

# Chapter 115

## The Brazilian Judiciary and the constraints in Information Technology



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### Luiz Henrique Urquhart Cademartori

Doutor em Direito Público. Doutorado realizado na Universidade Federal de Santa Catarina, Brasil; Mestre em Direito Público pela mesma universidade. Pós-doutorado em Filosofia do Direito realizado na Universidad de Granada, Espanha. Professor dos cursos de Mestrado e Doutorado em Ciência Jurídica da Universidade Federal de Santa Catarina – UFSC, Professor dos cursos de graduação em Direito da mesma universidade. Consultor do Ministério de Educação do Governo brasileiro para a validação dos cursos de direito em todo o território nacional; Autor de diversas obras y artigos sobre Direito Público. E-mail: luiz.cademartori@gmail.com

### Marcos Leite Garcia

Doutor em Direito. Doutorado realizado na Universidad Complutense de Madrid, Espanha. Máster em Direitos

Humanos pela mesma universidade espanhola. Pós-doutorado na Universidade Federal de Santa Catarina, Brasil. Professor dos cursos de Mestrado e Doutorado em Ciência Jurídica na Universidade do Vale do Itajaí, UNIVALI. Professor dos cursos de graduação em Direito da mesma universidade. Professor do Curso de Mestrado da Universidade de Passo Fundo. Autor de obras e artigos sobre temas relacionados aos Direitos Fundamentais. E.mail: mgarcia@univali.br

### Edson Vieira Abdala

Doutorando pela Universidade Federal de Santa Catarina. Mestre em Direito pelo Programa de Pós-Graduação Stricto Sensu em Ciência Jurídica Universidade do Vale do Itajaí – UNIVALI/SC. Advogado. E-mail: abdala@abdala.adv.br

## 1 INTRODUCTION

The Law as a whole cannot escape the influences that manifest themselves in the social set, under penalty of delegitimizing itself or of not attending to the desires that affect it, especially the mission that is given to it to solve the cases that are presented to it in a reasonable time.

In the West, for at least two millennia, Law, Law and the like, have become the most efficient means to maintain order and social control, because, once the State has called upon itself the right to punish, warding off private vengeance, it has been forced to respond to the quarrels and complaints of the administered, even if for this purpose it uses force for its desideratum.

To this end, three legal systems were presented: the accusatory, the inquisitorial, and the mixed or reformed or Napoleonic (BARREIROS, 1981).

These consecrated systems have been adapting to time and politics, <sup>1</sup>always seeking to respond to growing social demands (DAVID, 2002).

In the so-called Common Law, the Accusatory System prevailed, where the judge is invariably an Assembly or composed of People's Jurors; the relationship between the Subjects is based on the Equality

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<sup>1</sup> "Political events are always very confusing," says Lenin. We can compare them to a chain. To conserve the whole chain, we have to grasp the fundamental link. We can't choose a random link." (HARNECKERMarten. *Strategy and tactics*. São Paulo: Expressão Popular, 2012, p. 117).

of Parties, in which the Judge is an arbitrator, without powers to initiate an investigation; in Public Crimes, the Action is Popular or sponsored by a hired Accuser and in Private Crimes, it is up to the Injured or Offended the exercise of the action; the Process is oral, public and contradictory; the evidence observes and respects the Free C The Coisa Julgada is admitted and the rule is the Lof the Arguido.

In the Inquisitorial System the Magistrates or Judges are permanent; in Relation, to the Subjects the Judge investigates, directs, and judges the fact; the Process is written, secret, and without contradictory; the Proof is legally charged and the Prison is the rule.

As neither of these two systems fully served the interests of society and the powerful, the Mixed System was created, sometimes linked to the Accusatory or the Inquisitory.

In any case, all the systems made use of what was in their power to solve the proposed case. Thus they used orality, testimonies, and acceptable and even unacceptable productions of evidence, such as confession through torture, industrializing objects for this, as well as the paper that became Autos, manual writing, and later the Gutenberg Press, among other possibilities.

To highlight some picturesque stories in Brazil, because when the use of the typewriter was forced to sentence themselves, some judges refused to use it, due to the vanity of writing, thus demonstrating a resistance to the new, which everyone clings to at first, in the face of the fear of change.

And nothing is more resistant to change than the law and its operators!<sup>2</sup>

However, regardless of this circumstance, what was called the future came trampling everything and everyone, and the Law could not turn a blind eye or opt for deaf ears, forcing itself to gradually integrate into a new language, initially called cybernetics, later computer, recently dubbed Information Technology (IT) — see Digital Process — and now goes by the name of Artificial Intelligence, (AI) which is seeking its place in the world.

## **2 LEGAL ARTIFICIAL INTELLIGENCE IN POST-TRUTH IN A WORLD FILLED WITH FAKE NEWS**

It is known that the truth in the present day is the greatest victim, because in what is tried to be called post-truth, what counts are the massively spread versions and no longer what the facts can contain or contribute to the separation of the *chaff and the wheat*. Every year Oxford Dictionaries, the Oxford University department responsible for the preparation of dictionaries, chooses a word for the English language. The one in 2016 was the so-called "post-truth."

Previously, in 2015, the word chosen was an emoji – more specifically, that little yellow face that cries with so much laughter. In addition to choosing the term, the institution defined what "post-truth" is: a

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<sup>2</sup> "Legal law, which only reflects the economic conditions of a given society, occupies a very secondary position in Marx's research." See: ENGELS, Friedrich; KAUTSKY, Karl. *Legal socialism*. Trad. Lívia Cotrim and Márcio Bilharinho Naves. São Paulo: Boitempo, 2012.

noun "that relates to or denotes circumstances in which objective facts have less influence in shaping public opinion than appeals to emotion and personal beliefs."<sup>3</sup>

Navigating through the referred text, the word is used by those who assess that the *truth is losing importance in the political debate*. According to Oxford Dictionaries, the term "post-truth" with the current definition, was first used in 1992 by Serbian-American playwright Steve Tesich. It has been employed with some constancy for about a decade, but there has been a spike in the use of the word, which grew by 2,000% in 2016.

"Post-truth has ceased to be a peripheral term to become central in political commentary, now often used by major publications without the need for clarification or definition in their headlines," the entity writes in the text in which it presents the chosen word. "Given that the use of the term 'post-truth' showed no sign of slowing down, I wouldn't be surprised if it became one of the defining words of our times," Casper Grathwohl, president of Oxford Dictionaries, said in an interview with the Washington Post. According to this company, the word has been used in analyses of two important political events, which affect the so-called legal world<sup>4</sup>.

In addition, new media, such as Facebook, Twitter, and Whatsapp favor the replication of rumors and lies. Much of the factoids are shared by acquaintances in whom users have confidence, which increases the appearance of legitimacy of the stories<sup>5</sup>.

The algorithms, formerly under the cloak of legal cybernetics (COELHO, 2001. p. 61), used by Facebook, cause users to tend to receive information that corroborates their point of view, forming bubbles that isolate the narratives, to which they adhere to the questions on the left or right, reducing the space for the press, which is traditionally responsible for fact-checking and constructing narratives based on reality.

All these circumstances directly affect the law, especially in its decisional part, because they generate a prejudgment to the concrete case, which will no longer care about the facts to be deduced in court, but whether or not it is in line with the so-called "public opinion", which no one knows exactly what is, a circumstance that is victimizing some members of the Egregious STF.

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<sup>3</sup> Or EXPRESSED - What is 'post-truth', the word of the year according to the University of Oxford - André Cabette Fabio - 16 nOv. 2016 (updated Feb 28, 1:25 p.m.). Available in: <https://www.nexojournal.com.br/expresso/2016/11/16/O-que-%C3%A9-%E2%80%98p%C3%B3s-verdade%E2%80%99-a-palavra-do-ano-segundo-a-Universidade-de-Oxford> Access in: 30jan2019.

<sup>4</sup> Post-truth is a neologism that describes the situation in which, at the time of creating and modeling public opinion, objective facts have less influence than appeals to emotions and personal beliefs. In political culture, is called post-truth politics (or post-factual politics) that in which the debate takes place Frames in emotional appeals, disconnecting from the details of the public policy, and by the repeated assertion of points of discussion in which factual rebuttals—the facts—are ignored. Post-truth differs from traditional dispute and forgery Of a truth, giving it a "secondary importance". It boils down to the idea that "something that appears to be true is more important than the truth itself." For some authors, post-truth is simply a lie, fraud, or falsehood covered up with the term political correctness of "post-truth", which would hide the traditional political propaganda. (*Ibid.*)

<sup>5</sup> The question of post-truth relates to dimension hermeneutics in speaks of Nietzsche, assuming that "there are no facts, only versions". The search for the supposed truth takes a back seat, gaining expression and perspectivism from Foucault and theories of cognitive dissonance and perception. Currently, in the humanities and social sciences, the discussion gains importance with the agonistic, which investigates and analyzes the social context through game theory. Classical concepts about the domain of facts, truth, information, and the public sphere are therefore re-signified. (*Ibid.*)

We need effective intelligence more than artificial intelligence, despite the technological advances that have come to stay, of course!

### 3 VICTOR PROJECT IN THE STF AND ITS CORRELATES IN THE OTHER INSTANCES

Artificial Intelligence (AI) is already finding shelter in what is most sophisticated in decision-making terms in democratic regimes: the Courts and surprise, in the Egregious STF!

Our Federal Supreme Court is testing a technology to reduce the number of cases awaiting trial in Brazilian courts.

The president of the Supreme Court and the National Council of Justice (CNJ), Minister Dias Toffoli, is enthusiastic about the *Victor Project*<sup>6</sup>.

Interested in 2018, it is already able to accurately and quickly track actions with general repercussions. This is how extraordinary appeals presented to the Supreme Court that has economic, political, social, or legal relevance, as well as similarities with thousands of lawsuits that are processed in other courts, are called.<sup>7</sup>

In the same newsletter it is stated as follows:

We have already done tests in the Victor Project, of artificial intelligence, which identifies the cases of extraordinary appeals or aggravation in extraordinary appeals with an accuracy of 85%", said the minister, during a panel of the I Seminar on Civil Procedure of the Association of Federal Judges of Brazil (Ajufe) and the Brazilian Institute of Procedural Law (IBDP), held at the headquarters of the Council of Federal Justice (CJF).

Characterizing certain actions as having general repercussions will contribute to relieving the justice system because when one of these processes is judged, all other similar processes linked to it by the institute of general repercussions can have the same outcome. "This makes it easier even for the judge of the first degree because, being able to already identify the processes with this or that precedent, the magistrate will decide more quickly.

In this way, it can be said, under the view of the President of the STF, that the functionality of the Victor Project, responsible for the identification of processes of general repercussion, is a mechanism that converts images into text, improves and streamlines the evaluation of processes, in addition to saving time for the work of Justice.

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<sup>6</sup> Despite being a trend still in its early stages, artificial intelligence has become increasingly present in the legal environment. According to a recent publication on the Official website of the Federal Supreme Court (STF), is being developed in partnership with the University of Brasilia (UnB) project entitled VICTOR, to improve the legal system of the court. It is seen that its functions are among the most diverse, such as the anticipation of the admissibility judgment regarding the link to issues with general repercussions or the increase in the speed of processing of judicial proceedings. The development of said robot is emphasizing a precise and rigorous performance in its results – a crucial element for success in any construction of artificial intelligence mechanisms – and aims to achieve broader skills than those initially elaborated. The presentation of the first functionalities was scheduled for August 2018. It was made clear that this machine will not have any power of judgment and that the tool has an auxiliary and organizational nature. Thus, the final activity of the Judiciary will remain in "human hands." Finally, the name attributed to the project seeks to honor the former minister of the STF, Victor Nunes Leal (1914-1985), due to his outstanding performance in the Court's Jurisprudence Commission with the implementation of summaries of the predominant jurisprudence of the STF. Source: STF. Posted by Andressa Vieira Popinigis – Jusbrasil – published 10 months ago.

<sup>7</sup> STF News 25.10.2018 – Available in: <http://portal.stf.jus.br/listagem/listarNoticias.asp?dataDe=25%2F10%2F2018&dataA=25%2F10%2F2018>.

To highlight that the new tool can save human resources, because, according to Toffoli, "the work that would cost the server of a court between 40 minutes and an hour to do, the *software* does in five seconds." He continues: "our idea is to replicate with the Federal Regional Courts (TRFs), the Courts of Justice, the Regional Labor Courts, in short, for the entire magistracy."<sup>8</sup>

With the volume of work of the Supreme, it seems, any action that will dynamize the deeds is understood as valid, according to the statistical report.<sup>9</sup>

In the same way and with the same feeling portrayed above, the writers Mamede Said Maia Filho and Tainá Aguiar Junquilha, dealt with the perspectives of application of artificial intelligence to the law, from the perspective of the Victor Project.

The illustrious authors understand that if AI techniques can indicate decisions or recognize texts, speeches, or visual images, they do not dispense with the human factor, necessary to evaluate the responses, evolution, and the discipline of cognitive computing itself. The human being is the one who controls the input of data (*inputs*) and provides comments on the accuracy of the results that the machines present. In other words, the human being manages information, a product that has become valuable in the face of disruptive technologies. In addition, the control and legal regulation of technological tools are always necessary to ensure their use ethically and responsibly, to preserve the autonomy of individuals and constitutionally guaranteed rights such as for an example, data privacy<sup>10</sup>.

Likewise, aiming at the development of a system composed of deep machine learning algorithms that enables the automation of textual analyses of these processes, Victor foresees the creation of *machine learning* models for the analysis of the resources received by the STF regarding the most recurrent themes of general repercussion, to integrate the Court's solution park.

They also argue that the objective of the project is not for the algorithm to make the final decision about the general repercussion, but rather that, with the machines "trained" to act in layers of process organization, those responsible for the analysis of resources can identify the related themes more clearly and consistently (STF, 2018). This will generate, as a consequence, more quality and speed to the work of judicial evaluation, with the reduction of the tasks of classification, organization, and digitization of processes (STF, 2016, p. 228).

In this sense, the formation of the database is an important step that presents, by itself, fundamental elements for the administration of the Brazilian Judiciary, which, analyzed by the STF and the CNJ, can

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<sup>8</sup> Or EXPRESSED - What is 'post-truth', the word of the year according to the University of Oxford - André Cabette Fabio - 16 nOv. 2016 (updated Feb 28, 1:25 p.m.). Available in: <https://www.nexojornal.com.br/expresso/2016/11/16/O-que-%C3%A9-%E2%80%98p%C3%B3s-verdade%E2%80%99-a-palavra-do-ano-segundo-a-Universidade-de-Oxford> Access in: 30jan2019.

<sup>9</sup> Since it was instituted by Constitutional Amendment 45 of 2004, the institute has registered 1,015 proposals for leading cases of general repercussions. Of these cases, 682 had the general repercussion recognized, and 325, were denied. To date, 379 cases of general repercussion have been judged by the Plenary of the Supreme, 16 of them this year. Another 303 issues of general repercussion await judgment by the Supreme Court. (*Ibid.*).

<sup>10</sup> VICTOR PROJECT: PERSPECTIVES FOR THE APPLICATION OF ARTIFICIAL INTELLIGENCE TO LAW - Mamede Said Maia Filho Tainá Aguiar Junquilha - R. Dir. Gar. Fund., Victoria, v. 19, n. 3, p. 219-238, set./dec. 2018 - Licensed under a Creative Commons license - ISSN 2175-6058 - <http://dx.doi.org/10.18759/rdgf.v19i3.1587>.



enable the understanding: a) of the most frequent litigants who arrive at the STF; b) of the themes of general repercussion that have a greater volume of linked processes and, consequently, of the recent themes that fulfill with greater effectiveness the objectives of the general repercussion; (c) which constitutional issues are being further judicialized; (d) of any exceptional cases that are reiterated and similar (may form precedents), but do not yet fit into some currently existing theme. Thus, the current diagnosis of the general repercussion is possible, which enhances the improvement in the management of this important instrument (STF, 2016, p. 231).

However, we highlight the importance of developing projects that apply AI to the judiciary. Among them, one can point out: a) the cognitive biases that can occur with programming (O'NEIL, 2016); b) the need for better regulation in the hiring of companies, behold, Law No. 8,666/1993 has been inadequate when it comes to public investments in innovation (TOLEDO, 2018); (c) the utmost care with the use of data (SILVEIRA, 2017). All these risks should be analyzed and evaluated with caution whenever one seeks to carry out any public project with responsible innovation, to always value the protection of its safety and efficiency (STF, 2016, p. 231).

To seek details and data on the said project, an e-mail was sent on 13.12.2018 to the Egrégio STF, to a certain server, *whose response to date has been none*, according to the text reproduced in the footer<sup>11</sup>.

Observing the recent article published in Valor Econômico, it is clear that the Courts are investing in robots to reduce the volume of actions, without clearly knowing the mechanisms for doing so<sup>12</sup>.

Not only the STF, but also the STJ is also investing in (AI), as is the subject of the interview of Justice Paulo de Tarso Sanseverino, a member of this Court, which, from the outset, highlights the need to understand the immediate impact of new technologies on contemporary society and, at the same time, program r the implementation of stas in the management of repetitive appeals of the court<sup>13</sup>.

It points out that in the STJ, the use of artificial intelligence was initiated through a pilot project launched in June 2018, which aims to define the subject of the process even before its distribution. At the head of Nugep, Sanseverino sees this technological revolution as the next step in a work that aims to optimize the mapping of repetitive demands, which would become a "qualified precedent" in judgments of great numerical, social, and legal impact by the sections of the court.

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<sup>11</sup> Good afternoon, Mrs. XXX, I told you on the phone on Tuesday about the Victor project, which leads me to send you this email. I am a Licensed Professor of Criminal Procedural Law at PUC-PR and today a Master's student at UNIVALI-SC. To conclude the discipline "Fundamentals of Legal Perception", I chose to write about the said Project. However, there is nothing more detailed information about it, leaving few lines in the reports of the STF. Thus, I request all the information that is possible for the completion of the work, such as: - Legal basis for the same; - Detailing through ordinances or resolutions and the like; - How many people are involved in the project in the Supreme Court and other university professionals; - If possible, a breakdown on Information Technology issues and the scope of the Project; - And some more information that you or others can pass on, which is of collective interest so that the extent and depth of the Project can be understood. Thanks in advance. Sincerely, Edson Abdala.

<sup>12</sup> BAETA, Zinnia. *Courts invest in robots to reduce the volume of shares*. Available in: <https://www.valor.com.br/legislacao/6164599/tribunais-investem-em-robos-para-reduzir-volume-de-acoes>. Access on 18.03.2019.

<sup>13</sup> See JUSTICE YEARBOOK - "STJ needs to prepare for the impact of artificial intelligence" February 9, 2019, 7:09 a.m. By Danilo Vital – CONJUR.

Following the long interview, when asked about the cause of the explosion in the number of cases, he made no reference to the inequalities that plague the country and victimize thousands of poor people, but chose to say that the number of lawyers in office would be the cause, that is: it is *not the fever that is the thermometer responsible!*<sup>14</sup>

As it turns out, the AI, added to the numerous difficulties and limitations that are imposed on the knowledge of the resources proposed in the STJ, transforms collegiate decisions into individual ones, especially if the so-called PEC of Relevance is approved in the Federal Senate.<sup>15</sup>

Also, some Courts of Justice in the Brazilian States are using these robots.

In Rio Grande do Norte, they go by the names of Poti, Jerimum, and Clara. The former already works at full throttle automatically promoting the online attachment of amounts in debtors' bank accounts. With the robot, it is astonishing, it is no longer necessary to enter the Bacen Jud and manually search and block bank accounts.

According to Judge Keity Saboya, of the 6th. Court of Fiscal and Tax Execution of the district of Natal, "a server could execute a maximum of 300 blocking orders per month. Today Poti takes 35 seconds to complete the task."

Also according to the Magistrate, the sector that took care of the attachments in Natal was extinguished. But that's not all!

Observing the manifestation of Judge Rosivaldo Toscano of the 3rd. Christmas Domestic Violence Court, if there is no money in the account, *Poti* can be scheduled to seek the amount for consecutive periods of fifteen, thirty, or sixty days, making the blocking more efficient to prevent the *l'argent* from leaving the escort account.

In TJMG, *the so-called metallic* is called Radar; in Rondônia, it is known as Synapse and in Pernambuco, it goes by the name of Elis. These, let's call it, *new servers*, are robots and artificial intelligence systems in the testing phase in the Judiciary!

These experiences encouraged the CNJ to create the Center for Artificial Intelligence applied to the PJe (by the way, still sufferable) to make such tools available to all Brazilian courts.

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<sup>14</sup> CONJUR — What is the cause of the explosion in the number of cases?

Paulo de Tarso Sanseverino – I think the main factor is the number of lawyers. We have more than 1,500 law schools and new courses continue to be created. We have more than 1 million lawyers, according to official figures from the OAB itself. This generates a very big impact not only in the STJ but mainly in the first and second degrees. Here, we still work on this issue with the management of repetition.

<sup>15</sup> Proposed Amendment to the Constitution No. 10 of 2017 - **Authorship:** Chamber of Deputies -**Initiative:** Federal Deputy Rose de Freitas (MDB/ES) -**Nº in the Chamber of Deputies:** PEC 209/2012 -**Subject:** Administrative - Public administration: public bodies -**Nature:** General Norm - **Syllabus:** It adds § 1 to article 105 of the Federal Constitution and renumbers the current sole paragraph. **Explanation of the Syllabus:** In the context of the Superior Court of Justice, it provides that in the special appeal, the appellant must demonstrate the relevance of the infra-constitutional federal law issues discussed in the case, under the terms of the law, for the Court to examine the admission of the appeal, and may only refuse it by the manifestation of two-thirds of the members of the competent body for the trial. **Current Situation: In progress** - RCurrent author: Rodrigo Pacheco Last location: 19/02/2019 - Commission of Constitution, Justice, and Citizenship (Secretariat of Support to the Commission of Constitution, Justice and Citizenship) Last state: 02/19/2019 - MATTER WITH THE RAPORTEURSHIP.

In Pernambuco, in the case of Elis, the system promotes the screening of the tax enforcement process and, in practice, analyzes the Active Debt Certificate (CDA), checks the data, and verifies the existence of prescription and competence. Attentive to the manifestation of Judge José Faustino, a member of the TJPE's AI Committee, the manual screening of data until the judge's order of seventy thousand cases took eighteen months. With Elis, eighty thousand cases passed through this procedure in just fifteen days.

In Minas Gerais, with gravity to highlight, the technological solution called Radar, for a year and a half was tested, becoming able to read processes and identify if the request is repeated in court and also what understanding to be applied to the concrete case of the STJ and the TJMG itself.

By separating similar processes the robot suggests a voting pattern, which is reviewed by the Rapporteur of the process. They were so unsettled by this circumstance that the 8th. Civil Chamber of the TJ miner judged, in less than a second, 280 similar cases!

To make matters worse, in addition, the Courts of São Paulo, Acre, Alagoas, Ceará, Mato Grosso do Sul, Santa Catarina, and Amazonas is being developed Artificial Intelligence for the reading of peças. In a second moment, the robot will suggest norms, jurisprudence, and peçédicas, from the history of the magistrate, observing a system of support and recommendation.

Be that as it may, so far the information is minimal and insufficient to understand the Victor Project and its correlated because it is not known: a) what are the legal bases for them; b) whether they are bound by any ordinances or resolutions and the like; (c) how many people are involved in the project in the Supreme Court and UnB; (d) in addition to not having a breakdown on the issues of Information Technology or AI and e) the scope of the Projects, which seems of reasonable gravity.

Briefly, what makes the issue worrisome is that we are confusing the long-awaited speed of the case submitted to the Judiciary, with effective substitutions and illegal substitutions to robots, so that they decide, which is not defensible from the democratic perspective and respect for human rights so undermined lately by significant portions of the constituted powers.

#### 4 THE UNDERMINED HERMENEUTICS<sup>16</sup>

*"God is unjust, for He has created serious limits to the intelligence of men, but none to their stupidity."  
Konrad Adenauer*

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<sup>16</sup> STEIN, Ernildo. *Rationality and existence: the hermeneutic environment and the human sciences*. 2. ed. Ijuí: Unijuí, 2008, p. 49. Explaining this doctrine, Stein pontificates: "Geniuses, according to Dilthey, have the ability, in the singular universe of literary work, for example, to grasp its universality; to pick up the universal element in the singular universe of historical facts; they produce *need* and *truth* of human facts through an application of one's genius; it is the others who need method, logic, and epistemology. Now, since science is made for the mediocre, for the less gifted, in Dilthey's conception, and the majority of humanity is mediocre and less gifted, then we have to provide resources for humanity, and this is the *ideal* of the Historical School. Science is of the mediocre, science as a set of procedures that makes the mediocre also reach universality."



Inexorably the new technologies that enter the law drastically change the way we face the facts and the resistance to the so-called new model is fading, still having in higher education some focus on combat.

In times of Google and in classes in which each student has a *smartphone*, whose concentration time is close to that of a *hungry amoeba to satiate*, it becomes difficult to sensitize those interested in the reading of the classics!

In Streck's words, the crisis of legal education and the crisis of the application of Law does not exist because of the lack of technology, on the contrary: this technology is further dumbing down students and operators of law in general, because it brings facilitation, replacing readings and research with *ready-to-wear* technologies, such as summaries and summaries, legal drops and decontextualized menus.<sup>17</sup>

To find that a technological error replaces science or knowledge is a serious mistake.

The transformation of court cases into digital material has not brought improvement in the quality of judgments, only speed<sup>18</sup>, because decisions increasingly suffer from reasoning and Ctrl C and Ctrl V are the nightmares of the writing.

In the same text, with rare brilliance, Streck states that thousands of REsp, RE, Embargoes, and Grievances are decimated by a kind of groups of extermination of resources, the *Prozess Einsatzgruppen* (expression of Dierle Nunes), vehemently attacking the Victor Project, which will examine the admissibility and identification of repetitive appeals in the STF, starting to be referred robot a specialist in Constitutional Law, which is unthinkable.

Portant o, of course, is that the option was to abandon knowledge to privilege information, to statistically inform that thousands of processes were judged, when in fact it was not that, but simply repeated dispatches and formulas, rarely with defensible grounds, from the Democratic and Guarantor point of view (STRECK, 2011).

Of all the concerns presented, the most serious is related to the *database*<sup>19</sup> that will feed the robot because this source of information and machine learning will give direction to decisions and their surroundings.

With a repetitive and practically identical jurisprudence, the *poor machine* will suffer from some decision-making incapacity and future evaluations will tend to reproduce the system, which will lead - contrary to what is preached - a departure of man from the decisional act, destroying once and for all the little hermeneutics that still tries to resist his misfortune.

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<sup>17</sup> STRECK, Lenio Luiz. High tech law does not shorten the ears of students and teachers! *Legal Consultant Magazine*, August 23, 2018. Available in: <https://www.conjur.com.br/2018-ago-23/senso-incomum-direito-high-tech-nao-encurta-orelha-alunos-professores> Access: 30jan2019;

<sup>18</sup> BAETA, Zinnia. *Courts invest in robots to reduce the volume of shares*. Available in: <https://www.valor.com.br/legislacao/6164599/tribunais-investem-em-robos-para-reduzir-volume-de-acoes>. Access at 18.03.2019.

<sup>19</sup> "The fundamental feature of this Information Revolution is not the *speed* of communications between the rich and powerful: for more than 130 years, instantaneous telegraph communication was possible between Europe and North America. The crucial change is the huge reduction in *the cost* of the transmission of information. For all practical purposes, the costs of current transmission have become negligible; therefore, the amount of information that can be transmitted to the whole world is virtually infinite." NYE JR, Joseph. *O future do poder*. Trad. Magda Lopes. São Paulo: Benvirá, 2012, p. 153.

## 5 CONCLUSION

For some, artificial intelligence may, in a relative space of time, represent an instrument of support and support to judicial decisions, allowing greater effectiveness in the transmission of information, exposing analogies and contradictions that would be difficult to identify if the data were analyzed manually or separately.

Its adoption will greatly facilitate the interaction between the judge who analyzes the process and the data presented by the technological instrument. The work of selecting the applicable legislation and jurisprudence will be more fluid and reliable, greatly assisting the process of reasoning the decision to be taken.<sup>20</sup>

Contrary to this statement that sustains the current *status quo*, gilding the legal pill, despite great and prepared intellectuals of the Law, robots deciding and supposedly knowledgeable of the Constitutional Law has no shelter in the law nor the constitution still in force.

The formation of a database without any social control that will support the knowledge of the robotic machine is a legal folly, deserving great revulsion from the operators of the law.

A justice that removes man from the decision amounts to an injustice, the right, or even worse, creates a syncretic species, a *jusrobotô*, which is limited to the ideological insertion of data that will feed him, generating, about the Victor Project, a kind of twelfth minister in the STF, affronting, including article 101 of CF/88, which makes it unconstitutional under the legal parameter.

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<sup>20</sup> VICTOR PROJECT: PERSPECTIVES FOR THE APPLICATION OF ARTIFICIAL INTELLIGENCE TO LAW - Mamede Said Maia Filho Tainá Aguiar Junquillo - R. Dir. Gar. Fund., Victoria, v. 19, n. 3, p. 231, set./ten. 2018

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