



Journal Website:
<https://theamericanjournals.com/index.php/tajpslc>

Copyright: Original content from this work may be used under the terms of the creative commons attributes 4.0 licence.

Research Article

PROSPECTS FOR THE INTRODUCTION OF ARTIFICIAL INTELLIGENCE IN CRIMINAL PROCEEDINGS

Submission Date: October 07, 2023, Accepted Date: October 12, 2023,

Published Date: October 17, 2023 |

Crossref doi: <https://doi.org/10.37547/tajpslc/Volume05Issue10-08>

Muhammadiyev Sarvar Askar Ugli

Independent Applicant Tashkent State Law University, Uzbekistan

ABSTRACT

In recent years, artificial intelligence is increasingly entering our lives, there are many reports of infiltration on social networks. The purpose of the research work is to conduct a scientific and practical study of the use of artificial intelligence in the implementation of certain procedural actions in the criminal procedure legislation, the development of proposals aimed at facilitating the work of the competent authorities in the process, protecting the rights and interests of citizens and introducing effective mechanisms.

KEYWORDS

Artificial intelligence, digitalization, technology, presumption of innocence, assessment of evidence, qualification.

INTRODUCTION

Artificial intelligence is the process of simulating human intelligence through the creation and application of algorithms in a fast computing environment. Simply put, artificial intelligence computers are a technology that focuses on thinking like a human and finding solutions.

Artificial intelligence is a special branch of computer science that deals with the creation of computer systems with capabilities usually associated with the

human mind: language understanding, teaching, reasoning, problem-solving, translation, and similar capabilities. [13].

Technoblogger Sadulla Abdullaev, a description of technological devices, gave detailed information about how artificial intelligence works in a neural network [14]. AI / DigiTech telegram social network (t.me/DigiTechAI) can also be updated with the latest information on artificial intelligence technologies.

Recently, sensational news about artificial intelligence increasingly entering our social lives has been spreading on the world wide web. There is a lot of

discussion about its pros and cons, its prospects or its end.



The presence of different views in this regard encourages a lot of confusion about the necessity of artificial intelligence in the regulation of every social relationship.

The newly revised Constitution of the Republic of Uzbekistan

According to Article 33, everyone has the right to seek, receive and disseminate any information. The state creates conditions for ensuring the use of the Internet global information network. Restricting the right to seek, receive and distribute information only in accordance with the law and only for the protection of the constitutional system, public health, social morality, rights and freedoms of other persons, public safety and public order, as well as prevention of disclosure of state secrets or other secrets protected by law is allowed in the scope necessary for the purpose of obtaining [1].

Therefore, the state undertakes the obligations related to ensuring the right of every person to receive and use

information and ensures the implementation of these rights through the mechanisms developed on the basis of legislation.

First, let's look at the history of artificial intelligence. Since the first century BC, people have been interested in the possibility of creating machines that mimic the human brain.

In our time, the term "artificial intelligence" originally meant "artificial intelligence" and was introduced in 1955 in the field by the American scientist John McCarthy (1927-2011). In 1956, McCarthy and others organized the Dartmouth Summer Research Project conference on artificial intelligence.

This initiative leads to the creation of machine learning, deep learning, predictive analytics and many other inventions.

In the 80s of the 10th century, artificial intelligence began to be recognized

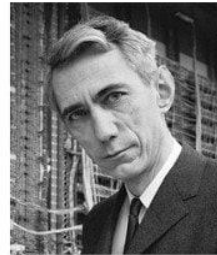
1956 Dartmouth Conference: The Founding Fathers of AI



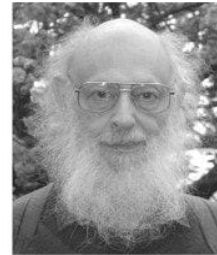
John McCarthy



Marvin Minsky



Claude Shannon



Ray Solomonoff



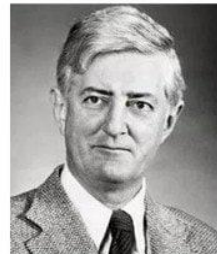
Alan Newell



Herbert Simon



Arthur Samuel



Oliver Selfridge



Nathaniel Rochester



Trenchard More

as a discovery. The first computer in history named "Deep Blue" is created in World chess champion in 1997, which beat Garry Kasparov [15].

Although researchers call artificial intelligence a turning point in technology and industrial production, in recent years it has been able to penetrate into many other areas of social life (education, health, architecture, etc.).

For example, British doctors and scientists have created an artificial intelligence program to effectively detect cancer. Abnormal condition based on artificial intelligence computer tomography determines the presence of disease. It results in high-efficiency increases, which in the future to detect cancer at an early stage [16].

Or, according to the interview of the German architect Patrick Schumacher on the Dezeen site, today artificial

intelligence also provides several blueprints for building high-rise buildings [17].

There are different views on the pros and cons of the introduction of artificial intelligence, its prospects or its end.

In particular, some (Elon Musk, Bill Gates, etc.) argue that its popularity will cause mass unemployment and the collapse of civilization as a result of the displacement of people.

According to the World Economic Forum's Future Jobs Report, of the jobs available now in the next five years 25 per cent will change: 69 mln. job creation, 83 mln workplaces are expected to disappear. 14 mln global jobs may disappear, which is 2 per cent of the total job.

Shrinking jobs, disappearing professions will be caused by artificial intelligence, advanced technologies that

will no longer need human labor when they begin to perform tasks performed by employees.

For example, ChatGPT, which is an example of artificial intelligence, in the US is expected to take 4.8 mln jobs. Due to ChatGPT and similar AI developments, several professions are in danger of disappearing in whole or in part, including jobs in the legal field (paralegal, legal assistant) [18].

Some (Mark Zuckerberg and others) argue that artificial intelligence should be treated positively as a new stage of development.

They believe that although jobs will be cut, increased automation in work systems will drive innovation. Companies save money because of artificial intelligence and use it to grow their business. As a result, global GDP may increase.

The development of artificial intelligence is being compared to the development of technology and computers of the previous era.

As the world moves from heavy and large computers to modern technology, artificial intelligence is growing at a world-changing pace.

As a result, some professions will disappear and new ones will appear. And the workers have to constantly work on themselves. For example, 60% of the world's workers now have occupations that did not exist in the 1940s [18].

Today, ChatGPT, Midjourney and Bing artificial intelligence the most popular programs among users.

The controversial questions mentioned above raise questions related to the attitude towards the existence of artificial intelligence in our country at the moment.

According to the decision of the President of the Republic of Uzbekistan dated 17.02.2021 PD-4996 "On measures to create conditions for the rapid introduction of artificial intelligence technologies", a favourable condition for the rapid introduction of artificial intelligence technologies, access to digital data and their high quality, training of qualified personnel in this field - a number of measures to create conditions were defined. [4].

With this decision, the Scientific and Innovation Center of Information and Communication Technologies under the Tashkent University of Information Technologies named after Muhammad al-Khorazmi, the Research Institute for the Development of Digital Technologies and Artificial Intelligence under the Ministry of Digital Technologies, and Artificial Intelligence, which consists of 15 state units within the structure of the central apparatus of this ministry a joint alliance for the development of artificial intelligence of the department of introduction and development of technologies, state bodies, commercial banks and large industrial enterprises was established.

It can be concluded that the introduction of artificial intelligence in our country is not viewed as a negative phenomenon. On the contrary, organizational and legal foundations are being defined for its development.

According to the decision, the introduction of artificial intelligence technologies pilot projects to be implemented in 2021-2022 list confirmed. They mainly cover areas such as agriculture, taxation, banking, provision of social services, management of energy resources, health care, and provision of electronic government services.

Of course, the directions approved by this regulatory legal document determine the prospects for the introduction of artificial intelligence in other spheres that regulate social relations, according to the results of tests and experiments.

In our country, some IT representatives are working on artificial intelligence projects based on the idea of nationalism.

For example, photos of Amir Temur, Babur Mirza, their relatives and descendants, a video of the "Battle of Ankara" between Amir Temur and Yildirim Bayazid in 1402 was created and posted on the "Boburnama" (t.me/boburnama) telegram channel through Midjourney.



Umar Shaikh Miza
(Father of Babur Mirza)



Khonzoda Begim
(Mother of Babur Mirza)

These photos are created by artificial intelligence "Midjourney" based on the textual information.

At this point, it is worth noting that according to the "Concept of Improving Criminal and Criminal Procedural Legislation of the Republic of Uzbekistan" approved by the decision of the President of the Republic of Uzbekistan dated 14.05.2018 No. PD-3723, it was criticized that the level of the introduction of modern technologies to the sphere of court and investigation is very low.

It should be noted that the introduction of artificial intelligence in the field of forensic investigation can be important in ensuring the protection of individual rights and interests, facilitating the work of inquiry and preliminary investigation bodies, and preventing various cases of abuse in the process. Of course, this will be achieved through new legal mechanisms that should be introduced in legislation.

In order to analyze the process, it is necessary to turn to the scientific approaches of jurists who have conducted scientific research in this regard.

According to the first approach, from the capabilities of artificial intelligence can be widely used in making legal and effective decisions in the activities of state bodies and officials responsible for criminal proceedings.

For example, the technology developed by scientists from the University of Pennsylvania and Sheffield makes it possible to make accurate and decisive decisions based on the analysis of a criminal case. 584 cases of different content considered by the European Court of Human Rights have been researched on artificial intelligence. As a result, in 79% of cases, decisions are based on original court documents found to be compatible [5].

According to the second approach, artificial intelligence systems can be used only as an auxiliary tool, that is, in a limited way, in collecting and evaluating evidence for the activities of state bodies and officials responsible for the criminal process, in performing analyzes.

Such tools include automatic creation of procedural documents by entering certain information, signing documents using a fingerprint scanner, automatic recording of investigation and trial records, copying from oral text to written text, and creating information about persons who have previously committed similar crimes in a short time. is brought.

In particular, the artificial intelligence system called VALCRI (Visual analytics for sense-making in criminal intelligence analysis), developed by scientists from Middlesex University in London, collects information about previously committed crimes based on the

police database, it is able to analyze information such as interrogation results, crime scene, physical evidence and weapons to determine the range of accused persons [6].

According to the European Commission of Justice, artificial intelligence technologies in the field of criminal justice are widely used in countries such as Great Britain, the USA, and France [7].

In this regard, it is also important to address to the experience of China in the field of judicial law.

In China, artificial intelligence is being used to improve the judicial system, and its is making neural networks of laws, while being engaged in recommending, preparing documents and identifying errors in decision-making.

Interestingly, the judge must consult with the AI before each court case. If he doesn't do what the robot says, he writes an explanation letter. This system is especially popular in Beijing. China is on the way to wide implementation of artificial intelligence in the judicial system, despite not accepting criticisms on this [19].

A. Yu. Afanasev ("Artificial intelligence in the criminal process", "Artificial intelligence systems in the mechanism of criminal procedural evidence"), V. Yu. Federovich, O. V. Khimicheva, A. V. Andreev ("Implementation of information technology and artificial intelligence in criminal justice as promising directions for the development of business administration"), P.M. Morkhat (on the topic "Possibilities, features and conditions of using artificial intelligence in legal practice") conducted research on the implementation of AI to the criminal law.

In particular, in the opinion of A.Yu. Afanasev, a senior lecturer of the Department of Criminology of the

Nizhegorod Academy of the Ministry of Internal Affairs of Russia, a candidate of legal sciences, the introduction of artificial intelligence into the criminal process will increase the effectiveness of process management by automating the activities of inquiry and investigative bodies, and improve the quality and processing of decisions and serves to reduce the time spent on making decisions within specific situations [8].

According to the opinion of P.M.Morkhat, AI can be introduced to the criminal law in the following directions :

- determination of the relevant regulatory legal document and its legal force (in this regard, artificial intelligence named "Watson" is given as an example);
- use of interpreter services in the work process;
- preparation of business documents;
- detection of false indications. For example, America in 2017

Scientists from the University of Maryland of the United States created the "Dare" system. Through this, on the basis of the analysis of facial expressions, voice and gestures, the accuracy of human testimony is clarified, and its level of accuracy is 92%. This means 5-7% more than the capabilities of the well-known "polygraph" program;

- increasing the possibility of reaching a summary conclusion based on the evidence collected on large-scale, multi-episode crimes;
- assessment of expert opinions, etc. [9].

Some researchers have expressed their point of view on the negative aspects of introducing artificial intelligence into the criminal process.

In particular, I.L. Bednyakov and N.A. Razveykina on the topic "Possibilities of introduction of artificial intelligence in the conduct of criminal justice" have emphasized not to ignore the risks of introducing artificial intelligence in their research work.

In particular, according to some scholars, artificial intelligence is a subject of law or the issue of object has not been resolved; the absence of legal guarantees for its full implementation and the possibility of making mistakes; lack of liability in case of error; The main risk is the uncertainty of the possibility of observing the principles of justice [10].

According to Lawrence Lessing, a professor at Harvard Law School, artificial intelligence can perform many tasks in legal practice, but it cannot manage all processes independently. Judge or other officials should be able to modify the results of artificial intelligence in order to make the right decision in any situation [11].

E.S. Papyshva, in her scientific work entitled "Artificial intelligence - a threat to the principle of the presumption of innocence", emphasizes the negative consequences of the introduction of artificial intelligence and notes that its use leads to the violation of the principle of the presumption of innocence in criminal proceedings [12].

Here, the analysis of the above views prompts us to make different observations about the positive and negative aspects of the introduction of artificial intelligence in criminal proceedings.

In particular, through the introduction of artificial intelligence, decision-making in a criminal case in a short period of time, the duration of proceedings and it is possible to reduce costs and perform a systematic analysis.

Or on the contrary, since the criminal procedural activity is considered a process that can interfere with the rights and interests of a person, any mistake made by artificial intelligence can have a negative impact on the rights and interests of a person. In addition, the humaneness and the possibilities of ensuring compliance with the principles of justice cannot yet be fully assessed.

Based on the analysis of the norms of the Criminal Procedure Code and the opinions of the researchers who conducted research on this topic, the following conclusions can be drawn regarding the introduction of artificial intelligence in the criminal process.

The introduction of artificial intelligence in the field of criminal work brings a number of conveniences and serves to somewhat ease the process of inquiry and preliminary investigation.

However, this process involves several steps to put it into practice introduction, first of all, for this organizational, technical and legal order requires the development of a settlement mechanism and the implementation of the conditions necessary for this.

Implementation of criminal proceedings at the first stage a database that can be used in the process should be formed and the process of integration between the responsible organizations should be completed.

It should be noted that the basis of artificial intelligence is a database. Regularly filling and expanding, it will increase the analytical ability and effectiveness of artificial intelligence.

In particular, In our country there are the single identification systems like the open data portal (data.gov.uz), the database of the electronic government system (my.gov.uz), the information of the state services agency, (davxizmat.uz), electronic

criminal-legal statistics (e-jinoyat.prokuratura.uz), court information system (e-sud) and the databases of various ministries and the database of agencies can be effectively used to form an artificial intelligence data source [20].

In the second stage, law enforcement agencies, information technologies, medicine, expertise, linguistics and other fields working groups consisting of the employees of the responsible organization should be formed, the areas where artificial intelligence can be introduced in the criminal process should be discussed, and promising areas in the near and far future should be determined.

Because, in the implementation of artificial intelligence, it is important to ensure the protection of personal information, their rights and freedoms. Therefore, it is permissible to pay special attention to this issue when creating the legal basis for the use of artificial intelligence.

In the third stage, work on creating a protected, technical capability "National Artificial Intelligence System" and it will be necessary to enter indictments, indictments, court verdicts and other relevant information on various criminal incidents into this system.

In the fourth stage, the trial version of the system will be launched, and the results of the inquiry, preliminary investigation and decisions taken by the court, other actions taken and the results of the artificial intelligence product will be compared.

At the fifth stage, artificial intelligence should be used in a specific direction of the criminal process, measures should be taken to put it into practice only if it justifies itself.

In our opinion, in the near future, it is possible to introduce artificial intelligence in the following areas of criminal proceedings:

- by entering a brief description of a criminal incident, interrogation report or research object into the artificial intelligence system - drawing up inquiry and preliminary investigation plans and determining the scope of investigative actions to be carried out;

- monitoring the physiological state of a person in his free state through the analysis of information related to the testimony given, the conclusion of the expert's research - assessment of the truthfulness (scientific basis) of the testimony and expert's conclusions presented during the inquiry and investigation;

- by the speech of the responsible person or by entering certain short information - formalization of procedural documents;

- based on the information of the inspection report - of the scene, person, corpse or other things important for the case, through the instructions of the recognizer - creating a graphic model of a person (physiological) or an object;

- by narrating the speech of the person participating in the case - using the service of an interpreter;

- through the testimonies of witnesses, victims, suspects, defendants, and defendants - to restore certain actions, conditions and circumstances related to the case, an investigation, an experiment - conducting an experiment;

- on the basis of the integrated information of the competent state bodies, there are opportunities such as determining the properties, property or non-property rights that can be levied on the damage caused as a result of the crime.

At the same time, the information important for the sentencing of the committed crime (the nature of the crime, information on the identity of the suspect, the accused, the defendant, conviction, recidivism, mitigating and aggravating circumstances and through other) - such directions as the correct qualification of the committed socially dangerous act and the imposition of punishment as a perspective of introducing artificial intelligence into the criminal process can be seen.

It is worth noting that, in our opinion, in any case, persons responsible for or participating in criminal proceedings should be able to make decisions based on reasoned explanations without agreeing with the results of artificial intelligence in certain situations.

After all, according to Article 18 of the Criminal Procedure Code of the Republic of Uzbekistan, all state bodies and officials responsible for conducting criminal proceedings must protect the rights and freedoms of citizens participating in criminal proceedings. [2].

CONCLUSION

In conclusion, it can be said that modern technologies and artificial intelligence are gradually entering many areas of our life, including the criminal process.

In this process, it is important to create a strong legal framework, create organizational (including technical) opportunities for the introduction of artificial intelligence, attract international experts, conduct various discussions and tests in certain directions.

REFERENCES

1. Янги тахрирдаги Ўзбекистон Республикаси Конституцияси;
2. Ўзбекистон Республикасининг Жиноят-процессуал кодекси;

3. Ўзбекистон Республикаси Президентининг 14.05.2018 йилдаги “Жиноят ва жиноят-процессуал қонунчилиги тизимини тубдан такомил-лаштириш чора-тадбирлари тўғрисида”ги ПҚ-3723-сон қарори;
4. Ўзбекистон Республикаси Президентининг 17.02.2021 йилдаги
5. “Сунъий интеллект технологияларини жадал жорий этиш учун шарт-шароитлар яратиш чора-тадбирлари тўғрисида”ги ПҚ-4996-сонли қарори (Қонун ҳужжатлари маълумотлари миллий базаси, 18.02.2021 й., 07/21/4996/0127-сон);
6. Aletras N, Tsarapatsanis D, Preoțiuc-Pietro D, Lampos V. 2016. Predicting judicial decisions of the European Court of Human Rights: a Natural Language Processing perspective. PeerJ Computer Science 2:e93 <https://doi.org/10.7717/peerj-cs.93>;
7. E. Schlehahn, T. Marquenie, E. Kindt. Data Protection Impact Assessments (DPIAs) in the law enforcement sector according to Directive (EU) 2016/680 - a comparative analysis of methodologies. <http://valcri.org/our-content/uploads/2018/06/VALCRI-DPIA-Guidelines-Methodological-Comparison.pdf> (2014);
8. Совет Европы принял первый регламент для искусственного интеллекта в судебной системе. URL: <https://tass.ru/obschestvo/5877495>;
9. А.Ю.Афанасьев. Искусственный интеллект в уголовном процессе. Юридическая техника. 2021 № 15;
10. П.М.Морхат. Возможности, особенности и условия применения искусственного интеллекта в юридической практике. // Администратор суда. 2018 № 2. с 8-12;
11. И.Л.Бедняков, Н.А.Развейкина. Возможности применения искусственного интеллекта в судопроизводстве. Юридические науки. 2019;
12. Искусственный интеллект приведет к массовому изгнанию широкого пласта юристов // Интервью с Лоуренсом Лессигом. URL: https://zakon.ru/discussion/2019/05/22/iskusstvennyj_intellekt_privedyot_k_massovomu_izgnaniyu_shirokogo_plasta_yuristov_intervyu_s_louren;
13. <https://lawinfo.ru/articles/1/iskusstvennyj-intellekt-kak-ugroza-principu-prezumpcii-nevinovnosti>;
14. <https://www.terabayt.uz/post/suniy-intellekt-insoniyatga-nima-beradi>;
15. Sun'iy intellekt qanday ishlaydi? | Texnoplov – YouTube (Sun'iy intellekt qanday ishlaydi? | Texnoplov – YouTube);
16. <https://yuz.uz/news/suniy-intellekt--texnologik-rivojlanish-assosi>;
17. @Geosiyosatuz телеграм канали;
18. Сунъий интеллект осмонўпар биоларни лойиҳалашни бошлади (фото) | Qalampir.uz;
19. <https://kun.uz/16688498> (Сунъий интеллект хавфи — одамларнинг ишсиз қолиш эҳтимоли қанчалик юқори?);
20. Судья ҳукм ўқиш олдидан робот билан маслаҳатлашиши шарт (xabar.uz);
21. <https://strategy.uz/index.php?news=1198> (Сунъий интеллект – тўртинчи санот инқилобининг асоси).