
ARTIFICIAL INTELLIGENCE AND CRIMINAL JUSTICE

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ABSTRACT

Artificial Intelligence (AI) is increasingly shaping the criminal justice system through application such as predictive policing, crime investigation, evidence analysis and judicial decision making. AI tools aim to improve efficiency, accuracy and speed in justice delivery by reducing human error and case pendency. However, the adoption of AI raises critical concern including algorithmic bias, lack of transparency, accountability deficits, privacy violation, and risk to process and equality before law, Thereby undermining fairness and human rights.

Keywords: Artificial intelligence (AI), Criminal justice system, Predictive policy, Algorithmic Bias, Human Right, Judicial Accountability, Rule of Law, etc.

WHAT IS AI IN CRIMINAL JUSTICE?

The Artificial intelligence has significantly influenced modern legal system, including criminal justice system. AI technology are continuous increasing the use of AI in assist Law enforcement agencies, courts and correctional institution in task such as crime prediction, investigation, risk assessment and legal research. However, the use AI in criminal justice raises seriously legal and ethical concern. Issued related to algorithmic bias, transparency, privacy, accountability and protection of fundamental right challenges the principles of fairness. this chapter undertakes a deep theoretical and Doctrine examination of AI in criminal justice.

ROLE OF AI IN CRIMINAL JUSTICE :

Artificial intelligence is play a very important role in criminal justice system. It's make a decision more efficient, accurate and more technological intelligence decision. Artificial Intelligence is also very useful for police to assist the looking pattern of crime and finding people who may have committed crime. Artificial intelligence can also handle a lot of evidence's, researches of law and managing a cases detail. AI is also applied in risk assessment,

sentencing support, parole decision and prison management to improve rehabilitation and resource allocation. Overall, the role of AI in criminal justice is not to replace human judgement but to assist decision maker, reduce delay and promotes data-driven justice, while remaining subject to human oversight and constitutional safeguards.

1) Criminal Investigation And Evidences Management :

AI play a significant supportive role by enabling faster, more accurate and data-driven analysis. AI assist law enforcement agencies in identifying crime pattern, predicting hotspots and analysing large volumes of digital evidences such as CCTV footage, Call data recording, Social media activity and Forensic data. through machine learning tools, investigators can detect connection and hidden link. However, it procedural safeguard and legal standard to ensure fairness, accuracy and admissibility in criminal trials.

2) AI in policing :

Artificial Intelligence has increasingly transformed policing through predictive surveillance and mechanism of social control by enabling the analysis of large scale data to anticipate criminal behaviour and monitor public space. Police have intelligence tools to look crime happen and it help in to identify commit a crime and where crime are mostly like to happen. Surveillance technology such as facia recognition, automated video and data monitoring system enhance to regulate tracking system in digital space. Consequently, the use of AI in predictive surveillance must be carefully balanced with legal safeguards, transparency and democratic oversight to prevent its transformation into an instrument of excessive social control.

3) AI in Judicial Decision Making And Sentencing :

Artificial Intelligence is being used more and more used in court system to help decision and figure out Sentencing. AI system looks a lot of cases to help judges to make a good decision. They find cases and look at things that might affect whether someone gets bails or a certain sentence. The goal of using intelligence in this way is to make the court system better and more fair. However AI does not replace judicial discretion, as sentencing involve moral reasoning, contextual understanding and constitutional values that cannot be fully captured by algorithms. The use of AI in judicial decision-making therefore requires transparency, accountability and human oversight to ensure fairness, due process and the prevention of judicial independence.

CHALLENGES OF ARTIFICIAL INTELLIGENCE:

Artificial intelligence Face a many challenges that limit its safe and fair use of AI . there are some brief meaning of challenges :

- 1) Bias and Discrimination = AI system may reflect social or data bias, leading to unfair or unequal decisions.
- 2) Lack of Transparency = Many AI tools work as “BLACK BOX” making it difficult to understand how decision are made.
- 3) Privacy Concerns = AI require large amount of personal data, increasing the risk of data misuse and surveillance.
- 4) Ethical Concerns = Use of AI may violate human dignity, autonomy and moral values.
- 5) Security Risk = AI system can be hacked, manipulated, or misused for malicious purposes.

CONSTITUTIONAL DIMENSIONS IN AI AND CRIMINAL JUSTICE :

Artificial Intelligence has a deep impact on constitutional values, rights and governance; its use by the state must comply with the principles of the ‘Constitution of India’.

ARTICLE 14 :

It requires the use of AI to conform to the principle of Equality, Fairness, and Non-Arbitrariness. AI based tools use for policing, investigation and judicial assistance must operate on rational and unbiased criteria. If AI system produce outcome that are opaque, discriminatory, or inconsistent, they undermine the constitutional mandate of equal protection of laws. Therefore, article 14 demands that AI driven processes remain transparent, explainable and free from structural bias, ensuring that technological decision-making does not replace constitutional equality with algorithmic arbitrariness

ARTICLE 21:

It protects life, personal liberty, and human dignity and require liberty must be Fair, Justic and reasonable. In the AI enabled criminal justice system, technologies influencing arrest, bail,

surveillance or sentencing must respect due process and human judgment. Automated or data-driven decision cannot replace constitutional fairness. AI must function only as a decision support tool, ensuring that efficiency does not override individual liberty and dignity.

ARTICLE 22:

Article 22 safeguard individual against arbitrary arrest and detention by ensuring procedural fairness and accountability. When AI system assist policing or arrest decisions. It require human oversight, transparency and legal justification. Deprivation of liberty cannot be based solely on automated processes. The article reinforces that even it technologically advanced policing, constitutional safeguards must prevail.

RULE OF LAW:

The rule of law require that all power, including technology power, be exercised in accordance with law, accountability and fairness. In AI enables criminal justice system, decision making must remain governed by legal norms rather than automated discretion. It rejects opaque and unaccountable process and insists that AI system operate under human control, legal oversight and constitutional limits. Technology may assist the administration of justice, but it can not replace reasoned judgment or diluted responsibility. The supremacy of law must prevail over algorithmic efficiency to preserve legitimacy and public trust.

CONCLUSION:

The growing use of artificial intelligence in the criminal justice system represent a transformation in administration. AI offer the promise of improved efficiency, data-driven decision-making and better resources management in area such as policing, investigation and adjudication. However, criminal justice is not merely a technical process; it is a human-centred system grounded in constitutional values. The use of AI must therefore respect equality, personal liberty, procedural fairness and the rule of law. AI should function as a supportive tools under human supervision, not as an autonomous decision maker. Without transparency, accountability and constitutional safeguards. AI risks transforming justice into a mechanical process. Thus, the future of AI in criminal justice lies in balancing technological advancement with human dignity and constitutional morality.

“The growing judicial and policing engagement with artificial intelligence reflects a caution but inevitable transformation of the criminal justice system”.

REFERENCES:

1. State v. Loomis, 881 N.W.2d749 (wis.2016)
2. R(Miller) v. College of policing [2021]EWCA Civ1926
3. Justice K.S. Puttaswamy (Retd) v. Union of India, (2017) 10 SCC 1.
4. Maneka Gandhi v. Union of India, (1978) 1 SCC 248
5. European Commission, Ethics Guidelines for Trustworthy Artificial Intelligence, 2019.
6. UNESCO, Recommendation on the Ethics of Artificial Intelligence, 2021.
7. Surden, H., “Machine Learning and Law”, Washington Law Review, Vol. 89,2014.
8. Supreme Court of India, e-Court Project and use of AI in judiciary, e-Committee Reports.
9. Kevin D. Ashley
10. Vivek Sood