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Artificial intelligence in the criminal justice: recent experience from Malaysia

During recent years, the most emerging spread of artificial intelligence in the judiciary has been experienced in Malaysia, this tendency generated controversial social resound. The first steps were made during the first months of 2019. When software has been developed to conduct certain judicial tasks. This technology was used first in February 2020, but during that period, only for possessing drugs and rapes. In the summer of 2021, a guideline has been published from the application of these new facilities, while the scope of its involvement has been also broadened significantly (for crimes against property or against the order of the circulation). After three stages of implementation, the Artificial Intelligence Sentencing System (AISS) is envisaged to be available at all courts of the country for calculating the sanctions of all perpetrators.

The court may not demand the assistance of the AISS, and the outcome of its assessment might be neglected by the human judge. The alleged crime and the main sociological circumstances of the perpetrator should be provided for the AISS, and after a short period of assessment, the results of its calculation, so the recommended sanction will show up on the screen.

According to the supporters, the AISS is just useful technical support for the judge, which might make faster and more objective decisions than human judges. The court has the opportunity to neglect the calculation, and the parties are informed of the recommended sanction during the trial, so they may also raise their counterarguments against the calculation of the AISS.

By contrast, the opposants claim, that AISS would distort the analysis of the courts, several human factors will be left out from the judicial proceedings. Moreover, AISS will cause severe uncertainties for the parties, the involvement of AI has been contested even during the test applications by all stakeholders. People fear from the intervention of unknown technologies, while judges are also not ready to collaborate with AISS efficiently.

The variety of arguments demonstrates excellently, that the application of AI might lead to several advantages and disadvantages, and the growing practical experience from Malaysia should be an important point for reference for other countries also, which consider the broader involvement of modern technologies into the judiciary. For this reason, our research aims to systematise the available

information from the Malaysian sample and will assess those aspects of these developments, which might be relevant also in North America and Europe.

Kitti Mezei is a research fellow of the Centre for Social Sciences, Institute for Legal Studies (Budapest), and also a senior lecturer of the Budapest University of Technology and Economics. She has been awarded the Bárány Róbert prize for his outstanding scientific achievements, especially for her book published recently dedicated to the current cyber challenges and their proper treatment. She has been published several contributions either in English and Hungarian in the field of criminal law, especially cyber security, and her contributions are cited frequently in the literature. She is also the leader of the artificial intelligence research group at the Institute for Legal Studies, and in this capacity, she focuses also on the impact of modern technology on legal work, and she also organises several domestic and international workshops about these issues. She defended her Ph.D. thesis in the Autumn of 2019. and she also completed her bar exam in February 2021.

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