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AI-BASED CRIMINAL JUSTICE DECISION-MAKING: ACCOUNTABILITY, TRANSPARENCY, AND HUMAN RIGHTS

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ABSTRACT

Policing, criminal investigations, evidence appraisal, and judicial decision-making are all being transformed by the growing integration of artificial intelligence (AI) into criminal justice systems. With a focus on predictive policing, algorithmic risk assessment, facial recognition technology, and AI-supported evidence analysis, this article critically investigates the legal and human rights implications of AI-assisted criminal justice. The study assesses how well these technologies align with basic criminal justice principles, such as the presumption of innocence, the right to a fair trial, due process, equality before the law, and the principle of legality, using a doctrinal and comparative legal research methodology. The analysis highlights significant issues that could compromise judicial discretion and procedural fairness, including algorithmic opacity, prejudice, accountability deficiencies, data privacy concerns, and the increasing dependence on automated decision-making. Even though AI has the ability to increase productivity, uniformity, and investigative accuracy, its use without sufficient legal protections runs the risk of escalating already-existing disparities and eroding public trust in the legal system. The paper makes the case that AI should support human judgment rather than replace it. It concludes that in order to guaranty that AI-driven criminal justice systems continue to be compliant with international human rights standards, constitutional guaranties, and the rule of law, effective regulatory frameworks, transparency, independent oversight, explainability, and meaningful human review are crucial.

Keywords:
Artificial Intelligence (AI), Criminal Justice, Predictive Policing, Algorithmic Decision-Making, Facial Recognition Technology, Risk Assessment, Fair Trial Rights, Rule of Law

1.INTRODUCTION

Artificial intelligence (AI) has quickly become a game-changer in criminal justice, moving from a topic of theoretical discussion to an increasingly significant part of prosecution, law enforcement, and judicial decision-making. Predictive policing, risk assessment, forensic evidence analysis, digital investigations, and sentencing aid are just a few of the many criminal justice tasks that are currently supported by AI-powered technologies. These technologies promise increased efficiency, consistency, and correctness in the administration of justice by processing enormous amounts of data and spotting intricate patterns that are beyond the scope of human analysis. However, their increasing ubiquity also brings up important legal, moral, and human rights issues pertaining to due process protection, accountability, fairness, and transparency.

The way that crimes are anticipated, investigated, prosecuted, and decided has completely changed as a result of the incorporation of AI. While machine learning applications help with evidence assessment,

digital forensic analysis, and case management, predictive algorithms help law enforcement organizations identify crime hotspots and evaluate prospective criminal threats. Additionally, courts in a few of jurisdictions have started using algorithmic methods for sentencing, bail, and recidivism evaluations. These technologies challenge long-standing criminal law principles, such as judicial independence, procedural fairness, equality before the law, and individualized justice, even though they present opportunities to increase operational efficiency and decrease human error (Završnik, 2020; Strikwerda, 2020). Concerns of algorithmic bias, explainability, and automated decision-making have become crucial to modern legal studies as AI increasingly affects decisions that impact individual liberty (Mugari & Obioha, 2021).

With a focus on predictive policing, algorithmic risk assessment, facial recognition technology, AI-assisted evidence analysis, and sentencing assistance systems, this article critically investigates the application of AI throughout the criminal justice system. It assesses these technologies' legal ramifications in light of international human rights norms, constitutional guaranties, and the rule of law. The degree to which AI-based systems adhere to basic criminal justice principles—such as legality, the assumption of innocence, due process, proportionality, equality before the law, and the right to a fair trial—is given special consideration. The study uses a doctrinal and comparative legal research approach, which is bolstered by a few chosen real-world instances and recent regulatory advancements. The European Union Artificial Intelligence Act (Regulation (EU) 2024/1689), the Council of Europe's European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and Their Environment, and recent policy initiatives of the US Department of Justice are among the evolving legal frameworks governing AI that are examined.

While highlighting the need for transparency, accountability, human oversight, and respect for fundamental rights, these regulatory tools increasingly acknowledge AI's potential to improve the efficacy of criminal justice (Council of Europe, 2018; European Crime Prevention Network [EUCPN], 2022; U.S. Department of Justice, 2024). Even if AI-assisted decision-making has many advantages, there are serious ethical and legal issues with its application. There is a risk of biased outcomes and the reinforcement of preexisting disparities because algorithmic systems sometimes rely on historical datasets that may have entrenched social, racial, or socioeconomic prejudices (Parkkavi & Yadharthana, 2024; Završnik, 2020).

Additionally, the opaque structure of many AI models restricts judicial review and makes it more difficult for defendants to contest algorithmic rulings, which could jeopardize procedural protections and public trust in the legal system. In light of this, the study makes the case that AI should support human judgment rather than replace it. Although technology innovation can improve criminal investigations and judicial administration, strong legal supervision, significant human oversight, algorithmic openness, and efficient accountability procedures are necessary for its validity. This study adds to the growing conversation on digital justice by critically analyzing the advantages and disadvantages of AI-assisted criminal justice. It also suggests a moral legal framework for the ethical and human rights-abiding incorporation of AI into contemporary criminal justice systems.

2.Methods

In order to investigate the application of artificial intelligence (AI) in criminal justice systems, this study uses a mixed-methods research methodology that integrates doctrinal legal analysis, comparative legal research, and qualitative case study analysis. By examining laws, court rulings, international legal documents, and scholarly works on criminal procedure, evidence, and human rights, the doctrinal component assesses the legal precepts guiding AI-assisted decision-making. Emerging regulatory strategies in various jurisdictions are examined through comparative legal analysis, with special focus on the United States, the European Union, and a few Southeast European nations.

The study looks at empirical case studies involving the real-world use of AI technologies in criminal justice, such as predictive policing, algorithmic risk assessment, facial recognition systems, automated forensic analysis, and AI-assisted evidence review, to supplement the legal

analysis. These case studies shed light on the practical advantages of AI technologies, their operational use, and the ethical and legal issues that arise when they are put into practice. A legal-technology mapping of AI platforms now used in law enforcement, criminal investigations, prosecution, and judicial decision-making is also included in the research in order to spot new trends, regulatory loopholes, and best practices. Assessing the admissibility, dependability, and evidential value of AI-generated evidence in criminal proceedings is given special attention. The rules controlling the use of algorithmic evidence, the requirements of judicial scrutiny, and the significance of explainability, transparency, and meaningful human oversight in guaranteeing procedural justice are all critically examined in this paper.

Three main questions form the basis of the research:

RQ1: How does artificial intelligence change procedural safeguards and evidentiary procedures in criminal justice systems?

RQ2: How well do algorithmic risk assessment and predictive policing align with the presumption of innocence, due process, and fairness?

RQ3: What ethical, legal, and regulatory frameworks are required to guaranty the ethical, transparent, and human rights-compliant application of AI in criminal justice? This study offers a thorough assessment of the advantages and disadvantages of AI-assisted criminal justice by fusing doctrinal analysis with comparative and empirical viewpoints. With a focus on Southeast Europe, where technology advancement has outpaced the creation of complete legal frameworks, it adds to the continuing scholarly and policy discussion about the responsible regulation of AI. In order to ensure that technological innovation strengthens rather than weakens the rule of law, the study contends that while AI has the potential to increase the effectiveness, consistency, and accuracy of criminal justice procedures, its implementation must be subject to strict legal safeguards, judicial oversight, and human rights protections.

3.Literature Review

Legal scholars, computer scientists, criminologists, and human rights specialists are all interested in the application of artificial intelligence (AI) in criminal justice, which has grown to be an important area of interdisciplinary research. Academic discussion has moved from technological innovation to more general issues of legality, accountability, transparency, and the defense of fundamental rights as AI technologies have a greater impact on law enforcement, criminal investigations, judicial decision-making, and correctional institutions. The majority of the work now in publication acknowledges AI as a potent instrument that can increase the effectiveness of criminal justice systems while simultaneously warning about the dangers of algorithmic bias, prejudice, and an over-reliance on automated decision-making. The technological potential of AI to enhance criminal justice results was the main focus of early research. According to **Russell and Norvig (2021)**, AI systems have substantial analytical capabilities that facilitate quicker processing of big datasets and promote better decision-making across a range of public-sector operations.

In a similar vein, **McCarthy (2007)** views AI as a technology that can mimic human reasoning and problem-solving, opening up possibilities for its use in judicial administration and law enforcement. The basis for viewing AI as a decision-support system as opposed to an independent decision-maker was established by these investigations.

Završnik (2020) is one of the top academics studying the effects of AI-driven policing and criminal investigations in the context of criminal justice. He contends that by focusing on data-driven crime prevention rather than reactive law enforcement, predictive policing and algorithmic monitoring radically change conventional policing tactics. While these technologies might increase operational efficiency, Završnik cautions that because predictive algorithms rely on past crime data, which frequently reflects current patterns of prejudice and unequal enforcement, they also reproduce historical policing biases.

Perry et al. (2013), whose research for the RAND Corporation showed that predictive policing technologies can enhance police resource allocation and crime prevention when supported by dependable data and suitable institutional safeguards, have also looked at the

relationship between AI and predictive policing. However, later researchers have questioned these systems' dependability and equity. Because previous arrest data frequently reflects biased enforcement practices rather than real crime rates, **Lum and Isaac (2016)** discovered that predictive policing algorithms may disproportionately target minority populations. Later discussions about algorithmic prejudice and procedural justice were greatly impacted by their findings. One of the topics that is still studied the most in modern academics is algorithmic bias.

O'Neil (2016) contends that by replicating latent biases present in training datasets, opaque algorithmic systems often perpetuate social injustices.

Similarly, **Eubanks (2018)** shows that when automated decision-making systems are used without accountability and transparency, they might institutionalize prejudice against socially and economically disadvantaged groups. All of these studies point to AI as a system whose results are mostly dependent on data quality, institutional architecture, and regulatory control rather than an intrinsically objective technology. Scholarly interest in the legal ramifications of AI-assisted judicial decision-making has also grown significantly.

According to **Strikwerda (2020)**, the growing use of AI in criminal courts calls into question established notions of judicial discretion, procedural justice, and legal accountability. Strikwerda contends that algorithmic recommendations ought to be advisory rather than decisive in order to preserve judges' final say over the assessment of the evidence and the application of the law.

Sourdin (2021) raises similar concerns, emphasizing that technological innovation should supplement rather than replace judicial thinking, especially in cases when rulings have a direct impact on basic rights and individual liberty. The evidentiary implications of AI-generated evidence in criminal cases have also been studied by academics.

AI-assisted forensic technologies, according to **Mugari and Obioha (2021)**, have greatly increased the speed and precision of digital investigations while also posing new issues with the admissibility, dependability, and explainability of evidence produced by algorithms. They stress that before AI-generated outputs are allowed as evidence, courts must set strict evidentiary criteria that may guaranty both procedural justice and scientific trustworthiness. The compatibility of AI with international legal standards has also been questioned by human rights researchers.

Yeung (2018), contends that algorithmic governance, especially in cases where automated systems lack transparency and significant review possibilities, increasingly impacts individual rights without offering sufficient procedural safeguards.

In a similar vein, **Malgieri and Comandé (2017)**, stress that explainability, privacy, and data protection are crucial defenses against arbitrary algorithmic decision-making. The implementation of regulatory frameworks designed to control high-risk AI systems has made these concerns more pertinent. As a result, the focus of recent work has switched to AI governance and regulation. The European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and Their Environment, published by **the Council of Europe in 2018**, lays out moral guidelines centered on respect for fundamental rights, nondiscrimination, transparency, quality, and human control. Similarly, many criminal justice applications are categorized as high-risk AI systems under the **European Union Artificial Intelligence Act (Regulation (EU) 2024/1689)**, which imposes stringent legal requirements for accountability, transparency, risk management, and human oversight. In a similar vein, the **US Department of Justice (2024)** stresses that the use of AI in criminal justice must adhere to due process, civil rights, constitutional safeguards, and privacy guaranties. There are still significant research gaps despite the scholarly literature's explosive growth. Studies that are now available usually look at certain AI applications—like sentencing algorithms, facial recognition, or predictive policing—in isolation rather of assessing how they affect the criminal justice system as a whole. Furthermore, in developing legal systems, especially in Southeast Europe, there is comparatively little research on how AI-generated evidence interacts with procedural protections, judicial discretion, and human rights. In order to give a thorough review of AI throughout the entire criminal justice process,

this study integrates doctrinal legal analysis, comparative regulatory evaluation, and empirical case studies. By doing this, it adds to the expanding corpus of research looking at how technological innovation might be balanced with procedural justice, constitutional guaranties, and the rule of law. Identified Research Gap

The existing body of research provides us with a wealth of knowledge regarding the ethical and technological aspects of artificial intelligence. Nevertheless, this data is dispersed over several academic disciplines. Most of the time, academics focus on either the potential applications of AI or how it impacts human rights in general. Seldom do they consider how these things interact with the criminal justice system's regulations and practices.

There is a dearth of study comparing the use of AI in law enforcement to anticipate crime, evaluate risk, and autonomously examine evidence, all of which are altering the fundamentals of how we determine guilt or innocence. Furthermore, in Southeast Europe, where computers and technology are advancing more quickly than the legislation, few people are examining how these developments are effecting the balance between making the system more efficient and ensuring that it is fair. By examining artificial intelligence's application in the criminal justice system from a standpoint that is focused on people's rights and the system's regulations, this study aims to close this gap.

In order to understand how artificial intelligence is altering the values of justice, accountability, and respect for human dignity, it pulls together theories from researchers who study algorithms and what this means for society with real-world examples from Europe and other regions.

This study attempts to further the discussion regarding the responsible use of AI in the criminal justice system in a way that complies with the law and upholds people's fundamental rights by examining the problem from several perspectives.

The Growth of Artificial Intelligence in Criminal Justice

The Development of Artificial Intelligence Technologies **Artificial intelligence** is increasingly being used in criminal justice worldwide. This is due to the fact that many nations are shifting toward making judgments based on data and computers. Artificial intelligence was once limited to data processing. These days, it is employed for even more intricate tasks like information analysis and forecasting future events. It accomplishes this by identifying patterns in behavior, classifying hazards, and assisting with the evaluation of evidence utilizing machine learning algorithms, natural language processing, neural networks, and data mining approaches.

The legal system makes use of artificial intelligence. It is employed in policing, which is the process by which law enforcement attempts to identify potential crime scenes. Additionally, it is utilized for risk assessment, which is the process of determining an individual's likelihood of committing a crime. Even document generation, review, and sentence recommendation are done with artificial intelligence. Artificial intelligence is utilized in some areas to help prosecutors select cases and to educate citizens about their rights. Some refer to this as the "turn" in criminal justice. This indicates that the legal system is beginning to rely more on facts and statistics rather than on conventional rules and reasoning when making decisions. This can improve efficiency and consistency, but it also alters our perception of justice. We are beginning to rely more on computers and data than on our own judgment and thinking.

From automation to decision support

Criminal justice uses artificial intelligence in a variety of ways, from automation to decision support. It was initially just utilized for task automation. These days, decision-making is aided by it. Predictive police software, for instance, analyzes data to identify potential crime scenes. This facilitates the efficient use of police resources. These kinds of systems are employed in various nations. Some, however, worry that these systems may be biased. This is due to the fact that they are frequently trained on imperfect data. For instance, the system will be prejudiced if the data is biased against certain groups of people.

Another application of artificial intelligence in criminal justice is risk assessment algorithms. These algorithms are used to assess the probability that an individual will commit a crime in the future. Bail and sentence judgments

are made with their assistance. Estonia is one nation whose legal system actually makes use of intelligence. An "AI judge" that is capable of resolving civil issues exists in Estonia. This implies that instances such as unpaid invoices or disputes over contracts can be decided by the AI system. Judges may be able to concentrate on more complicated matters as a result.

However, employing intelligence in this manner raises some issues. For instance, some are concerned that it might result in machines rather than people rendering legal decisions. Because of this, it is crucial to establish oversight and ensure that the algorithms are understandable and transparent. Data and statistics are becoming increasingly important when making decisions. We may be able to make better decisions as a result of this. It carries certain hazards as well. For instance, we may lose some of the human touch and empathy that are crucial to the legal system if we rely too much on technology. Whether or not intelligence should be used in criminal justice is not the problem. How to use it without compromising the values of justice is the difficult part. We must ensure that the use of intelligence is transparent, accountable, and human rights-conscious. Criminal justice and artificial intelligence are closely related. Without losing sight of what matters, we must carefully consider how artificial intelligence might be used to enhance the legal system.

The use of intelligence in criminal justice is a complicated matter that calls for a careful and nuanced approach. Artificial intelligence is a component of the criminal justice system, not a tool, and we must consider how it fits into the larger scheme of things.

Policing And Risk Assessment Tools Predictive Models In Law Enforcement

In law enforcement, predictive policing is very important. It forecasts potential crime scenes using intelligence. This is accomplished by examining historical crime statistics and the locations of previous crimes. Maps are also used to determine potential attack locations. This aids the police in dispatching personnel to the locations and preventing crimes before they occur. Some well-known systems are the Harm Assessment Tool in the UK, the Crime Anticipation System in the Netherlands, and PredPol in the United States. The cops are now more effective and aware of what is happening thanks to predictive policing. It is also highly contentious.

The issue is that biased algorithms may be employed. This implies that they have the right to target certain demographics, such as the impoverished or members of minority groups. This is due to the fact that these algorithms are not always trained on fair data. For instance, a negative cycle may result if the data is based on people who have been arrested by the police. Ferguson stated that these algorithms "predict policing than crime" in 2017. Predictive policing, according to Završnik, is like a "illusion" in which people believe technology can make things fair, but this is not. Indeed, these algorithms have the potential to exacerbate preexisting biases. The way they operate is difficult to comprehend.

Risk Assessment In Judicial Decision-Making

Intelligence is also used by some systems to determine a person's likelihood of committing another crime. Judges can make decisions about bail, sentence, and parole with the use of these technologies. Correctional Offender Management Profiling for Alternative Sanctions, or COMPAS for short, is one of these systems. It considers things including an individual's age, employment status, and family dynamics. Despite the fact that these technologies were intended to improve fairness, there have been some issues. For instance, the court stated that COMPAS might be used in the 2016 State v. Loomis case, but they were also concerned about its fairness. In a different 2020 case, Kansas v. Walls, the attorneys claimed that the computer was rendering judgments that courts ought to make.

The court to determine that Walls posed a risk and required careful supervision utilized the algorithm. All of the data that the algorithm utilized to reach this conclusion was hidden from Walls. AI and Evidentiary Challenges in Criminal Procedure Algorithmic Evidence and Admissibility The application of AI in court is transforming our understanding of evidence. Courts must cope with new issues about the veracity, admissibility, and credibility of evidence as AI begins to produce or evaluate it.

Determining if AI-generated outcomes, like as pattern recognition or data correlations, can match human testimony and expert opinion is the primary challenge. The fact that we do not fully comprehend how AI makes judgments is one major issue. Both the prosecution and the defense find it difficult to challenge the validity of AI-generated evidence due to this lack of transparency. Software for facial recognition, for instance, can claim to have discovered a match. The match might not be genuine if poor data was used. Without providing an explanation, risk assessment technologies may declare someone to be at danger.

AI is also altering how we gather evidence, which raises concerns about the evidence's validity and proper handling. AI can change the format or metadata in ways that are difficult to detect when it gathers, filters, or modifies evidence. Because of this, it is challenging to confirm that the evidence is authentic and hasn't been altered. For example, a lot of data can be examined by automated picture and voice recognition systems utilized in cybercrime investigations.

Additionally, they are prone to errors, particularly when working with different groups or poor quality content.

Judicial Discretion and Human Oversight

The more we depend on AI to assess the evidence, the more worried we are that judges won't exercise their discretion. Judges may place a lot of reliance in AI results, which could result in unjust rulings. However, we can ensure that AI supports judges without making choices for them if judges are informed on how AI functions and if safeguards are in place.

Human Rights Implications

The Right to a Fair Trial and the Presumption of Innocence People are presumed innocent until and unless proven guilty in every nation. However, AI may blur this distinction in justice. People may receive ratings from predictive algorithms that indicate they may have committed a crime, undermining the notion that they are innocent until and unless proven guilty. Predictive policing systems can affect how the police deal with a person or a community by designating them as dangerous. Before the defendant gets an opportunity to present their case, bail and sentencing decisions may be influenced by algorithmic risk rankings. The way criminal law operates may change as a result of this change from considering evidence to evaluating probabilities.

The right to a trial is crucial. It implies that both the defense and the prosecution ought to be given an opportunity to make their case. However, the defense cannot effectively contest the evidence if they do not have access to the algorithm's operation or mistake rates. Fairness requires transparency and the capacity to explain; these are not moral principles.

Equality and Non-Discrimination

Bias is one of the issues with AI in criminal justice. Systemic inequality may result from AI models trained on crime data reflecting the biases in that data. In areas that are already over policed, predictive policing techniques may perpetuate surveillance loops. Risk assessment algorithms can also replicate hierarchies. They may make predictions based on variables that disproportionately impact marginalized populations, such as neighborhood, education, and income.

This may lead to cycles in which policing is predicted by predictive models rather than crime, which perpetuates discrimination. Racial profiling can potentially be included into AI-based monitoring systems. Automated systems that rely on datasets that misrepresent European demographics include facial recognition and license plate recognition. Positive outcomes and disproportionate surveillance of particular groups may result from this. We must verify the data used, reveal mistake rates, and include impacted groups in the governance of algorithms in order to resolve these problems.

Concluding Remarks Regulatory, Ethical, And Policy Frameworks For Responsible Ai In Criminal Justice

As AI becomes more prevalent in criminal justice, lawmakers and international organizations are working hard to ensure that the law is upheld, that things are transparent, and that human rights are safeguarded. The current regulatory framework is the Artificial Intelligence Act (2024) of the European Union. AI systems employed in border control, law enforcement, and judicial decisions are risky, according to a risk-based approach. These

systems need human oversight and easily comprehensible documentation (EUCPN, 2022).

In addition to the Act, the Council of Europe's CEPEJ Ethical Charter on AI in Judicial Systems outlines five principles: protecting human rights, not being unfair, being safe and of high quality, being transparent, and having human control when necessary for AI to be used appropriately (Council of Europe 2018). It takes more than just laws to make international regulations fit each nation's capabilities. It also requires funding for technology, improved institutional abilities, and judge training. In a world where machines are employed more and more, laws alone cannot maintain justice.

Every stage in the development and application of AI must include ethical and just procedures. Any AI system that has an impact on someone's rights needs to be transparent and easy to understand. Algorithms have to be. accessible to judges and attorneys, which aligns with the CEPEJ's concept of "understandable justice" (Grimm et al., 2021). There is a need for programs that teach prosecutors and judges how to interpret AI evidence. Instead of simply believing what the robots say, these programs ought to teach them to think critically. Additionally, there must be mechanisms for holding individuals accountable for utilizing AI, reviewing it, and correcting mistakes. Examining locations reveals that the European AI Act and the CEPEJ Charter together provide the world's most sophisticated rights-focused system. However, many Southeast European nations lack the knowledge and infrastructure necessary to effectively implement these regulations (Situmeang et al., 2024). Because of this gap, some AI tools are employed without following the law. The findings of this study demonstrate that a paradigm that prioritizes people and rights is essential to the future of justice.

AI must support justice rather than take its place. According to Calo (2017), being fair involves more than just doing things correctly; it also entails ensuring that people think that decisions are made by people. According to De Araújo et al. (2022), courts that employ technology, such as Brazil's Juízo 100% Digital, can assist more people if they uphold their commitments to impartiality, transparency, and prompt rulings.

The future of justice ultimately rests on ensuring that one basic principle holds true: technology must be subject to the rule of law. Artificial intelligence should support human progress rather than replace critical thinking. Societies may ensure that justice continues to carry out its most crucial function—defending truth, freedom, and the worth of every individual—by incorporating ethics and human control into the creation and use of technology.

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