns* of solutions in practice (but without imposing, only as a support). They can increase the quality and uniformity of the act of justice. But even in 2030+, the principle of final human decision must be maintained. Ideally, by then society will be more accustomed to AI, and EU-level regulation (AI Act and possible successors) will provide clarity on responsibilities. Moldova should have a regulatory and expertise ecosystem that allows the use of AI reliably: local experts to audit algorithms, academic institutions to train *Data Scientists* specialized in legal data, etc. In addition, partnerships could be created with Big Tech or European institutions for access to powerful tools (e.g. quality legal machine translation, important for communication with foreign courts).
- *Continuous human rights impact assessment*: Since most processes are digital, it will be essential to assess whether this has actually improved the situation and not generated side effects. For example, monitoring whether access to justice for vulnerable groups has improved or, on the contrary, certain groups continue to have difficulties. Independent bodies (e.g. the Ombudsman, human rights NGOs) should be encouraged to carry out *regular audits* of the digital justice system, in order to flag possible problems (perhaps a new one, difficult to anticipate today, such as *digital fatigue* of judges or excessive reliance on software). The government should remain receptive to these signals and ready to adjust policies.

In short, the action plan spans a decade, reflecting the fact that digital transformation is an ongoing process and not a one-off event. The gradual approach allows for on-the-fly adaptation and correction of errors. The important thing is that *each stage is successfully implemented* before moving on to the next, ensuring a solid foundation.

Conclusions

The digitization of justice and the introduction of artificial intelligence represent a double chance for the Republic of Moldova: the chance to radically modernize its judicial system, making it more efficient, more transparent and closer to the citizen, but also the chance to firmly align itself with European standards and values in terms of rule of law and human rights. As this analysis shows, technology itself is not a panacea – *how it is implemented* makes the difference between success and possible failure.

The experiences of other countries teach us that the secret lies in balance: using digital tools to increase the speed and accessibility of justice, without sacrificing the fairness, independence and humanity of the

act of justice. Moldova embarks on this path with several assets, including the strong support of international partners and the favorable context of European integration, which can provide guidance and resources. At the same time, internal challenges – from limited resources, low trust to inherent resistance to change – should not be underestimated.

This policy brief highlighted concrete measures on all levels: legislative, institutional, technological, educational. Their implementation requires a clear strategic vision (which we want to enshrine in the 2025–2030 Strategy) and close cooperation between all actors (Government, judiciary, civil society, private sector, IT). Everyone has a role: policymakers must ensure the will and resources, judges and lawyers must embrace new methods, citizens must be open to online interaction with justice, and developers must create safe and friendly solutions.

A central element is maintaining the focus on the protection of human rights. Any innovation – whether it is an AI application or a simple videoconferencing platform – must be tested in relation to the right to a fair trial, to privacy, to non-discrimination. This principle, guaranteed constitutionally and by international conventions, remains the cornerstone. After all, *technology is a means, not an end in itself*: the end is better justice for people.

As the Republic of Moldova advances on the path of reforms, progress in the digitization of justice can also become an indicator of its democratic determination, as the Minister of Justice stressed: "digitalization cannot be treated as a technical reform, but as an indicator of democratic maturity and alignment with European values." By striking the balance between efficiency, access and human rights, Moldova can transform the judicial system from a vulnerable point of society into a pillar of trust and modernity.