

最高人民法院

关于规范和加强人工智能司法应用的意见

为深入学习贯彻党的二十大精神，深入贯彻习近平法治思想，贯彻落实《中华人民共和国国民经济和社会发展第十四个五年规划和2035年远景目标纲要》和《新一代人工智能发展规划》，推动人工智能同司法工作深度融合，全面深化智慧法院建设，努力创造更高水平的数字正义，结合人民法院工作实际，制定本意见。

一、指导思想

1. 坚持以习近平新时代中国特色社会主义思想为指导，深入贯彻习近平法治思想，坚持司法为民、公正司法工作主线，加快推进人工智能技术与审判执行、诉讼服务、司法管理和 service 社会治理等工作的深度融合，规范司法人工智能技术应用，提升人工智能司法应用实效，促进审判体系和审判能力现代化，为全面建设社会主义现代化国家、全面推进中华民族伟大复兴提供有力司法服务。

二、总体目标

2. 到2025年，基本建成较为完备的司法人工智能技术应用体系，为司法为民、公正司法提供全方位智能辅助支持，显著减轻法官事务性工作负担，有效保障廉洁司法，提高司法管理水平，创新服务社会治理。到2030年，建成具有规则引领和应用示范效应的司法人工智能技术应用和理论体系，为司法为民、公正司法提供全流程高水平智能辅助支持，应用规范原则得到社会普遍认可，大幅减轻法官事务性工作负担，高效保障廉洁司法，精准服务社会治理，应用效能充分彰显。

三、基本原则

3. **安全合法原则。**坚持总体国家安全观，禁止使用不符合法律法规的人工智能技术和产品，司法人工智能产品和服务必须依法研发、部署和运行，不得损害国家安全，不得侵犯合法权益，确保国家秘密、网络安全、数据安全和个人信息不受侵害，保护个人隐私，促进人机和谐友好，努力提供安全、合法、高效的智能化司法服务。

4. **公平公正原则。**坚持遵循司法规律、服务公正司法，保证人工智能产品和服务无歧视、无偏见，不因技术介入、数据或模型偏差影响审判过程和结果的公正，同时尊重不同利益诉求，能够根据司法需求公平提供合理可行方案，充分照顾困难群体、特殊群体，使其在司法活动中获得必要帮助，实现智能化司法服务对各类用户的普适包容和机会均等。

5. **辅助审判原则。**坚持对审判工作的辅助性定位和用户自主决策权，无论技术发展到何种水平，人工智能都不得代替法官裁判，人工智能辅助结果仅可作为审判工作或审判监督管理的参考，确保司法裁判始终由审判人员作出，裁判职权始终由审判组织行使，司法责任最终由裁判者承担。各类用户有权选择是否利用司法人工智能提供的辅助，有权随时退出与人工智能产品和服务的交互。

6. **透明可信原则。**坚持技术研发、产品应用、服务运行的透明性，保障人工智能系统中的司法数据采集管理模式、法律语义认知过程、辅助裁判推定逻辑、司法服务互动机制等各个环节能够以可解释、可测试、可验证的方式接受相关责任主体的审查、评估和备案。司法人工智能产品和服务投入应用时，应当以便于理解的方式说明和标识相应的功能、性能与局限，确保应用过程和结果可预期、可追溯、可信赖。

7. **公序良俗原则。**坚持将社会主义核心价值观融入司法人工智能技术研发、产品应用和服务运行全过程，保证人工智能司法应用不得违背公序良俗，不能损害社会公共利益和秩序，不能违背社会公共道德和伦理，健全风险管控、应急处置和责任查究机制，防范化解人工智能司法应用中可能产生的伦理道德风险。

四、应用范围

8. **加强人工智能全流程辅助办案。**支持证据指引与审查、法律法规推送、类案推送、全案由裁判辅助、法律文书辅助生成、法律文书辅助审查等智能化应用，促进裁判尺度统一，保障司法公正，维护司法权威。

**9. 加强人工智能辅助事务性工作。**支持电子卷宗自动分类归目、案件信息自动回填、案件繁简分流、送达地址及方式自动推荐、司法活动笔录自动生成、执行财产查控辅助、电子卷宗自动归档等智能化应用，降低各类人员工作负担，提高司法效率。

**10. 加强人工智能辅助司法管理。**支持案件裁判偏离度预警、终本案件核查、不规范司法行为自动巡查、廉洁司法风险防控等智能化应用，提升司法管理质效，保障廉洁司法。

**11. 加强人工智能服务多元解纷和社会治理。**支持司法资源推荐、诉讼和调解咨询问答、诉讼预期辅助评估、社会治理风险预警与辅助决策等智能化应用，为化解社会矛盾、服务社会治理提供新的途径和方式。

**12. 不断拓宽人工智能司法应用场景和范围。**结合人工智能技术创新进程和人民法院改革发展实践，积极探索诉讼服务、审判执行、司法管理和司法社会治理等领域的重大应用场景，不断拓展新的应用范围。

## **五、系统建设**

**13. 加强人工智能应用顶层设计。**按照人民法院信息化建设发展规划部署，设计完善智慧法院人工智能相关信息系统体系架构和技术标准体系，丰富拓展人工智能司法应用场景，建立健全人工智能系统信息安全和运维保障制度，指导和规范各级人民法院人工智能系统建设。

**14. 加强司法数据中台和智慧法院大脑建设。**加快推进司法数据库、数据服务平台、司法知识库、人工智能引擎、知识服务平台和司法区块链平台等系统的建设和集成，打造实体化司法数据中台和智慧法院大脑，为面向各类业务的人工智能司法应用提供核心驱动。

**15. 加强司法人工智能应用系统建设。**围绕人民法院司法活动典型业务场景，以提升智能化水平为主线，促进司法数据中台和智慧法院大脑与智慧服务、智慧审判、智慧执行和智慧管理等业务应用系统融合集成，不断提供满足司法业务需求、符合先进技术发展方向的司法人工智能产品和服务。

**16. 加强司法人工智能关键核心技术攻关。**依托国家重点工程、科研项目和科技创新平台，组织产学研优势力量，发挥学科交叉催化剂作用，针对面向司法语境的大规模预训练语言模型及其应用、多模态司法大数据高效处理方法、司法数据驱动与知识引导相结合的深度神经网络模型构建与样本学习方法、基于法律知识增强的可解释检索和推理模型、面向司法效能提升的人机交互范式、基于新一代人工智能的审判辅助系统等关键核心技术集智攻关，为司法人工智能系统建设提供牵引和支撑。

**17. 加强基础设施建设和安全运维保障。**根据司法人工智能对算力、通信和服务能力的需求，科学合理地规划和建设通信网络、计算存储、通用终端设备和专用信息化设施等信息基础设施，强化网络安全、数据安全和个人信息保护能力，完善人工智能运行维护机制，为人工智能司法应用提供必要的保障条件。

## **六、综合保障**

**18. 提高思想认识，加强组织领导。**高度重视人工智能应用对司法为民、公正司法的重要意义，以智慧法院新一代人工智能示范应用为契机，找准工作结合点、切入点，把握发展规律，争取资金支持，注重宣传培训，引导干警充分参与，努力推动司法人工智能应用取得突破。

**19. 促进协同创新，保护知识产权。**加强司法大数据质量管控，完善跨部门、跨层级、跨业务的司法数据协同共享和智能化服务共建共享机制，支持司法人工智能科技创新和专利、软件著作权申报，切实保护相关知识产权。

**20. 加强安全保障，防范安全风险。**加强司法数据分类分级管理，强化重要数据和敏感信息保护，完善司法数据安全共享和应用模式，通过司法人工智能伦理委员会等机制，综合采用伦理审核、合规审查、安全评估等方式，防范化解人工智能应用过程中的安全风险。

最高人民法院

2022年12月8日

# The Supreme People's Court

## The Opinions on Regulating and Strengthening the Applications of Artificial Intelligence in the Judicial Fields

In order to thoroughly study and implement Xi Jinping Thought on the Rule of Law and the spirit of the 20th Communist Party of China (CPC) National Congress, and to enforce the *Outline of the 14th Five-Year Plan (2021-2025) for National Economic and Social Development* and the *Long-Range Objectives Through the Year 2035* and the *New-generation Artificial Intelligence Development Plan*, the Supreme People's Court (SPC), aligning with the practice of the people's courts, is now publishing the *Opinions*. The *Opinions* aim to promote the in-depth integration of artificial intelligence with judicial work, deepen the construction of smart courts, and strive to achieve a higher level of digital justice.

### I. Guiding Principles

1. People's courts must follow the guidance of Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, thoroughly implement Xi Jinping Thought on the Rule of Law, and uphold justice for the people and judicial impartiality as our cardinal work. People's courts shall advance in-depth integration of artificial intelligence with adjudication and enforcement, litigation service, court management, as well as social governance facilitation, regulate yet pursue effective application of artificial intelligence in the judicial fields, to accelerate the modernization of the judicial system and judicial capability, and to serve the building China into a modern socialist country in all respects and promoting the great rejuvenation of the Chinese nation at all fronts with judicial safeguards.

### II. Overall Objectives

2. People's courts shall, by the year 2025, construct an improved functional system for the application of artificial intelligence in the judicial field, the function of which is to provide all-round intelligent support for serving the people and justice, and to effectively alleviate the high administrative workload of judges, thus achieving improvement in anti-corruption and court management, and innovation in facilitating social governance. People's courts shall, by the year 2030, build an application and theoretical system for the utilization of artificial intelligence in the judicial field with model rules and demonstration effects, to provide whole-process high-level intelligent support for serving the people and justice, with the norms and principles being widely acknowledged, the administrative workload of judges being significantly reduced, providing effective and adequate safeguards for anti-corruption, precise facilitation for social governance, and achieving full application effectiveness.

### III. General Principles

**3. Principle of Security and Legality.** Pursuing a holistic approach to national security, forbidding the usage of illegal AI technologies and products. Judicial AI products and services shall be legally developed, deployed and operated, and shall not be detrimental to national security and legal interests. It shall secure state secrets, network security, data security and personal information free from infringement, protect personal privacy, promote a harmonious and friendly interface between the user and AI, and provide safe, legitimate, and efficient intelligent judicial services.

**4. Principle of Fairness and Justice.** Following fundamental judicial rules, serving judicial fairness, ensuring AI products and services are free from discrimination and prejudice. The fairness of the processes and outcomes of trials shall not be impaired by the introduction of technology, either model nor data deviations. Meanwhile, respecting diverse interests, offering fair, reasonable and feasible solutions based on judicial demands, adequately providing necessary assistance to communities in difficulties and people with special needs to participate in judicial activities. Intelligent judicial services shall achieve universal inclusion of all groups of users with equal opportunities.

**5. Principle of Supporting Adjudication.** Affirming the supportive role of AI in adjudication, and the user's rights to decision-making. AI shall not make judicial decision substituting for the judge in any case, disregarding technology advancement. The results from AI shall be for supplemental references only, for adjudication or judicial supervision and management. Ensuring all judicial decision are made by the judicature, all judicial powers are administered by adjudicative authorities, and all judicial accountability ultimately falls on the decision-maker. All users have the rights to decide whether or not to use judicial AI assistance and the rights to terminate their interface with AI products and services.

**6. The Principle of Transparency and Credibility.** Ensuring the transparency of technology development, product application and service operation. Ensuring all links of AI systems, including the collection and management patterns of judicial data, the process of legal cognitive semantics, and the logic of assisting judicial presumptions would accept examination, evaluation and registration with relevant authoritative entities with interpretability, testability and verifiability. Corresponding features, capabilities and limitations shall be instructed and identified in a manner that can be easily understood when any judicial AI products and services are used, to ensure that the procedure and outcome of applications are predictable, traceable and credible.

**7. The Principle of Abiding By Public Order and Good Customs.** Infusing the Core Socialist Values into the whole process of technology development, product application and service operation of judicial AI. The application of judicial AI shall not endanger public order and good customs, shall not damage public interests and social order, and shall not violate public morals and ethics. A mechanism of risk management, emergency response and responsibility investigation shall be established to avoid and resolve possible moral and ethical risks from the application of judicial AI.

#### **IV. Application Scope**

8. Enhancing AI-assisted case-handling in whole process. People's courts shall support the development of AI applications on evidence guidance and review, smart push of laws, regulations and similar cases, adjudication assistance for all causes of actions, AI-assisted legal documents generation and review, to further advance the uniformity of adjudication, secure judicial justice and safeguard judicial authority.

9. Enhancing AI-assisted complementation of administrative work. People's courts shall support the development of AI applications for e-files classification and categorization, case information crawling, automatic diversion of complex and simple cases, automatic recommendation of service addresses and methods, automatic generation of judicial records, AI-assisted property investigation and seizure, automatic electronic case filing and other related aspects, to reduce the administrative workload of all types of judicial personnel and improve judicial efficiency.

10. Enhancing AI-assisted judicial management. People's courts shall support the development of AI applications for warning deviation of adjudicative criteria, review of the procedural-terminated enforcement cases, inspection of judicial irregularities, prevention and control of judicial corruption risk and other related aspects, to optimize the quality and efficiency of judicial management and maintain judicial integrity.

11. Enhancing AI services for diversified dispute resolution and social governance. People's courts shall support the development of AI applications for judicial resolution recommendation, litigation and mediation consultation or Q&A, AI-assisted litigation prediction, early warning of social governance risk, AI-assisted decision-making and other related aspects, to provide new methods for resolving social conflicts and serving social governance.

12. Expanding the AI application scope in judicial fields. People's courts shall combine the innovation of AI technology with the practice of judicial reform, exploring AI application scenarios in the fields of litigation service, adjudication, enforcement, judicial management and social governance, and expanding new application scope within different fields.

#### **V. System Construction**

13. Strengthening the top-level design of AI application. According to *the Plan for Information Construction at People's Courts*, the Supreme People's Court shall build and improve the structure of the

Smart AI Court Information System and its technical standard. The Supreme People's Court shall broaden the application scenarios of AI Judiciary while establishing and improving the information security, operation and maintenance mechanism of the AI System, and shall guide and regulate the AI system construction of people's courts at each level.

14. Strengthening the construction of judicial data centers and smart court brains. People's courts shall expedite the construction and integration of systems, including judicial databases, data service platforms, judicial knowledge bases, artificial intelligence engines, knowledge service platforms and judicial blockchain platforms. These measures aim to virtualize and enhance the judicial data centers and smart court brains, providing the core driving force for AI applications on judicial services.

15. Strengthening the construction of judicial AI application system. With the main focus being improving the AI performance, People's courts shall promote the integration of AI application systems including judicial data centres, smart court brains, smart services, smart adjudication, smart enforcement, smart management and other typical judicial scenarios. People's courts shall continuously provide advanced judicial AI products and services to meet the growing judicial needs.

16. Reinforcing research on key and core technologies of judicial AI. Based on the strength of national significant projects, scientific research programs and technology innovation platforms, the SPC shall organize leading research forces from industries, academies and laboratories, enhancing the catalyst effect of interdisciplinary study. The research shall focus on pre-trained language models and application regarding judicial context, high efficiency multi modal judicial data processing, judicial data-driven and knowledge-oriented deep neural networks model and transfer learning, legal knowledge-enhanced interpretable retrieval and reasoning model, human-computer interaction aiming at improving judicial efficiency, adjudication support system based on new generation AI and other core technologies, thus promoting and upholding the construction of judicial AI system.

17. Strengthening the construction of infrastructure, security operation and maintenance. Accommodating the needs of judicial AI on computing power, communication and service capacity, People's courts shall plan and construct information infrastructure in a reasonable scientific manner, including communication network, computing storage, terminal equipment, and specialized information facility. These plans and construction shall strengthen internet security and data security, further protect personal information and improve AI's operation and maintenance mechanism, providing vital protection and condition for judicial AI applications.

## **VI. Comprehensive Supports**

**18. Guiding the Development with Higher Awareness and Deeper Understanding.** By attaching great importance to judicial AI applications in realizing justice for the people and judicial impartiality, People's courts shall take the opportunity of *Smart Courts* construction, one of the selected AI model application scenarios, to identify valuable conjunction and connection points, and grasp the laws governing development. More efforts shall be devoted to attracting financial support, enhancing publicity and training, encouraging more judicial personnel to fully participate, and further promoting breakthroughs in judicial AI applications.

**19. Promoting Collaborative Innovation to Protect Intellectual Property Rights.** People's courts shall increase the quality management of judicial Big-Data supplies to fully exploit and develop systems with the features of inter-departmental, cross-level and cross-service that share collaborative judicial data and intelligent judicial service. People's courts shall support judicial AI innovations, encourage related patent applications or software copyright registrations, providing sufficient protection of intellectual property rights.

**20. Enhancing Security Management to Mitigate Cyber security Risks.** People's courts shall promote categorized and hierarchical management of judicial data, enhance the protection of crucial data and sensitive information, and secure the safety of judicial data developing and sharing. Through mechanisms such as Judicial AI Ethics Council, People's courts shall comprehensively adopt methods, including ethical reviews, compliance reviews, and security assessments, to prevent and mitigate cyber security risks in judicial AI applications.