AI AND REVOLUTION TO JUDICIAL SYSTEM

Sachu Saji Thomas, Christ University Lavasa, Pune

1. INTRODUCTION

AI is improving all around the world including in the judicial areas, the role of a judge is a complex one where it can incorporate activism, complex interaction with the people, dispute settlement, and we can see about the case management, public and specific educational activies and other functions which conducted with other judges as these judges may be responsive than other or show more emotion and in all this, it is difficult to determine how development in AI can reshape the judicial role.

Issues arising is whether AI can be better than human judges? Where in the near future there are possibilities can human judges and lawyers can be replaced fully by the AI taking control over judiciary works, that there would be the question of lack of morality when it comes to deciding judgements and giving out fair trial and not to mention AI is only programmed to function how it is supposed to the and there a will be a question of a fair trial.

AI can bring big changes towards the modern world as it can assist in the field of judiciary and totally replacing the lawyers and judges can create an issue as some works cannot be replaced with technologies as those are the field which requires a lot of skills, creativity, and originality. We can see the larger question is that if the technology will reshape the judicial function but when and to what extend it will and there would be on the what approach will be taken by the AI and if there is the use of AI there should be regulatory bodies that needed to interface between jurists, ethics, technologists, government and the in which they have to develop rules for the appropriate use of AI in the legal system.

2. STATEMENT OF PROBLEM

To start with the discussion of the possibility of applying AI into judicial decisions, we should always see how technology will still fundamentally change the way people work and perform. many aspects of human action are progressively replaced or supported by newer technologies by seeing through all this from a holistic point of view and researching AI's technical aspects.

How AI replace and modify human decision making even including in court, where the concept which will AI be better judges than humans.

The article talks about the decision outcome prediction and concludes how morality comes into play with AL making decisions with only algorithms programmed where it impacts greater area and includes all judicial making cases and also places where equitable justice is often considered paramount AI adjudication will both stimulate and enjoy a shift toward codified justice, an adjudicatory paradigm that emphasises standardisation over discretion, by delivering efficiency and a minimum of the perception of impartiality. And also deals with how AI gives out fair decision making with a pessimistic impact on the judgment where it'll show the ambiguous decision on whether it is often called an "algorithm without morals". consistent with the paper there's a blindly deferential attitude toward algorithmic objectivity and infallibility is additionally found to be inappropriate, and therefore the article also shows how AI goes to affect things where morality has higher priority and the way keeping away morality can affect the judgement of the choice made.

AI can be algorithm programmed to make better judicial decisions Although potential reform plans would borrow various interrelated techniques, the government should play a large role in organising the future market for AI justice, but will lead to a whole conflict of morality not seen in the judicial decision where it can make a fair but not equitable justice for the people, where human judges may not give a fair trial and were morality plays in it. this article will view that AI will have a significant impact on the legal profession, particularly judicial decision-making.

3. REVIEW OF THE LITERATURE

In the course of this study, several sources were used as reference material. In the era of technology, we can see how they replace humans with technologies and how they might replace human judges in judicial decision making. Do we still need human judges in the age of Artificial Intelligence by Ziyaad Bhorat article says is important for justice to converge as the law and technology are already converging and how it raises a fundamental issue of autonomy? The information is about how morality is replaced and even the AI makes fair trials without morality affecting people.

3.1 ARTICLE

JUDICIAL APPLICATIONS OF ARTIFICIAL INTELLIGENCE:

Edited by SARTOR, GIOVANNI, BRANTING explains how from the early stages AI help to make the judicial process faster and cheaper and how were there will be no discrimination reasoning by the judges. Although AI goes cheaper with the price helps to understand how AI makes judicial tasks flexible, efficient and accurate. This book explains how AI not only helps in judicial decision making but also in other judicial activities

JUDGE V ROBOT? ARTIFICIAL INTELLIGENCE AND JUDICIAL DECISION-MAKING:

A journal by TANIA SOURDIN explains how technology is already changing the practice of law-making by AI judges and how these can help in small judicial roles and also the impacts currently emerging of civil disputes mainly in case of criminal jurisdiction and talks about how some humans are relatively comfortable in replacing humans with AI. the journal shows how it can impact and also benefit the judicial decision or can be it can benefit in smaller judicial roles to show on what extent judges can't be replaced by AI.

THE IMPACT OF ARTIFICIAL INTELLIGENCE ON THE RIGHT TO A FAIR TRIAL: TOWARDS A ROBOT JUDGE?

The journal Asian Journal of Law and Economics: BY JASPER ULENAERS   Explains how AI can be replaced in two ways in the courtroom either by assisting or replacing the judges and both are compared against the requirements of the right to a fair trial as protected by Article 6 ECHR.this paper concludes that the use of AI assistants can guarantee a fair trial and would completely replace human judges.

MACHINE BIAS: JULIA ANGWIN, JEFF LARSON:

This article explain how there is software across the countries and they can be biased in most situations. Where bias according to the colour where black people are considered high risk and white people considered low risk. Shows how AI can be either be algorithms to be biased and can be given the wrong sentence which can cause a criminal free or innocent in prison. The article shows how software which is programmed by algorithms can be biased towards people either by the way it is programmed or can be of system error.

ARTIFICIAL INTELLIGENCE AND LEGAL ANALYTICS: NEW TOOLS FOR LAW PRACTICE IN THE DIGITAL AGE: KEVIN D. ASHLEY(2017) in the article of re-engineering justice? how the possibility of fully replacing the human judges within the courtroom. This paper explains how the possibilities and dangers are semiautomated justice are renewed. It shows how the algorithmic approach has properly proceeded. This article is used to see how even when the risk is prevented there are some looks that lead the software to proceed complete fair trial or the judicial activities done in a monotonous way.

3.2 BOOKS

IMPACT OF ARTIFICIAL INTELLIGENCE ON THE LEGAL SYSTEM: BY DIGANTH RAJ SEHGAL brings out how AI can have a powerful impact on humans life where it brought huger benefit to human activities. And bringing out how other countries brought alternative dispute resolution mechanisms where many pending can be resolved with generating of automatic pleading and how AI rephrases judicial system around the world.

RE-ENGINEERING JUSTICE? ROBOT JUDGES, COMPUTERISED COURTS AND (SEMI) AUTOMATED LEGAL DECISION-MAKING (2019): is an article was published up JOHN MORISON AND ADAM HARKENS that shows how advanced technology replaces the judges, and shows the possibility of fully replacing the judicial role and it also explains the possibilities and dangers of semi-automated justice are reviewed that there is caution about the capacity of algorithmic approaches to ever fully penetrate this socio-legal milieu and reproduce of semi-automated justice. I take up from this article is seeing the risk of this approach that they avoid the problems of fully automated decision-making.

4. METHODOLOGY

In identifying sources for the literature review, multiple databases were used. Initially, some of the open articles were utilized and google scholar was also utilized. Broad search terms were used to establish a list of research articles that were the primary source and peer-reviewed. In the beginning, I used a basic search of impacts of judicial decision making by AI and I was able to use a better list of more refined terms when utilizing other databases. I was able to utilize other relevant articles. The number of articles and books were located using the references of the other articles. When examining the data of the articles, I looked for statements that indicate proper research procedures being conducted.

5. HYPOTHESIS

1. To critically analyse the problems when ai judges are involved in implementing judgements and to bring how the human role is important.
2. To examine the importance of morality should be considered more than off algorithm programmed AI.
3. Comparative study on how depending more on AI for the future can bring up issues in the area of judiciary.
4. Analysing the changes AI can make and how there won't be fair justice.

6. RESEARCH OBJECTIVES

Objectives of this research are:

1. Recognizing only the efficiency of the AI but not the consequences leads to less morality and no justice.
2. Morality always gives out fair and proper justice and no AI law enforcement decision or judgement could quickly degenerate into a vicious cycle of imposing penalties that are too severe or too lenient.

7. CHARACTERIZATION

7.1 AI-LEVEL OF CHANGES TOWARDS THE MODERN WORLD

SUPPORTIVE CHANGE

Technology plays a vital role in assisting information, supporting and advising people in a very basic level where people involving in the justice system. it may or may not involve simple types of AI as the majority of them use technology-assisted justice reforms which concentrate more on the higher most types of technology innovation. for example, many individuals use web-based information systems and help them to access services and acquire information on justice procedures, alternatives and options and also helps in argument and assist in the operation of many court-based processes which leads this AI to the initial level of supporting innovation.

REPLACEMENT CHANGE

These AI can replace and transform in technology that many faces to face in court procedures

may be augmented, supported, replaced by web-based information like email, videoconferencing can be named as a 'replacement' technology strategy. although full authority cant is given to technologies where justice is supported by technology in this replacement transformation, in some cases, it may or may not alter in which court proceedings take place. where we can see in the case of criminal proceedings online court proceedings can be more popular in specific kinds of dispute. technology has developed and is playing a vital role in today's time in counties like in china there are over 100 robots in the courts that take part in its smart justice revelation. these can mainly help in reducing the official burden wherewith specialized knowledge and correct algorithm are given to the AI they can work in legal aspects or labour issues. Artificial intelligence helps greater in technology area it can give a greater help in gathering evidence as Chinese courts use AI to sift through private messages or social media remarks which can help them to use it as evidence in the court.

DISRUPTIVE CHANGE

Despite some standard rational decision-making methods, there are some advanced technologies that are programmed in a way designed to support the development and to improve the variety of alternatives. we can see all the other technologies will support negotiating and legal processes by allowing individuals to obtain more complex like online 'advice' where helps in evaluating possibilities and alternatives, or to interact in other ways but in legal expert systems they are supported by new innovations which of that is focused on predictive analytics. although AI gives information and support which are meant to and programmed in today's degree of change the area of technology innovation have the potential to be more disruptive than previous innovations that are believed that judging procedures would not alter in their basic procedural phases.

7.2 AI-REPLACEMENT OF JUDGES

AN AI JUDGE

In terms of more basic adjudicatory activities, it is evident that many judicial functions require human intellect, and computer programmes have yet to be developed to replace these functions, far less to interact with humans with compassion, emotion, or intelligence. Using the example of algorithms existing today in legal databases, describe the process an AI judge would be required to follow. Natural language processing is used in these databases to enable finding relevant information depending on search queries. An AI judge would have to go beyond these

databases, limiting returning sources to a manageable and relevant selection, so using technologies to match these sources of law to a current case and doing analysis to make a conclusion. Experiments have been performed using AI computer systems to predict case outcomes based on textual evidence, and researchers have built a programme that textually analyses cases in point to human rights violations where the ruling was in the court of human rights in Europe. The algorithm picked up on these patterns and was able to predict the result of instances submitted to it in textual form with an average of 79 per cent accuracy. This is an example of machine learning, in which the computer system was able to 'analyse previous data to generate generally applicable principles for the future.

FAIR JUDGE IN COURT

Dr Felicity Bell, a research fellow for the law society of NSW's future of law and innovation says that There have been claims on both sides of the debate that a data-driven approach to AI may overcome or eliminate human biases. But also that AI can deliver biased or inappropriate results or outputs for a number of reasons. predictive analytics can be the way in which we can overcome humans being biased. Provisions, such as open justice, which includes disclosing reasons for a judgement and procedural fairness, allow for openness in decision-making and hence debate or criticise. In addition to evaluating the incommensurables, the human judge can exhibit compassion.

DECISION MAKING HUMAN AND AI

In the judiciary system in some cases legal decisions can be taken by AI, This doesn't mean it is necessarily a good idea. Many machine learning-based AI systems and prediction algorithms are developed using existing data sets or historical information. While this appears to be a logical approach, it is very dependent on the type and quality of data provided. Finding correlations, or apparent relationships, within data sets is a common use of machine learning and big data. In the case of crime data, this might lead to false positives and make the data less effective for finding the underlying causes of crime. There have been reports that The AI judge, developed by research scientists at University College London, analysed existing case law and delivered the identical judgement in 79 per cent of cases. It was apparently discovered that European Court judges focused more on non-legal facts than on legal arguments. Sometimes AI judges can be a hope for an overburdened judiciary One major issue with AI judges is that it raises substantial ethical concerns about bias and autonomy. It has been argued that AI

programmes may adopt the biases of their programmers as well as the humans with whom they interact. It can also act in unexpected and unexpected ways as it learns to behave like human judges.

However, such anxieties are countered by the fact that the current system is just as open to exploitation. We've seen how prejudice, bench preferences, and a lack of openness have contaminated court rulings. Judges have also sparred openly on topics other than judicial discretion and appropriateness.

7.3 ISSUE ARISING FROM DEVELOPMENT OF AN AI JUDGE

DISCRETIONARY JUDGEMENT

Explaining how information is processed by programming by algorithms to arrive at outcomes is arguably incompatible with discretionary decisions. There are two options. The first is the possibility of using AI to detect and mitigate human biases. The second opportunity is to enhance AI systems themselves, from how they utilise data to how they are built, deployed, and used, in order to avoid them from repeating human and society prejudices or producing their own bias and associated difficulties. To realise these possibilities, merge collaboration will be required to design and execute technical advancements, operational procedures, and ethical standards.

REPLACEMENT OF HUMAN JOBS

AI has been rapidly developing in all the countries how these technologies can replace lawyers and judges which can cause a great issue in unemployment. thought use of newer technologies an individual can revolve a conflict earlier or the good concerns that must be submitted to the court. employing artificial intelligence that technology may help humans generate options that make the AI develop alternatives, advising, can be used to execute evaluative, advising, and determinative processes. the effect that AI will bring on the justice system is significant it can be blended with existing adjudicatory or non-adjudicatory processes. when technology is bringing new innovations there is been a question of whether this effect would replace the role of lawyers and judges were it replacing human decision making and analysis processes. when AI is advancing it is possible that areas outside of the justice sector will be significant that there are numerous predictions that AI, in mixture with other advances, there would be the result in unemployment in the next 20 years, where all the tasks and work of humans are replaced by

AI. but there are still discussing replacing of judges in senior legal sectors positions has however newer the technology is there would be difficulties in replacing humans in this field.

MORALITY AND PROGRAMMING AI

When it comes to AI there would be a question if it can tackle the situation in which only morality can be used has judgements are only fair when there is morality that gives justice to the right person. develop an AI that is morally responsible that aim is easy enough but yet, it is considerably harder as it appears since there are a sublime amount of variables at play. technology will play a vital role in some aspects of judicial work in the future, particularly where AI systems can be constructed. taking all this into sense legal information and AI systems can already generate elaborate decisions as they can offer outcomes to conflicts using sophisticated 'branching' and data searching technologies. AI has been advancing which supports systems that develop new and varied intelligent systems this is where the question is whether it will take over the role of the judge? not possible in the beginning as it can affect large factors in judicial decision-making where empales can be induction and intuition, as well as the ability to analyze the societal consequences of actions in which of these are according to the Australian law reform commission. in the end, the judges do a lot more than only adjudicating or making decisions in a case, they also play a vital role in case management and civil dispute resolution. there are many judges who also serve as an educator, instructing litigants and attorneys about best practices and largely contributing towards civil education on a large scale and judiciary commentary influences how society functions. proponents of the concept that judges can be replaced by the AI but the roles done by the judges can never be replaced where there will be points mission gin terms of what judges offer to society, and replacing judges in case of passing judiciary decisions were morality plays a vital role in the justice of the judgement won't be served to the right person

7.4 AI AND ITS DRAWBACK TOWARDS LEGAL SYSTEM

AI NOT BEING RELIABLE

The disadvantage of maintaining an AI is how it would not survive in this dynamic environment without human assistance. Machines have a number of drawbacks, including a lack of originality, inventiveness, and creative abilities. In a way, machines can replace humans in some aspects when it comes to legal fields. If no command is supplied, it will continue to perform indefinitely. As a result, computers would be unable to live in this dynamic

environment without the support of humans. If robots are employed instead of judges to decide a case, the results will be based on pre-determined cases, which may or may not be appropriate in all scenarios because each case is unique in some manner. AI applications in the legal industry are still a comparatively new concept, particularly in developing nations. This is because most conventional legal practitioners are reluctant to employ machines since they are unfamiliar with them. Moreover, in comparison to the developed countries of the world, developing country technology and machinery are still antiquated and hence unreliable. Finally, the most compelling argument for attorneys not to adopt AI is the possibility of losing their jobs. Now that AI is being more widely used, there is a significant risk of mass job loss, Because machines are more efficient at performing low-skilled repetitive jobs, industries are more willing to invest in machines rather than humans, and as a result, there is a high likelihood that machines will replace humans in performing tedious tasks. For example, many paralegals may lose their jobs as the majority of their tasks can be performed by machines.

CONCLUSION

The use of AI is gradually increasing around the world and slowly developing in all fields. As in for judiciary system in today's worlds AI is slowly reducing the burden as they help small areas in the court of India and even decision making for cases for other counties and there are possibilities were AI can fully take over the power to make judiciary systems which also includes take up the role of judges were there can be programmed to add morality in a justice. this will cause unemployment in lawyers and judges. when there is morality there would be fair justice and only with human thinking, there can be rightful justice. in the generation of technologies, the possibilities of replacing humans are very much in high possibilities but never the future of law can be in hands of AI where it might deliver inappropriate biased results. many changes can be made by artificial intelligence but if it is decided to trust the future of laws in the hands of AI it can make effects on the judiciary system but if used in an appropriate way it can improve and make a greater change in functions of the court which can help the lawyer and the judges. Overall, we believe that when leveraged carefully and ethically, AI can offer significant potential for the courts of India.