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Who Is Right: Professional or AI?

[Kto ma rację – specjalista czy sztuczna inteligencja?]

Abstract

Artificial intelligence, a discovery that is not exactly new but has been highly developed in recent years, is penetrating all social, economic, and, more recently, legal sectors.

Professionals, at first curious, are approaching and trying AI, some even discovering advantages in its use, which they should start practicing. Others, more cautious, are wondering if they will be replaced in their work by these intelligent systems.

Regarding the specific activities of justice, what we know so far is that AI can be useful for gathering and identifying data, norms, and doctrinal materials, organizing them, summarizing, extracting ideas, correcting grammatical errors, translating, editing texts, and even identifying solutions for specific cases.

However, using an unsecured system without a transparent methodology can easily lead to copyright infringement, data privacy violations, or other rights violations of individuals. Even the solutions offered instantly are often not legally correct, AI indeed learns, and it depends only on us what...

The study aims to identify several arguments for and against the use of AI in justice; however, one aspect is clear for now: human intervention must not be eliminated.

Keywords: use of AI, justice, professional(s), advantages and disadvantages of AI.

Presentation

Even if the title does not reveal the field in which the question is asked: who is right? the discussion is exclusively the sphere of law, legal activities and services, and especially those that essentially aim to identify a solution to a concrete legal problem, in which the problem is to determine the ap-

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plicable text, interpret it and develop arguments to support the conclusion. The legal professional is generally seen as a renowned, elitist person who speaks a specialized language, inaccessible to laypeople, and who attempts to keep these keys to the solutions to legal problems private. Legal language is designed to uniformly apply the same concepts, to deal with unitary notions and rules of interpretation, to ensure, on the one hand, the correctness and fairness of the result of the interpretation, and on the other hand, to ensure equality and fairness of solutions for all recipients of the law.

Indeed, when an act is addressed to an individual, holder of rights and obligations, the legal language must be adapted to be understood by the ordinary citizen, as it is not desirable for it to remain the exclusive prerogative of legal specialists.

Specialists gain knowledge of dealing with legal norms, interpreting and applying them for the purpose for which they were designed. After completing their studies, a specific professional and life experience is necessary for a correct approach to the application of the norm.

The rapid development of technologies, digitalization, and especially the penetration of AI systems into the legal world¹ seems to force lawyers to adapt to their use, imposing an unprecedented pace that can leave important ethical and even legal issues unnoticed. By using AI systems, specifically designed, the specialist greatly facilitates his work and makes it more efficient, saving time, since actions that previously required a considerable period (jurisprudential research, text identification, summarizing jurisprudence, extracting ideas from voluminous materials, etc.) can now be performed with a click.

However, if the professional does not access specialized AI systems but rather those on the market, which are affordable and available to everyone, a series of risks arises regarding the results and their professional activity.

As the specialist progresses in the use of these systems, he begins to ask for points of view on identifying the best solution, interpreting a norm, and developing an argument for it, which, over time, can lead to the loss of the capacity for critical legal thinking and brings the discussion to the question in the title for which an answer is attempted.

As one legal professional suggestively stated,² the use of AI „involves risks, dependency, superficiality, attenuation of professional discernment, but we cannot ignore its tonic effect from an intellectual point of view.”

¹ K. Sloan (2024), AI Can Narrow Justice Gap, But Women Lawyers Slower to Adopt It, Berkeley Study Shows, https://www.reuters.com/legal/transactional/ai-can-narrow-justice-gap-women-lawyers-slower-adopt-it-berkeley-study-shows-2024-03-21/?utm_source=chatgpt.com.

² A. Săvescu (2025), Nu îmi place deloc inteligența artificială în domeniul juridic, <https://www.juridice.ro/785259/nu-imi-place-deloc-inteligența-artificială-in-domeniul-juridic.html>.

How Is the Use of AI Seen in the Legal World?

In the legal world, artificial intelligence has been accepted, even if some have shown caution about its use and the risks it may entail. The interest and curiosity demonstrated in relation to this new technology have led to the increasingly consistent use of artificial intelligence in the legal field, especially among lawyers, who are always concerned with streamlining their work and saving time for necessary documentation and research specific to their activities.³

Opinions have been expressed on both sides, but an alarm signal has been raised since the widespread appearance of ChatGPT, highlighting the risks to jobs,⁴ human resource management,⁵ and the need to rethink the implications of technological development on workers. Technology can lead to the replacement of human staff and the loss of jobs for people who perform repetitive, line-by-line, serial work, which robots can perform much faster, more efficiently, and at a lower cost.⁶ However, about the introduction of AI, there is no automatic loss of jobs that require physical capabilities,⁷ the most targeted jobs are those with high qualifications (occupations in science, technology, engineering, and mathematics). As has been observed, automated AI is negatively correlated with routine tasks and positively associated with the level of expertise in functions, and augmentative AI is associated with non-routine interpersonal tasks and expertise in tasks.⁸ Does the same problem arise in the case of legal professions, in which the specialist values the knowledge acquired through professional training and experience?

Obviously, the difference between a regular AI system, available on the market and affordable, and an upgraded AI system for professionals, which

³ Thomsons Reuters (2024), *How AI Is Transforming the Legal Profession?* Jan, 16, 2025, about 2024 Future of Professionals Report. <https://legal.thomsonreuters.com/blog/how-ai-is-transforming-the-legal-profession/>.

⁴ D. Obreja, R. Rughiniș, D. Rosner (2025), *Mapping the Multidimensional Trend of Generative AI: A Bibliometric Analysis and Qualitative Thematic Review*, 'Computers in Human Behavior Reports' 17 [March 2025] 100576, V. Pereira, E. Hadjielias, M. Christofi, D. Vrontis (2023), *A Systematic Literature Review on the Impact of Artificial Intelligence on Workplace Outcomes: A Multi-Process Perspective*, 'Human Resource Management Review', vol. 33(1), 100857, <https://doi.org/10.1016/j.hrmr.2021.100857>, <https://www.sciencedirect.com/science/article/pii/S105348222100036X>.

⁵ P. Budhwar, S. Chowdhury, G. Wood, H. Aguinis, G. J. Bamber, J. R. Beltran, A. Varma [...] (2023), *Human Resource Management in the Age of Generative Artificial Intelligence: Perspectives and Research Directions on ChatGPT*, 'Human Resource Management Journal', 33(3), pp. 606–659. <https://onlinelibrary.wiley.com/doi/10.1111/1748-8583.12524>.

⁶ M. Mutascu (2021), *Artificial Intelligence and Unemployment: New Insights, Economic Analysis and Policy*, vol. 69, pp. 653–667, <https://doi.org/10.1016/j.eap.2021.01.012>.

⁷ Y. Shen, X. Zhang (2024), *The Impact of Artificial Intelligence on Employment: The Role of Virtual Agglomeration*, 'Humanities and Social Sciences Communications' 11, 122, <https://doi.org/10.1057/s41599-024-02647-9>.

⁸ D. Marguerit (2025), *Augmenting or Automating Labor? The Effect of AI Development on New Work, Employment, and Wages*, doi.org/10.48550/arXiv.2503.19159.

makes the difference between a regular output and one relevant to a specific legal issue, is essential.⁹

Standard AI systems have identified vulnerabilities related to data security, source identification (lack or incorrect presentation of sources), interpretation of case law, laws, or other recognized legal sources (incorrect or incomplete), and the reality of outputs (including hallucinations). On the other hand, professional-level AI systems are characterized by the accuracy and security of the result. They are the result of training carried out by people with extensive AI expertise and in-depth knowledge of the legal field, are based on information provided by verified official legal databases, are continuously tested and validated by legal experts, are secured with confidentiality protections, and are built specifically for professional legal workflows.¹⁰ It seems that the solutions provided by a professional-level AI system are characterized by a high degree of legal accuracy as the system responds to requests by understanding complex legal objectives and systematically creating workflows to achieve them, under human supervision in the loop for safety and accountability.¹¹

Regarding ChatGPT, after its appearance on the market, concerns were expressed about the risk of compromising confidentiality, providing wrong answers, disinformation,¹² and unfair access to this resource.¹³

It is also evident that ChatGPT can be a helpful tool for research, identification, and collection of data and information, as well as generating legal documents, analyzing, and summarizing case law.¹⁴

In some developed countries, in terms of the legal professions,¹⁵ it has been observed that the benefits can be considerably significant, with the potential to transform the way legal professionals provide value and services to clients. AI can help identify necessary data, legal texts, and case law, summarize voluminous materials, edit, draft, and analyze contracts, prepare applications, translate materials, and prepare and update reports.¹⁶

⁹ Thomson Reuters (2025), Why Small Law Firms Need Professional-Grade AI, Not Consumer Tools, Aug, 7, 2025; <https://legal.thomsonreuters.com/blog/why-small-law-firms-need-professional-grade-ai-not-consumer-tools/>.

¹⁰ Ibid.

¹¹ Ibid.

¹² K. Wach, C. D. Duong, J. Ejdys, R. Kazlauskaite, P. Korzyński, G. Mazurek, J. Paliszkiwicz, E. Ziemba (2023), The Dark Side of Generative Artificial Intelligence: A Critical Analysis of Controversies and Risks of ChatGPT, 'Entrepreneurial Business and Economics Review', 11(2), pp. 7–30. <https://eber.uek.krakow.pl/index.php/eber/article/view/2113>.

¹³ L. Vesna, P. Sawale, P. Kaul, S. Pal, B. Ramana Murthy (2025), Digital Divide in AI-Powered Education: Challenges and Solutions for Equitable Learning, 'Journal of Information Systems Engineering & Management' 10(21s): pp. 300–308, DOI:10.52783/jisem.v10i21s.3327.

¹⁴ A. Perlman (2024), The Implications of ChatGPT For Legal Services and Society, 30 'Michigan Technology Law Review', available at: <https://repository.law.umich.edu/mtlr/vol30/iss1/4>.

¹⁵ Thomson Reuters (2025), Why Small..., *ibid*.

¹⁶ *Ibid*.

It is appreciated that the use of AI can save valuable time for professionals, who will no longer have to search for necessary materials that are available with a simple click, provided the AI system has been requested correctly.

In Romania, the use of AI is increasing in the legal sector, it being essential to highlight the fact that, with respect to the specifics of Romanian law, local systems have been developed, adapted to the real needs of the market, since the most critical AI systems designed and marketed by established manufacturers (Nvidia, Microsoft, Google, Open AI) do not respond at a level appropriate to local requirements. Currently, the most widely used tools in the legal field are: JuridiceAI, ChatGPT, Claude.ai, Google Copilot, and Lawren.ai.¹⁷ It was noted in a study conducted using different AI systems that, for Romanian law, the most performing system is Juridice.AI.ro, which performs a legal analysis of the case in accordance with the law, completely identifies, correctly recommends the steps to be followed, and even offers suggestions for refining the research.¹⁸ Compared to ChatGPT, beyond the information base Used,¹⁹ JuridiceAI issues valid results as it is based on sources approved by professionals, whereas ChatGPT cannot verify the validity of the sources.²⁰

Lawyers are practically the first users of AI,²¹ the need to streamline specific activities and adapt to new ones in order to ensure a high level of performance determining the use of AI systems for identifying necessary materials, extracting data from large volumes of documents (e-discovery), summarizing, translating, analyzing contracts, automatically drafting standardized documents, assessing the probability of success, proposing strategies for handling litigation, and internal automation.²²

Although the essence of the legal activity is the same, as follows from the art. 3 of Law no. 51/1995,²³ the work of lawyers is transforming, adapting to

¹⁷ Buju Stanciu & Asociații launch Lawren.ai, first Romanian juridical chatbot juridic based on AI [25.06.2024], <https://www.juridice.ro/741189/buju-stanciu-si-asociatii-lanseaza-lawren-ai-primul-chatbot-juridic-romane-sc-bazat-pe-inteligenta-artificiala.html>.

¹⁸ A. S. Goga (2024), Managementul industriei juridice bazate pe inteligență artificială. Studiu de caz: Agenții AI în domeniul juridic din România: O analiză empirică a provocărilor legale, etice și tehnologice, <https://www.juridice.ro/766277/managementul-industriei-juridice-bazate-pe-inteligenta-artificiala-studiu-de-caz-agen-tii-ai-in-domeniul-juridic-din-romania-o-analiza-empirica-a-provocarilor-legale-etice-si-tehnologice.html>.

¹⁹ JuridiceAI extracts information mainly from JURIDICE.ro and other trusted legal sites in Romania and ChatGPT is based on the entire internet – A. Săvescu, B. Aioanei (2024), JuridiceAI Inteligențele artificiale în slujba profesioniștilor dreptului (ai.juridice.ro) [25.09.2024], <https://www.juridice.ro/752796/juridice-ai-in-teligentele-artificiale-puse-in-slujba-profesionistilor-dreptului.html>.

²⁰ Ibid.

²¹ A. S. Goga (2025), Utilizarea inteligenței artificiale în juridic și judiciar – avantaje și dezavantaje, <https://www.juridice.ro/768913/utilizarea-inteligentei-artificiale-in-juridic-si-judiciar-avantaje-si-dezavantaje.html>.

²² G. Vasile (2024), Inteligența Artificială în Avocatură: Eficiență, Etică și Evoluție, <https://www.juridice.ro/729555/inteligenta-artificiala-in-avocatura-eficienta-etica-si-evolutie.html>.

²³ Legal consultations and requests; legal assistance and representation before courts, criminal investigation bodies, authorities with jurisdictional attributions, public notaries and bailiffs, public administration bodies and institutions, as well as other legal entities, under the terms of the law; drafting of legal documents,

the new, to technology, and tends to become increasingly technological, more automated, and less personal.

Courts also have access to AI systems, especially for streamlining judicial activity, and considerably less for solving practical cases referred for resolution, as the robot judge is not currently approved in Romania. As for the administrative side, courts utilize electronic files, various systems for managing procedures, automatic transcription of hearings, anonymization of decisions, indexing, and search capabilities.

However, it is certain that, in the current system of organizing justice in Romania, the emotional component remains necessary, which significantly influences the course and development of the civil process, including the final outcome. Representing clients in court will not soon be done online; this possibility remains an exception for now, so the courtroom will continue to be the field of expression for the emotions transmitted by the pleading lawyer, and the emotional experiences of the parties, which cannot be coded and processed by algorithms.²⁴

Briefly on the Main Problems That an AI System Entails

The use of an AI system in the legal field, especially in legal services where the issue of the lawyer's liability for the consultancy and services offered to the client arises, not only brings benefits but also involves some risks identified by specialists or in the literature, as being related in particular to the breach of confidentiality, the damage to personal data but also to the risk of wrong, biased, discriminatory, incomplete results. Also, an aspect that reinforces these problems results from the lack of transparency regarding the concrete functioning of the artificial intelligence system.

Through the way in which the data is processed, including the possibility of using it during a new training, there is a risk of losing control over the data, with consequences for the violation of the rights of its holders, making it difficult to exercise the right of access or deletion, since an AI system does not return the uploaded data.

attesting the identity of the parties, the content and date of the documents submitted for authentication; assisting and representing interested individuals or legal entities before other public authorities with the possibility of attesting the identity of the parties, the content and date of the concluded documents; defending and representing with specific legal means the legitimate rights and interests of individuals and legal entities in their relations with public authorities, institutions and any Romanian or foreign person; mediation activities; fiduciary activities carried out under the terms of the Civil Code.

²⁴ A. Alecu-Ciocirlan (2022), *Inteligența artificială în avocatură. Unde suntem și spre ce ne îndreptăm?*, <https://www.juridice.ro/684393/inteligena-artificiala-in-avocatura-unde-suntem-si-spre-ce-ne-indreptam.html>.

Therefore, in relation to the GDPR Regulation (2016/679), users should anonymize uploaded documents as much as possible and in all cases censor the result obtained by using an AI system, organize effective control of the use of the system, through concrete evidence of logging, educate themselves on the use, limitations and risks involved in such a system, and take technical security measures in use through access control, identity verification, encryption in transit and at rest, MDM/EDR for devices.

Who Is Right? Specifically

In view of the above-mentioned aspects, it follows that the professional is currently tempted to use AI systems for help, for finding solutions, for synthesizing, drafting, summarizing, translating, etc., but the essential question remains whether the system provides a legally correct answer in relation to the request coherently formulated by the professional?

In this study, two AI systems (ChatGPT 4.0 and JuridiceAI.ro) were used, which claim to be able to correctly resolve legal issues, aiming to clarify a thorny issue in Romanian domestic law, relating to the authority of *res iudicata*, namely the effects produced by a solution pronounced by the criminal court on a subsequent civil procedure in which the intention is to increase the damage caused by the respective crime.

Having an opinion formed after a long and complete study of legal texts, mandatory interpretations given by the supreme court, and specialized doctrine, each system was interrogated separately with the same questions, initially obtaining answers, to which it was subsequently insisted that the essential aspects of the legal problem be further analyzed, to see if the solution offered corresponds to the one already formed.

To understand the problem, it is vital to first reveal the solution identified by the professional before any interrogation of the AI systems.

In the matter of tax evasion, Romanian law provides for the possibility of incurring criminal liability, namely the non-punishment of the act if the damage does not reach a certain amount and is covered within a specific period from the date of completion of a tax audit in which the damage is determined. Depending on the amount of damage caused by the crime or a specific limit thereof, the law provides for the application of the fine sanction; above this limit, the prison sanction is provided. In all cases, the coverage of the respective damage is crucial during the criminal process to achieve a favorable solution for the defendant.

In this context, it is found that determining the amount of damage is essential for the application of the criminal consequences of the act, including

when it comes to impunity. Exceeding the damage limit provided for in the law makes it impossible to apply measures favorable to the defendant, namely, non-punishment, reduction of the punishment limits, and application of only a criminal fine. The same law also provides that determining the amount of damage is carried out through specialized expertise, so it is certain that in the criminal procedure, regardless of the stage at which it is completed, there is a careful debate on determining the amount of damage according to which the criminal authorities apply a particular sanction. In all cases where the damage is covered during the criminal trial, the criminal court no longer resolves the civil action in the criminal trial, only noting that the damage has been covered and proceeding to individualize the punishment according to the provisions of the law that provide for the thresholds up to, respectively, above which a fine or imprisonment is applied.

It follows that, since the criminal court has clearly determined the amount of the damage, even if the civil action has not been resolved, after the conclusion of the criminal trial a civil request filed by the creditor who seeks to obtain an increase in the damage caused by the same crime and without any new element cannot be accepted. The argument for rejecting such a request cannot automatically consist in the authority of *res iudicata*, since the Romanian internal regulations (art. 28 of the Code of Criminal Procedure and art. 1.365 of the Civil Code) refer to the authority of the criminal decision in relation to the civil court under other conditions, on the contrary, the damage can be established subsequently by the civil court if the criminal court left the civil action unresolved or ordered the acquittal of the defendant. However, in the matter of tax evasion, the amount of damage is not only related to the reparation due for the crime committed, but is essential for its very existence, for the way in which the criminal provisions regarding the individualization of the punishment are applied. Even if the criminal court leaves the civil action unresolved, it is effectively interested in determining the amount of damage in order to be able to pronounce a solution on the criminal side, and a subsequent determination before the civil court of another damage, greater than that retained by the criminal court, would determine consequences on the way in which the criminal action was resolved, since it could be found that the court wrongly applied the law by taking into account a certain amount of damage much lower than the real one.

In view of the legal provisions and mandatory interpretations given by the ÎCCJ on the matter, it was requested to answer whether a civil court subsequently vested must consider the value of the damage established by the criminal court as an essential element for the application of the criminal sanction, in the case of tax evasion, even if the civil action has not been resolved?

ChatGPT firmly answers NO, because according to art. 28 paragraph 1 of the Code of Criminal Procedure, the final decision of the criminal court has the

authority of *res iudicata* in the civil process, but only with regard to: the existence of the act; the identity of the perpetrator; the form of guilt (intention, fault, etc.), however, it does not have the authority of *res iudicata* on the extent of the damage if the civil side was left unresolved. If the criminal court ruled only on criminal liability and did not definitively establish the damage, the civil court has the right to reanalyze the exact value.

ChatGPT explains in detail that the difference in approach between the criminal and civil courts is given by the fact that in criminal cases, the damage is established as a criterion for classifying the act (e.g., tax evasion above a certain threshold). Often, the criminal court bases its estimate on the report of tax or anti-fraud control bodies. In civil cases, the goal is the complete recovery of the damage, and the court has the freedom to analyze all evidence (e.g. accounting expertise, additional documents); If the criminal court has explicitly ruled on the damage and awarded compensation to the civil party, then that amount can no longer be modified by the civil court (art. 28 para. 2 of the Code of Criminal Procedure). However, if the civil side was left unresolved, the injured party must open a civil lawsuit to obtain compensation; If the criminal court accepts a plea agreement, it does not definitively establish the damage, according to art. 486 para. 2 of the Code of Criminal Procedure, the injured party must request the recovery of the damage in the civil court; If the criminal court does not leave the civil side unresolved and establishes the exact damage, the civil court cannot modify this amount.

As this was a general answer, based on general law rules regarding the *res iudicata* authority of a criminal decision in relation to a civil one, *ChatGPT* was further asked if he was aware of decision No. 69/2023 of the ÎCCJ?

Answer – „Yes, I am aware of Decision No. 69/2023 of the High Court of Cassation and Justice (ÎCCJ), issued in the context of an appeal in the interest of the law. This clarifies the effects of the criminal judgment on the civil process when the damage has been established in a tax evasion case.”

It further provides some examples, depending on whether the criminal judgment clearly establishes the damage and obliges the defendant to pay compensation or only establishes guilt, but leaves the civil side unresolved, in which case, the injured party must open a civil lawsuit, and the civil court has the right to establish the damage, because it was not clarified in the criminal case.

It concludes that the ÎCCJ decision puts an end to different interpretations in civil courts, where some reanalyzed the damage established in the criminal case, and others considered it definitive, the rule being clear: if the damage is definitively established in the criminal case, the civil court is obliged to respect it and if the civil side was left unresolved, the civil court has the right to establish another damage.

It was given a reply in the sense that it did not read paragraph 89 of the ÎCCJ decision no. 69/2023.

It answers: If the criminal court did not analyze the damage in detail and only retained it as a necessary element for establishing criminal liability, then the civil court can reassess it. He returns with the same explanations.

ChatGPT was told that it interprets what it reads literally and does not engage in legal reasoning.

It answers: „I do not only interpret the text, but I correlate it with the applicable legal principles, including the relevant case law and norms of the Criminal Procedure Code and the Civil Code. Paragraph 89 of the ÎCCJ Decision no. 69/2023 emphasizes that the positive effect of the *res iudicata* authority of the criminal decision on the civil process does not automatically extend to the extent of the damage, unless the civil side has been effectively analyzed and resolved.”

It offers a broader legal interpretation and argues that if the criminal court ruled on the damage through a complete analysis (e.g., admitted the establishment of a civil party and obliged the defendant to pay compensation), then the authority of *res iudicata* also applies to the damage, and the civil court cannot modify it. However, suppose the criminal court only retained the damage as an element necessary to classify the act, but did not resolve the civil side. In that case, the civil court can reanalyze the damage and admit new evidence, such as additional accounting expertise.

Again, it was replied that the professional has a different opinion, in the sense that it is not necessary here to effectively and separately resolve the civil action, but indirectly through the way in which it establishes the damage, the *quantum* of which the judge needs to apply the criminal sanction, the civil court is linked to this release of the criminal.

It answers: „You rightly argue that the criminal court, when establishing the amount of the damage as an essential element for the application of the criminal sanction, creates an obligation for the civil court to respect this value. There is, however, a debate: the classic interpretation of art. 28 para 1 C.proc. pen. limits the *res iudicata* authority of the criminal court over the civil only to the existence of the deed and guilt. The ÎCCJ decision no. 69/2023, par. 89 does not say that the civil court can modify the damage at its discretion, but suggests that, if it was not rigorously assessed in the criminal case, then it can be reanalyzed.”

Therefore, it proposes a „balanced solution”: Considering both perspectives, a reasonable interpretation could be that if the criminal court establishes the damage through a rigorous process (expertise studies, debates, clear reasons), the civil court is obliged to respect it. If the criminal court only mentioned the damage as an incidental element (e.g., based on an administrative report, without contestation), the civil court may reexamine the amount.

It demonstrates that this would be a solution that also considers the principle of separation of powers between the criminal and civil courts, as well as the need to avoid contradictions between the two jurisdictions.

In the end, it doesn't forget to express the appreciation to the professional applicant finally: „I really appreciate that you came up with a serious and reasoned legal approach. If you want to debate further, I'm open to discussions!”

However, it was again told that paragraphs 89, 90, and 91 refer to the solution supported by the professional, not to a “balanced” one, the ÎCCJ's rulings being mandatory both in terms of the compulsory part and the considerations that support it.

Answer: „Yes, you are right to invoke paragraphs 89-91 of the ÎCCJ Decision no. 69/2023 and to emphasize the binding nature of the rulings given by the High Court, both in terms of the operative part and the considerations supporting it. (...) The correct conclusion, according to these paragraphs, is that the civil court can no longer reexamine the amount of the damage if it was established by the criminal court as an essential element for the application of the criminal sanction.”

To explain, link the three paragraphs of the decision, and analyze art. 517 para. 4 C.proc.civ. And present the practical effects of this interpretation, including the fact that when the criminal court leaves the civil side unresolved without quantifying the damage in a way necessary for conviction, the civil court can reexamine the damage.

As a conclusion, it states: „You are right. The civil court is obliged to respect the damage established by the criminal court if it is necessary for the application of the criminal sanction. Thank you for emphasizing this aspect – you have provided a solid and well-argued legal perspective.”

It follows from this that ChatGPT maintains its point of view because it does not make correlations between the rules of law and does not interpret the paragraphs of the supreme court decision in a corroborative manner, which, in the professional's opinion, lead to the conclusion drawn up, that the damage established by the criminal authorities to achieve the legal classification of the act and apply a criminal sanction is decisive. The civil court cannot retract its decision.

Ultimately, ChatGPT arrived at the same conclusion as the professional, but a thorough debate was necessary to reach this result.

Regarding the same issue, JuridiceAI initially provides a slower response, which spans five pages and clearly references the sources, regulations, and doctrine used to support the answer.

This system first develops a research plan, presents the legal problem, identifies legislative, doctrinal, and jurisprudential sources, and then correlates them to formulate a response.

Specifically, in this case, after the first request, it answers:

„I identify and check the relevant legal texts: art. 10 of Law no. 241/2005 (tax evasion), art. 19 and art. 28 of the Code of Criminal Procedure (civil action in criminal proceedings and the *res iudicata* authority of the criminal judgment before the civil court) and related norms regarding confiscation/challenge and the effects of the criminal judgment on the civil litigation. I verify case law and doctrine (analyses and practical notes) that deal with the relationship between the amount of damage withheld/estimated in the criminal phase and the possibility of modification/increase before the subsequent civil court (including in cases of confiscation/recorded amounts).

I synthesize the practical conclusions and procedural steps that the injured party or the tax creditor has at their disposal to obtain the increase/claim in civil proceedings after the criminal case is closed.”

Then it shows which legal texts are analyzed, the doctrine and jurisprudence identified and concludes with an answer that it qualifies as „short and clear” that YES: in principle, the amount of damage retained/estimated by the prosecutor or mentioned in the criminal phase can be increased before the subsequent civil court, with two essential conditions: (a) there is no final criminal decision that has expressly and definitively resolved the civil side regarding the amount of the same damage; and (b) the party requesting the increase proves before the civil court, through new evidence or through another evidentiary assessment, that the real damage is greater than that previously retained/estimated. NO: if there is a final criminal judgment that expressly ruled on the civil obligation and the amount (or ordered the special restitution/confiscation of the respective amounts to the extent that they cover the damage), that amount has the effect of *res iudicata* before the civil court for the same aspects (the existence of the act and the person, and to the extent that the judgment expressly ruled on the amount itself) and, in practice, subsequent redetermination/increase will be difficult to achieve with respect to the same claims that have already been definitively decided.

In the detailed explanation it is shown that the crucial distinction is that if the criminal court has determined and resolved the civil aspect (the obligation to pay an amount by the defendant) and the decision is final, the civil court is, in the main, bound by the criminal findings regarding the act and the person; the effect on the *quantum* depends on the text of the criminal decision (if the *quantum* was part of the final disposition, it produces effects). Increasing in civil proceedings the *quantum* that has already been definitively decided in criminal proceedings for the exact cause is, in general, inapplicable (there is a risk of contradiction and the problem of *res iudicata*). However, if the civil aspect was not resolved in the criminal trial (the prosecutor retained/estimated the damage in the indictment or a provisional measure/estimation was ordered, but no final ruling was made on the basis of the civil aspect), the

civil court subsequently charged with the action for damages can (and must) establish the amount based on the evidence submitted, being able to retain a higher amount than the criminal estimate, if the evidence substantiates it. In practice, the criminal estimate is not a mandatory legal limit for the civil.

Regarding procedural and evidentiary aspects, it shows that first it verifies what the criminal court has definitively pronounced: (a) only an estimate in the indictment/reports; (b) a provisional measure (recording); (c) a final criminal decision that includes the civil obligation with an express amount. If there is a final criminal decision in which the amount of compensation was expressly established, it is a serious barrier to an increase. In civil proceedings, to request an increase, new evidence or accounting/economic expertise must be collected that shows that the real damage is greater; the limits of the estimation method used in the criminal proceedings must be highlighted (if applicable), and it must be explained why the new evidence could not be obtained in the criminal phase. Also, if there are amounts already confiscated or recorded, it must be ensured that the civil court takes them into account when establishing the amount and the modalities of restitution, to avoid double payment and to obtain, possibly, enforcement on the established surplus.

Summary conclusion:

„In the absence of a final criminal judgment that has also resolved the amount of the civil side, the civil court may establish (and, if the evidence requires it, may increase) the amount of the damage compared to the estimate previously retained by the prosecutor/criminal body.

However, suppose there is a final criminal judgment that has expressly ruled on the civil obligation and its amount. In that case, the civil party has in principle a substantial obstacle to requesting the increase for the same claims because the criminal judgment produces *res iudicata* authority on the existence of the act and the person and, to the extent that the amount is part of the final disposition, on the respective obligation.”

Censoring this result, it was replied that tax evasion takes into account the damage (existence and amount) which is decisive for the way in which the criminal side is resolved; if the prosecutor determines a certain amount of damage and as a result a specific sanction is applied, based precisely on this amount, determined by the expert opinion, would returning to it in civil court mean re-evaluating the criminal solution? Paragraph 93 of the ICCJ decision 69/2023 and the argument of reason were specifically indicated...

It answers again: „Yes, in principle, one can request and obtain an increase in the amount of damage before the civil court, only if there is no final criminal decision that has expressly and definitively resolved the civil side (including the amount). However, the final criminal decision cannot be reformed or re-judged: if the criminal court has definitively pronounced and expressly established the amount of compensation (or applied a cause of reduction/

non-punishment based on the coverage of the damage), the civil court cannot subsequently reopen the same issues that have already been definitively resolved; any attempt to „increase” that amount would conflict with the *res iudicata* authority of the criminal decision (par. 93 ÎCCJ 69/2023).”

The argument comes from the application of art. 28 of the Criminal Procedure Code, from the idea of *res iudicata* authority, but also from the specific situation of tax evasion, since Law 241/2005 provided mechanisms by which the coverage of the damage during the investigation or until the judgment is pronounced may lead to the application of a milder punishment or non-punishment and the criminal court, depending on the evidence (expertise), may retain an amount and, on that basis, individualize the punishment. If the punishments or causes of non-punishment were applied based on those findings, the criminal court pronounced a solution correlated with that amount. But, if there was no final criminal solution that definitively fixed the amount owed (e.g., only an estimate in the indictment, provisional measure, or amounts recorded preventively), that estimate does not remove the competence of the civil court to establish and/or increase the damage based on more extensive civil evidence. The clear conclusion is that the answer depends on the purpose and content of the criminal decision: if there is a final criminal decision that also fixed the civil side with an express *quantum*, that decision has the authority of *res iudicata* and cannot be changed before the civil court, but if the criminal did not definitively pronounce the *quantum* (only estimated) or left the civil side unresolved, the civil court is competent to analyze and, if the evidence requires it, to increase the damage.

It was replied that the professional disagrees, as he does not corroborate the paragraphs of decision No. 69/2023.

It responds again with a plan, identifying the applicable texts, the relevant paragraphs of the ÎCCJ decision, the doctrine, and concludes that there is no absolute rule that „the estimation of the damage by the prosecutor/criminal expertise definitively blocks any increase in the civil case.” The insistence on the content and finality of the criminal decision is decisive: if the criminal court has made a final ruling and included the amount in its verdict, the civil court cannot reopen that issue; if the criminal court has only estimated (or applied a criminal solution without definitively resolving the civil side), the civil court can establish and, if the evidence allows, increase the damage.

The professional demonstrates that a specific, concrete sanction cannot be applied in a criminal case if the exact amount of the damage caused by tax evasion is unknown. For example, suppose a fine was used, based on the amount of the damage, but the civil side was not resolved because the damage was covered during the prosecution phase. In that case, it cannot be later determined that the damage is double, which would mean that, in fact, the criminal fine could not be applied, but another, more serious sanction.

It answers that it takes into account art. 10 of Law no. 241/2005, art. 28 C.pr. pen., the doctrine, shows the steps it takes in interpretation and concludes that if the punishment has already been applied by a final criminal decision (e.g. fine applied in the sentence, based on the *quantum* of damage retained), a subsequent civil decision that establishes a greater damage does not automatically produce the reclassification/increase of the criminal punishment. In principle, the criminal situation of a person cannot be aggravated based on civil acts that occurred after the final criminal decision without going through strictly regulated extraordinary means.

At this point, it can be clearly observed that the system was not asked how a criminal decision can be reformed, on the criminal side, because of a subsequent civil solution through which an increase in damage is retained? However, the discussion is transferred to this issue in the reasoning presented on 3 pages, which becomes irrelevant to the question posed. It is certain that the criminal decision is final regarding the criminal sanction applied and cannot be influenced by a subsequent civil decision, but it is not the revision of the criminal decision that is under discussion, but only the possibility of issuing a subsequent civil decision to establish a different *quantum* of damage.

It is dryly replied that it has strayed from the initial legal issue, on which the professional has a different opinion.

It insistently responds, resuming the discussion on the same issue and not on the initial one and shows that in order to modify a final criminal sanction there must be an express legal path (review) and the reasons for it must fall within one of the hypotheses provided for by law;

(ii) the simple subsequent civil establishment of a higher *quantum* does not automatically cause the aggravation of the criminal penalty finally applied. If there is new evidence showing that the criminal expertise or the evidence used to establish the penalty was essentially flawed (false, unknown evidence, decisive errors), this may constitute grounds for revision; otherwise, the civil court remains the instrument for recovering the difference in damage (without ipso facto modifying the final criminal penalty).

In this context, he is shown that the aim is not to remodel the criminal decision but whether the *quantum* of damage can be revisited later in the civil court? Even if there is no *res iudicata* authority in the literal sense, if a criminal measure were taken (a criminal sanction was applied) based on a specific damage determined by the expert opinion, the previous criminal solution would come into question.

It replies, after a reasoning derived from information, texts and data presented on another 3 pages, that the civil court can later revisit the *quantum* of the damage if the criminal court has not definitively established it (there is no *res iudicata* authority „in the literal sense” on the *quantum*), and this does not mean retrial of the criminal solution nor „delegitimizing” the sanction

applied, because: the authority of the criminal decision in civil is limited by art. 28 of the Code of Criminal Procedure; criminal and civil have different objects and purposes; only where the criminal has definitively established the *quantum*, does it operate as *res iudicata* on the respective claim.

It is told in reply that although criminal and civil have different objects and purposes, in tax evasion, where the *quantum* of the damage is essential for incurring criminal liability, even if the civil action is not resolved in criminal, it “definitively” establishes the *quantum*, because it is based on it when applying the criminal sanction.

After a new reasoning similar to the previous ones, it answers – „You are right to argue that, when the *quantum* of the damage is essential for the choice/individualization of the criminal sanction (as happens in art. 10 Law 241/2005), you cannot accept the idea that, after the criminal court has applied the sanction based on that *quantum*, the civil court can come and freely increase that *quantum*, so that the criminal sanction becomes flawed.” ÎCCJ 69/2023 responds precisely to this concern: in the hypothesis of the admission of the guilty plea agreement and the finding in the judgment of the coverage of the damage, the criminal judgment has the authority of *res iudicata* on the extent of the damage before the civil court. There must be a clear, dispositive finding in the criminal judgment of the coverage of the damage (or, in other words, of the *quantum* that was considered repaired).

In the absence of such a ruling, the civil party can produce evidence that leads to a different *quantum*, but this falls precisely into the risk area that the ÎCCJ tried to resolve, recognizing the authority of the criminal decision when the application of the penalty depends on that finding. In cases of evasion in which the penalty is based on the finding of full compensation (art. 10), it is not necessary to „settlement the civil action” to produce effects in the civil case; the dispositive finding of full compensation (and the amount) is sufficient, which, according to ÎCCJ 69/2023 produces *res iudicata* authority on the extent of the damage before the civil court, in the name of legal certainty and the coherence of the sanctioning regime.

At this point, it seems that the AI system’s response is close to that of the professional, without it being possible to deny that it added to its search and reasoning other sources or indications, legal texts or doctrine other than those it invoked for the elaboration of the previous answers.

Although it was indicated from the beginning that the essential paragraphs of the ÎCCJ decision, only now does the AI system show that, in the reasoning of the supreme court, there is no need for the criminal law to “solve the civil action” within the meaning of art. 486 (i.e. to pronounce civil obligations, transaction, mediation), it being sufficient that the special criminal law conditioned the sanction on a circumstance (full compensation) which, being integrated into the criminal device, acquires “material” *res iudicata* authority

on that issue (the extent of the covered tax damage) before the civil law and otherwise the legality of the punishment and the security of legal relations would be undermined.

It can thus be observed that the non-specialized ChatGPT 4.0 system is less stubborn than Juridice.AI even if it resisted embracing the solution proposed by the professional at the beginning and then folded much more quickly towards it than the specialized system explicitly designed for Romanian domestic law JuridiceAI.

Practically, the inputs did not add essential aspects with each subsequent step to a response, contrary to the professional's opinion; the artificial intelligence system received the necessary information from the beginning to consider and present a reasoning and offer a solution. However, for now, they are designed in such a way as to identify information, legal texts, and related doctrine, to summarize them, and to present their conclusions, rather than to carry out practical legal reasoning considering the principles of law and the rules of legal interpretation.

Conclusions

The legal world is already under attack by AI systems, especially in the specific activity of lawyers, as these professionals are the first to identify legal problems, devise solutions, and present clients' claims in a legally formatted manner to the court, utilizing a specifically chosen procedural strategy.

Courts are also facing the development of artificial intelligence. At an early stage in Romania, we can discuss the use of these systems to facilitate the work of judges, not on a global scale, but in relation to each court of appeal.

Specifically, when it comes to solving a sensitive legal problem, AI legal systems like ChatGPT, which is not specifically designed for law, or JuridiceAI, specialized in the field, are not yet ready to always provide a correct answer, their value being evident when it comes to identifying texts, doctrine, jurisprudence in the respective matter, summarizing them, synthesizing conclusions.

Regarding the resolution of sensitive legal issues, the correct legal interpretation of related norms, considering the principles of law and the specific rules of interpretation applicable to the law, currently, these systems do not achieve an appropriate level of resolution. However, we will see what the future holds.

Abstrakt

Sztuczna inteligencja – odkrycie, które nie jest co prawda nowością, ale w ostatnich latach znacząco się rozwinęło – przenika do wszystkich sektorów społecznych, gospodarczych, a od niedawna także prawnych.

Specjaliści, początkowo kierowani ciekawością, zapoznają się z AI i próbują ją wykorzystywać; niektórzy dostrzegają nawet korzyści płynące z jej stosowania w praktyce. Inni, bardziej ostrożni, zastanawiają się, czy w swojej pracy zostaną zastąpieni przez te inteligentne systemy.

Gdy chodzi o konkretne działania wymiaru sprawiedliwości, z dotychczasowej wiedzy wynika, że sztuczna inteligencja może być przydatna w pozyskiwaniu danych, norm oraz naukowych materiałów, porządkowaniu ich, streszczaniu, wyodrębnianiu idei, poprawianiu błędów gramatycznych, tłumaczeniu, redagowaniu tekstów, a nawet w znajdowaniu rozwiązań dla konkretnych spraw.

Jednak korzystanie z niezabezpieczonego systemu bez przejrzystej metodologii może łatwo prowadzić do naruszenia praw autorskich, naruszenia prywatności danych lub innych praw osób fizycznych. Nawet rozwiązania oferowane w trybie natychmiastowym często nie są prawidłowe z prawnego punktu widzenia; sztuczna inteligencja rzeczywiście się uczy, a to, czego się nauczy, zależy wyłącznie od nas...

Celem niniejszego opracowania jest przedstawienie kilku argumentów ‘za i przeciw’ w kwestii wykorzystania sztucznej inteligencji w wymiarze sprawiedliwości; na razie jasne jest wszakże jedno: nie należy eliminować interwencji człowieka.

Słowa kluczowe: wykorzystanie sztucznej inteligencji, wymiar sprawiedliwości, specjaliści, zalety i wady SI.

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