

The Ambivalence of Artificial Intelligence in Criminal Justice

ازدواجية دور الذكاء الاصطناعي في العدالة الجنائية

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المخلص:

تزايد استخدام أنواع مختلفة من الذكاء الاصطناعي في السنوات الأخيرة، في العديد من جوانب نظام العدالة الجنائية وتطبيقها من الناحية التكنولوجية والقانونية من أي وقت مضى، لا يزال استعماله، ينتشر في جميع مراحل العدالة الجنائية، انطلاقاً من عملية التجريم، مروراً بالإجراءات الجزائية وصولاً إلى النطق بالعقوبة وتنفيذها...الخ، فهو ينطوي على فحص وغرلة البيانات أثناء عملية التحقيق، وتحليل أنماط واتجاهات السلوك الإجرامي، ليصل لعمليات صنع القرار المتعلقة بنشر قوات الأمن، وإصدار الأحكام.

أعمال الذكاء الاصطناعي في مجال نظام العدالة الجنائية، واستمرار تطوره، قد يكون بداية لكفاءات جديدة في مجال المساءلة العامة من الناحية الموضوعية والاجرائية، إلا أن آثاره المحتملة على المبادئ القانونية الأساسية وحقوق الإنسان الراسخة والمحمية تقليدياً تبقى مطروحة للنقاش الأكاديمي، ثم أن تطور تكنولوجيا الذكاء الاصطناعي باستمرار، يجعل من الآثار القانونية والأخلاقية التي يتعين مراعاتها متعددة الأبعاد ومعقدة للغاية.

الكلمات المفتاحية: الذكاء الاصطناعي؛ العدالة الجنائية؛ القانون الجنائي، ازدواجية الآثار.

Abstract:

The use of different types of artificial intelligence (A.I) has increased in recent years in many parts of the criminal justice system and its application in technological and legal terms considerably more than ever before.

The use of A.I continues to proliferate at all levels of criminal justice, from the criminalization process, through criminal procedures, to the pronouncement and implementation of punishment...It entails assessing and screening data during the

investigation process, identifying patterns and trends of criminal activity, reaching decision-making procedures connected to the deployment of security personnel, and punishment.

Employing A.I in the field of the criminal justice system, and its continued development, may be the beginning of new competencies in the field of public accountability in substantive and procedural terms, but its potential implications for basic legal principles and traditionally protected human rights remain open for academic debate, and the continuous development of A.I technology makes the legal and ethical implications multidimensional and very complex.

Key words: artificial intelligence; criminal justice system; criminal law; ambivalence of effects.

Introduction:

The rapid advancement of artificial intelligence (AI) and its expanding applications within the criminal justice system have created new opportunities to enhance crime prevention, investigation, and adjudication processes. By introducing advanced analytical tools and data-driven decision-making mechanisms, AI promises greater efficiency, consistency, and procedural effectiveness in the administration of justice. However, these technological benefits simultaneously raise significant concerns regarding their potential impact on fundamental legal principles and traditionally protected human rights. Issues such as due process, presumption of innocence, transparency, and accountability remain at the center of ongoing academic and legal debates.

Moreover, the continuous evolution of AI technologies further complicates this landscape, rendering the legal and ethical implications increasingly multidimensional and complex. Consequently, despite the procedural and substantive efficiencies AI may contribute to public accountability, its integration into criminal justice systems remains controversial due to the risks it poses to core guarantees of fairness, equality, and human dignity.

Importance of the Study:

The study of the ambivalence of Artificial Intelligence (A.I.) in criminal justice is of considerable importance, as it reflects the broader duality that characterizes contemporary technological progress. This ambivalence can be understood through several interrelated dimensions.

In recent years, the world has witnessed a qualitative leap in technological innovation, profoundly affecting various aspects of human life, including communication, culture, health, and commerce. While these developments have generated unprecedented opportunities for efficiency and growth, they have not always been synonymous with progress and prosperity. On the contrary, the same technological tools have been exploited by certain actors to defraud users of websites and digital platforms, thereby creating new forms of criminality. This paradox highlights the urgent need to frame technological advancements—particularly A.I.—within a clear and effective legal framework.

Within this context, most jurists and criminal law specialists emphasize the risks associated with A.I., describing it as a transformative invention whose evolution increasingly challenges the capacity of its creators to fully control its applications. Beyond its legitimate uses by content creators and institutions, A.I. has also been appropriated by individuals and organized criminal entities for unethical and illicit purposes. Consequently, the ambivalence of A.I. lies not in the technology itself, but in the ways it can simultaneously enhance justice systems and generate novel criminal threats, thereby requiring a balanced and forward-looking criminal law response.

Study Objectives:

The present study pursues a set of interrelated objectives aimed at clarifying the legal implications of artificial intelligence within the criminal law framework. First, it seeks to elucidate the concept of artificial intelligence (A.I.) by examining its defining features, drawing on relevant legal texts and doctrinal opinions, and situating it within the broader context of criminal law and the procedural mechanisms adopted to combat crime in its various forms.

Second, building on this conceptual foundation, the study endeavors to dispel the ambiguity surrounding criminal liability for offences committed through or by means of A.I. systems. In particular, it analyzes the complex question of attribution of responsibility, assessing whether liability should rest with the individual user who employs the A.I., the developer or programmer who designed it, or, in certain theoretical perspectives, the A.I. system itself.

Finally, the study aims to evaluate the effectiveness of the existing legal framework in regulating the development and use of diverse A.I. applications. Through this assessment, it seeks to determine whether current legal mechanisms are sufficient to prevent potential abuses and mitigate the negative consequences that may arise from the misuse of such technologies.

The problematic:

From the abovementioned, it appears logical to ask the following problematic: How do the ambivalent effects of artificial intelligence techniques impact the effectiveness of its role within the criminal justice system, particularly with regard to the attribution of criminal responsibility and the legal procedures followed?

Methodology:

A set of scientific methods was used in this research paper, the most important of which is the descriptive method, which is consistent with the theoretical aspect of the study, as is the case with the definition of A.I. or with regard to presenting legal opinions on the nature of liability for errors or damages related to A.I. The analytical method was also used when

linking A.I to criminal justice, and even in identifying the party responsible for damages caused by the use of A.I.

Study division:

To answer this problematic, some uses of A.I in criminal justice are examined, particularly in investigations and legal proceedings **(1)**. Issues related to determining liability for harm caused by A.I are then addressed **(2)**.

1-The ambivalence of Artificial Intelligence in Criminal Procedures:

Artificial intelligence (AI) is increasingly used in a wide range of criminal investigations. It plays a significant role in combating online hate speech, detecting financial fraud, and analyzing complex networks involved in human trafficking and drug trafficking. These applications demonstrate AI's capacity to process vast amounts of data and uncover patterns that would be difficult for human investigators to detect manually.

By enhancing the ability to detect, gather, and analyze evidence, AI has become a valuable tool for identifying suspects more quickly and preventing potential violations. Its predictive and analytical capabilities contribute to more effective public safety strategies, while also strengthening community confidence in law enforcement institutions.

Beyond investigative functions, AI can also contribute to various stages of criminal proceedings, improving efficiency and accelerating the administration of justice. For example, AI systems can identify crimes, suspects, and victims in large datasets, such as detecting child sexual abuse material within massive volumes of image data. In this way, AI not only supports law enforcement investigations but also enhances the overall effectiveness and responsiveness of the criminal justice system.

Some in-depth considerations are presented regarding the legal community's use of A.I in criminal law. This will be achieved by defining A.I and clarifying its relationship to criminal justice **(1.1)**. The use of A.I in predictive policing **(1.2)** and the impact of facial recognition and surveillance technologies on criminal law **(1.3)** will then be addressed.

1.1-Definition of Artificial Intelligence and its Relationship to Criminal Justice:

Artificial intelligence (AI) is defined as the set of theories and strategies applied to create machines capable of simulating human intelligence¹. It has also been described as "the ability of computer systems to perform tasks such as learning, data analysis, and decision-making," a definition attributed to AI pioneer John McCarthy². Marvin Lee Minsky further elaborated on this concept, defining AI as "the development of computer programs that perform tasks currently performed more satisfactorily by humans because they require higher-order mental processes such as perceptual learning, memory organization, and evaluative reasoning."³

The importance of Minsky's definition lies in its emphasis on temporality, expressed through the phrase "at the present time." This aspect of temporality is increasingly relevant today, given the unprecedented pace of scientific and technological progress in AI, which now touches almost every sector⁴.

In the legal field, AI can store and process vast amounts of knowledge, forming a foundation for performing tasks beyond criminal law, such as facilitating contract review, identifying legal risks, detecting unfavorable terms, and assisting in drafting contracts based on templates while ensuring compliance with applicable laws and regulations. AI can also quickly and accurately analyze legal texts and documents to extract key information and assess critical legal points, saving lawyers and judges significant time and effort. Its ability to search legal databases and references enables the identification of relevant judicial precedents, applicable legislation, and legal articles, providing initial legal guidance and supporting informed decision-making⁵.

However, it is crucial to acknowledge the limitations of AI in the legal context. AI lacks a full understanding of legal, ethical, and human-value considerations, and reliance solely on AI for crucial legal decisions carries inherent risks. Consequently, AI should be viewed as an aid for lawyers, arbitrators, and clients, enhancing efficiency and accuracy, while final decisions and legal assessments must remain the responsibility of human experts.

The application of AI becomes particularly significant in criminal justice. AI can quickly process and analyze large volumes of data, including criminal records, histories of suspects and witnesses, and other evidentiary materials. This capability allows investigators and prosecutors to identify patterns, trends, and relationships between crimes and suspects, enabling more informed decisions and focused investigative efforts. In this context, AI enhances the performance and effectiveness of legal systems by providing technical support and advanced analytics for legal decision-making and crime prevention. It is increasingly used to predict criminal activity by analyzing past data, guiding security measures, allocating resources effectively, and supporting early interventions to reduce crime in targeted areas⁶.

Furthermore, AI aids investigators in discovering and analyzing evidence more efficiently⁷. Utilizing image, voice, and text recognition technologies, AI can examine physical and multimedia evidence related to crimes, thereby strengthening the evidentiary basis for courts. In addition, AI can analyze laws and prior court rulings to assist lawyers and judges in legal reasoning, accelerating the search and evaluation of case law, contributing to well-informed judicial decisions, and enhancing the guidance provided to both defenses and prosecutions⁸.

1.2-Artificial intelligence and predictive policing:

Artificial intelligence (AI) refers to algorithms and machine learning systems that analyze large volumes of data to detect patterns and correlations, enabling exceptionally

accurate predictions about future events⁹. These capabilities have significant applications across various sectors, including healthcare, environmental management, and governance.

One prominent area where AI is increasingly applied is law enforcement¹⁰. In many Western countries, digital policing has become a reality, with predictive policing representing approaches that rely on data-driven innovations and predictive algorithms to combat crime. By leveraging these technologies, law enforcement agencies aim to anticipate criminal activity and allocate resources more efficiently.

Predictive analytics forms the backbone of this approach. It involves collecting and analyzing data from multiple sources, such as criminal records, intelligence reports, and surveillance feeds, to identify patterns and forecast future crime trends¹¹. Statistical modeling, machine learning, and data mining are used to uncover underlying correlations and to assess the factors influencing criminal behavior. Through this process, authorities can detect behavioral indicators that may suggest an individual's intent to commit a crime, enabling more proactive interventions.

Behavioral analysis techniques complement predictive analytics by focusing specifically on identifying potential criminal behavior. These tools are widely applied in law enforcement, counterterrorism, border security, and criminal investigations, guiding security measures and informing crime prevention strategies. By integrating behavioral insights with predictive data, agencies enhance public safety and improve the effectiveness of investigative and preventive efforts¹².

In the United States, AI applications have extended beyond crime prevention to judicial decision-making. Algorithms like COMPAS are used to assess the risk of reoffending, determine appropriate sentencing, evaluate eligibility for probation or parole, and even inform housing arrangements for inmates. However, such tools have revealed systemic biases—for instance, studies show that Black defendants are more likely to be assigned higher risk scores and face harsher outcomes compared to other populations, raising concerns about fairness and accountability in AI-assisted decision-making.

AI also supports investigative work by enhancing the analysis of evidence. Image, voice, and text recognition technologies enable investigators to process physical and multimedia evidence more efficiently, strengthening the quality of evidence presented in court and facilitating more informed judicial outcomes. Together, these AI applications demonstrate both the potential and the challenges of integrating advanced technologies into law enforcement and the broader justice system¹³.

1.3-Artificial intelligence in the field of facial recognition and surveillance technologies:

Facial recognition technologies can significantly aid criminal investigations by identifying suspects. By searching available databases and matching recorded faces with those captured at crime scenes, these technologies can facilitate investigations, identify perpetrators, and ultimately enhance public safety and crime prevention¹⁴. For instance, facial recognition-

based surveillance systems can be deployed in public spaces such as airports, train stations, and shopping malls to detect individuals with criminal records or active warrants.

However, the use of such advanced surveillance technologies also raises critical concerns regarding privacy and individual rights. The widespread deployment of facial recognition may constitute an unlawful intrusion into personal lives, highlighting the tension between public security and civil liberties. Consequently, it is essential that the use of these technologies be governed by robust laws and regulations to ensure that the pursuit of criminal justice does not come at the expense of fundamental rights¹⁵.

In addition, facial recognition technologies are not infallible and are prone to errors and biases. Misidentifications can occur, leading to innocent individuals being wrongfully accused while the actual perpetrators remain undetected. Such limitations underscore the need for caution when integrating these technologies into judicial processes.

Given the increasing prevalence of facial recognition and surveillance systems, there is a growing necessity for a comprehensive legal framework that regulates their use, protects privacy, and safeguards fundamental rights. This framework must also be dynamic, evolving to address emerging challenges such as algorithmic bias and technological inaccuracies, thereby ensuring the fair and responsible use of these tools.

Finally, as guardians of litigants' rights and freedoms, judges play a crucial role in mediating these tensions. They must carefully weigh the benefits of admitting technologically generated evidence against the potential for harm¹⁶. Overreliance on predictive or automated evidence can introduce ethical dilemmas and risks of injustice, reinforcing the need for judicial oversight in the application of these innovations¹⁷.

2-Challenges concerning Criminal responsibility attribution through Artificial Intelligence technologies:

The use of artificial intelligence (AI) raises numerous ethical and legal challenges. One significant issue is the difficulty in understanding how AI reaches its conclusions or recommendations. This "black box" nature of AI complicates transparency and accountability. Moreover, AI systems require access to large amounts of personal and sensitive data, which presents challenges in protecting privacy, ensuring data security, and preventing misuse. Compounding these concerns, the data used to train AI may reflect societal biases, leading to potential decisions that are unfair, discriminatory, or unjust.

These general challenges become even more pronounced in the context of criminal law. The use of AI by investigators, judges, and lawyers introduces questions about how its decisions are made, raising issues of transparency and fairness within the justice system. Additionally, legal responsibility for AI-generated decisions is unclear. Determining who bears liability in the event of errors or harm—whether it is the developer, the operator, or another party—is a critical unresolved issue.

Despite these challenges, AI can have a positive impact on criminal law by improving the efficiency and effectiveness of legal processes. For example, it can assist in analyzing large volumes of evidence or identifying patterns that might otherwise go unnoticed. Nevertheless, the ethical and legal concerns associated with AI must be carefully addressed to ensure that its benefits do not come at the expense of justice or accountability.

The rapid pace of AI development in recent years has made previously fictional scenarios increasingly real. While these technologies can simplify many aspects of daily life and professional practice, they are not infallible. Mistakes are inevitable, which underscores the importance of clarifying responsibility: should the company that designed the AI bear criminal liability, or does the individual using the system at the time of an offense carry accountability as an independent actor capable of making decisions? Addressing this question is essential for the responsible integration of AI into legal and societal frameworks.

If the debate over AI, and more precisely the determination of liability (both at the public and criminal levels) in the context of harm caused by AI, does not lead to any agreement (2.1), it nevertheless proves necessary to find a resolution to the increasingly frequent disputes (2.2), finally, the issue of assigning criminal responsibility to the various actors involved in A.I is being examined (2.3).

2.1-Risks of Bias and Errors Associated with Artificial Intelligence in the Judicial System:

AI technology offers tremendous potential for improving and accelerating processes in the judicial system¹⁸. However, this potential comes with significant risks, particularly related to the data AI relies on for decision-making. If the underlying data contains biases—such as racial or social prejudices—AI can inadvertently reinforce these biases, leading to unfair or discriminatory outcomes within the judicial system¹⁹.

A striking example is Microsoft's AI chatbot on Twitter, which interacted with users by learning from their language, knowledge, and behavior. The chatbot was withdrawn after making racist and defamatory statements, highlighting how AI can distort information from its learning process²⁰. Cases like this underscore the real-world consequences of biased AI and raise critical questions about accountability: who is responsible when AI produces harmful outcomes?

Compounding these challenges is the difficulty in understanding AI decision-making, especially with deep learning models such as neural networks. Their lack of transparency can reduce public trust in judicial decisions, as affected parties may struggle to comprehend the reasoning behind automated rulings. Technical errors can also occur in AI applications, producing incorrect or unfair judgments that may be difficult to detect and correct²¹.

Another concern is the use of large amounts of personal and sensitive data required for AI in the judicial system. Handling this data requires extreme caution to ensure privacy and security, prevent unauthorized access, and avoid misuse. AI-driven decisions can have long-

term impacts on individuals and society, potentially affecting civil liberties and reinforcing discrimination or systemic injustice²².

To mitigate these risks, judicial AI systems must be closely monitored, with transparent and accountable procedures to detect biases and errors. Efforts to ensure diversity and inclusion in data collection and model training should follow fair and objective principles. Mechanisms for appeals and human review must also be implemented to validate automated decisions and protect individuals from potential harm²³.

Furthermore, the integration of AI into the judicial system demands a robust legal and regulatory framework. This framework should define standards, allocate responsibilities, and safeguard individual rights. Transparency, accountability, and public participation are essential in guiding the development and deployment of AI technologies in the judicial sector²⁴.

It is crucial to recognize that AI is not a replacement for human judges or lawyers. Rather, it should function as an auxiliary tool, enhancing efficiency, providing guidance, and supporting informed decision-making²⁵.

Overall, implementing preventative measures and precautions is essential to mitigate AI-related risks and errors in the judicial system, with the ultimate goal of ensuring fairness, accountability, and equal access to justice for all²⁶.

2.2-The Nature of responsibility for AI-Related Errors or Damages:

Attributing liability for AI-related errors or damages presents a complex legal challenge. While many legal systems apply liability for AI-related errors in a manner similar to liability for human acts, several specific considerations arise when determining responsibility in the context of AI.

First, civil responsibility may be assigned to the company or organization that developed or deployed the AI system, based on the principles of civil liability applicable under the relevant legal framework. In addition, liability may extend to individuals associated with the operation or control of the AI system, particularly when human oversight is involved²⁷.

Second, liability can arise from negligence or errors in the development or programming of the AI system that result in harm or damage. Establishing such liability requires demonstrating that the error was a consequence of negligence or a failure to adhere to applicable professional standards²⁸.

Third, determining liability becomes more complex in cases involving AI systems that make autonomous decisions and learn from data. The challenge lies in tracing the origin of errors—whether they stem from the software itself or from human misuse or misapplication—making accountability difficult to establish²⁹.

Fourth, liability may sometimes be apportioned between the AI system and the human operators or users. For example, shared liability can occur when there is inadequate training of personnel or insufficient implementation of safety procedures, highlighting the interplay between technological and human factors³⁰.

2.3-Attributing Criminal responsibility to various actors involved in artificial intelligence:

Liability and the legal framework for AI in criminal law is an important issue that requires special attention. Historically, criminal liability has been based solely on the commission of a physical act explicitly prohibited by law. The mere commission of a prohibited act can lead to a criminal conviction. This physical element may be committed by the accused directly or through a third party, as evidenced by the various forms of criminal contribution recognized under the law. Furthermore, the mere use of a weapon or object to commit a crime does not absolve an individual of criminal liability. This principle is particularly relevant when considering the criminal liability of AI users³¹, as AI can function as an intermediary or tool through which acts are committed.

Over time, courts have recognized that a moral element must also be present for an individual to be convicted of a crime. Criminal liability now typically involves two elements: intent and agency. Thus, an individual who intends to commit a crime and actually carries it out must be found guilty³². However, intent and the actor are no longer the only relevant elements in determining liability. The notion of volition—behavior resulting from the free will of a person in control of their own actions, without external constraints—also plays a crucial role in deciding whether someone should be convicted.

The exercise of true choice by a rational person is therefore the foundation of criminal responsibility. This implies that individuals acting spontaneously, under stress, or with mental instability may not be held accountable. Criminal law also assumes that individuals are capable of judging the nature and quality of their acts or omissions. Consequently, unless there is evidence demonstrating an inability to assess the quality of their actions, the person will be held guilty³³.

A recent illustration of liability arising from errors in the use of artificial intelligence occurred in the United States. In California, a judge imposed fines totaling \$13,000 on the law firm Hagens Berman, partner Robert Carey, and co-counsel Celeste Boyd for misusing AI in court filings against OnlyFans' parent company. The sanctions arose from four briefs containing AI-generated material that violated the requirement that legal arguments be "warranted by existing law." Boyd acknowledged using ChatGPT to draft portions of the briefs but failed to follow proper AI verification procedures due to personal circumstances. Carey attributed the AI-related errors to outside co-counsel and stressed the firm's commitment to accurate filings while reviewing internal processes. The judge rejected the firm's request to correct the filings, noting that such corrections would exacerbate harm to the

defendants. Meanwhile, OnlyFans' parent company filed motions to dismiss the case, although the plaintiffs were permitted to amend their complaint³⁴.

In the context of AI, the voluntary nature of the crime acquires renewed significance. The act may not be carried out by the accused directly, but rather by a machine with relative intelligence. If an AI user intentionally deploys a machine to commit a crime, the principle that the mere use of a tool does not absolve responsibility becomes critical. In such cases, it can be argued that the accused acted of their own free will, even if the act was executed through AI. This is particularly clear in examples where an individual uses a robot to start an arson or employs AI to remotely hack computer systems, making the determination of criminal liability more straightforward³⁵.

An AI user could still be held responsible for the actions of their devices under certain circumstances. For instance, a person operating a self-driving car could be liable for an accident caused by the AI system, not because they intentionally caused the accident, but because they failed to prevent it. Such delegated criminal liability is typically limited to cases of negligence. In contrast, for crimes requiring specific or general intent, an AI user may not be held liable, as they lack the requisite intent³⁶.

Criminal negligence entails that an individual may be convicted if they fail to perform an act they are legally obliged to perform. Applied to AI, liability may arise if the law requires the user to take appropriate measures to prevent the AI from autonomously committing harmful acts. Similarly, creators of AI software could be liable, particularly if they knowingly created AI that could cause harm or were negligent in its development. If the harmful action was foreseeable, the programmer could be held liable based on intent principles.

A recent example of liability stemming from negligence in the use of artificial intelligence tools occurred in Canada. Jean Laprade, a Quebec man, was fined C\$5,000 for submitting AI-generated false information as part of his legal defense—a conduct the judge described as “highly reprehensible.” The case concerned a disputed transaction involving three helicopters and an airplane in Guinea, where a contract error inadvertently awarded Laprade a significantly more valuable aircraft. He diverted the plane to Quebec, defying recovery efforts, and was subsequently ordered to pay C\$2.7 million by a Paris arbitration chamber. In court, Laprade presented AI-generated fabrications, including fictitious citations and rulings, which the judge condemned as a serious breach of legal integrity. While acknowledging Laprade's attempt to defend himself without counsel, Justice Luc Morin underscored the solemnity of legal procedures. The ruling also highlighted the growing influence of AI in the judicial system and the critical need for rigorous human oversight to prevent its misuse³⁷.

The liability of an AI creator could resemble that of participants in a common unlawful objective: they could be held responsible if the AI's actions are a likely consequence of its programming. This also applies to situations where a user intentionally employs AI to commit

a crime, and the AI independently commits a second, unintended offense. Currently, AI itself is unlikely to be considered an actor under criminal law. Despite learning capabilities, AI decisions are driven by programming, algorithms, and user commands, and it lacks legal capacity or criminal responsibility. However, this may change with advances in autonomous AI systems, which could eventually make independent decisions without human intervention, prompting a need for legal adaptation.

Some scholars argue that if AI were advanced enough to possess independent will, it could be held criminally liable. The more sophisticated the AI, the greater the potential scope of attributable criminal acts, though this position is controversial. Importantly, the scenarios of liability for AI, users, and programmers are not mutually exclusive: criminal responsibility can be cumulative rather than exclusive.

Conversely, certain incidents caused by AI could be considered irresistible acts, not warranting criminal liability. In these cases, society may need to accept the consequences, much like natural disasters or unforeseeable accidents, where no one is legally accountable. This approach is often the most practical and just, particularly when AI-induced accidents do not involve human error or malicious intent. Nevertheless, in instances where third parties are injured or killed due to AI, the absence of accountability could be morally and legally troubling³⁸.

Conclusion:

Although AI is increasingly adopted as a tool by both governments and the public, its use within the legal community remains controversial and risky, particularly in the field of criminal justice. This caution is amplified by the current lack of clear legislation governing AI, especially regarding its intersection with data protection and privacy laws. Concerns are mounting over the potential for various forms of discrimination, including racial bias, and the possibility that evidence generated by predictive technologies could result in false accusations.

Given these risks, the criminal justice system must approach AI implementation with caution. However, the deployment of AI in repressive and judicial contexts cannot be evaluated solely through technical feasibility; it must also be viewed as a political and ethical decision, deeply connected to the underlying objectives and foundations of criminal justice systems. Modern criminal law is grounded in the principle that authorities respond to crimes after they occur, rather than assuming all citizens are potential offenders who must be constantly monitored.

AI-based research methods directly challenge this traditional logic by enabling predictive monitoring that could undermine fundamental legal principles. Consequently, it is imperative for lawmakers worldwide to conduct a comprehensive assessment of the consequences of allowing such technologies, particularly regarding their impact on human judgment, fairness, and the administration of justice.

The completed study allowed us to identify several significant findings regarding the use of AI in legal and judicial contexts:

-Longstanding applications of AI: AI has been employed for several years in legal and judicial settings, particularly at the international level. Its applications range from drafting contracts and predicting judicial decisions to generating hypotheses about the scope of criminal investigations.

-AI in decision support: Beyond procedural tasks, AI can analyze judicial data and relevant legal information to provide recommendations on appropriate punishments in specific cases. By relying on past records and established legal standards, these systems offer objective guidance to judges and prosecutors, enhancing the consistency of judicial decisions.

-AI in evidence analysis: AI can also assist in analyzing evidence and other legal data to support judicial decision-making. This capability is particularly valuable in complex cases, as it provides courts with additional insights to make well-informed and fair determinations.

-Legal and ethical considerations: Despite these advantages, the use of AI in criminal proceedings raises important legal and ethical questions, particularly regarding privacy, fairness, and accountability. The implementation of AI must therefore be carefully regulated within a strict legal and ethical framework to ensure that its application is balanced and just.

-Impact on the legal profession and judiciary: These developments have the potential to transform how legal cases are handled and alter the traditional dynamics between lawyers and judges. Law firms are likely to leverage AI to enhance efficiency—identifying procedural flaws, assessing case outcomes, and optimizing their strategies. Similarly, the digitization of legal departments is accelerating, driven by the dual goals of efficiency and cost reduction through process automation. Faced with this rapid evolution, the judiciary must also embrace AI, not only to manage the growing complexity of societal conflicts but also to ensure the responsible and ethical use of AI in legal processes.

The study of this topic allows us to uncover several legal and practical gaps, which can be addressed through the following recommendations.

First, crimes committed using A.I. present a significant challenge that states must confront at both national and international levels. At the national level, it is therefore necessary to update existing legal frameworks by integrating the AI variable into mechanisms for combating crime in all its forms. At the international level, adopting conventions specifically addressing AI-related offenses is essential. Such conventions should first clarify key concepts, then define the obligations that states must uphold, and finally establish the consequences for violations.

Second, preventive measures form a crucial dimension in addressing crimes committed using AI. All states should actively educate their citizens about the risks posed by AI technologies, employing both traditional means—such as television, radio, and organized

awareness events—and modern platforms, particularly social media. These measures aim to cultivate a well-informed public capable of recognizing and responding to potential threats.

Finally, international cooperation represents the most effective strategy for combating AI-related violations. This cooperation can take multiple forms, including technological assistance from advanced states to developing nations, as well as collaboration in judicial and law enforcement matters. Effective international partnerships enable the exchange of information on cross-border crimes, facilitate extradition of perpetrators, and ensure proper redress for victims.

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