

This paper addresses the implementation of Artificial Intelligence (IA) in digital transformation processes in the Latin American legal sphere, highlighting both the ethical and practical challenges associated with its use, such as the principles that need to be considered when designing data governance policies that enable its responsible usage.

This research underscores the essential role of data in the development of AI systems in the justice system. In this regard, it suggests that data governance not only affects AI governance significantly, but also defines the extent to which its benefits will be equally distributed. To do so, this research urges us to consider the factors that relate to quality, integrity, and transparency in the publication of such data by judicial institutions.

It also highlights the importance of Open Justice, which promotes transparency, the publication of data, and collaboration in the administration of justice. In this sense, it argues that the mere publication of judicial data does not ensure its effective reuse in responsible AI models, but it does require a more structured approach that includes clear governance principles.

Such principles include standardization (to ensure data quality and comparability, which is crucial for AI training), accessibility (based on the promotion of open formats and public repositories as a way to lift access barriers and facilitate data reuse), completeness (which includes the representation of all social groups in the data, avoiding the perpetuation of inequality and ensuring the inclusion of vulnerable populations), privacy (which means protecting individual rights and should be incorporated in all the stages of the data management process) and cybersecurity (which is crucial in the protection of the integrity and confidentiality of the information used by AI systems).

Finally, this research concludes that a solid and collaborative data governance framework is essential for the responsible use of AI in the judicial sphere. To develop such a framework, it is important that governments, judicial institutions and the civil society come together to face the associated challenges and promote the ethical and responsible development of AI in justice.

By dealing with these issues, this study helps ensure that AI benefits lead to tangible improvements in the judicial system and, ultimately, in the compliance with the rights of all people in the digital era, especially for those in more vulnerable situations.