Research Paper

The Feasibility of Using Artificial Intelligence Proceedings in Iranian Jurisprudence and Law

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Abstract

Artificial Intelligence Technology is one of the most important achievements of human social life to increase productivity and efficiency and improve the quality of providing public and private services in various areas such as banking, civil services, medicine, transportation, etc.

The increasing expansion of this technological achievement is such that it has covered many areas of human life, including legal and judicial services. However, the special challenges to the legal and judicial application of this technological phenomenon, in terms of the conditions of the judge and legal arguments and its effects which require special attention in setting the strategy and designing thoughtful and forward-looking programs, is an issue worth exploring.

The question raised here is: "Whether, despite the aforementioned challenges, is it possible to use artificial intelligence as a judge of legal jurisprudence or not?" This article is based on the descriptive-analytical method aiming to explain the capabilities of this new technology and the possibility of using it in Iran's judicial system. The results prove that artificial intelligence technology, despite its probable challenges, is necessary to process some easy judicial cases in Iran's judicial system, so that the accuracy, speed and quality of service would be improved through using it.

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Extended Abstract

1- Introduction

Artificial Intelligence (AI) is the process of replicating behaviors such as reasoning, logical decision-making, thinking and learning resulting from the simultaneous application of sciences and techniques such as philosophy, mathematics, computer, neurology (knowledge of studying the structure, function and diseases of the nervous system of living beings), psychology and many other sciences in which scientists try to make this process join to human emotions. Basically, artificial intelligence technology is one of the most important achievements of human social life to increase productivity and improve efficiency and the quality of providing public and private services in various fields such as banking, civil service, medical, transportation services, etc. The ever-increasing expansion of this technological achievement is such that it has covered many areas of human life. In this regard, one of the benefits of using artificial intelligence in various fields, including judicial law, is speeding up the processing of cases, decisions and issuance of judicial orders. Today, aside from the challenges faced by this technological phenomenon, its increasing influence in many aspects of individual and especially social life, including the judicial system, is such that it forces the legal systems to face this reality and accept that the practical field of law, with the increasing influence of this technology, must talk about "robotic justice" and "artificial intelligence judge". For instance, some countries, such as the US, China and Australia, use artificial intelligence systems to reduce the burden of their judicial system, identify disputes on branches and provide automatic reports to higher authorities in order to create uniform procedures in legal cases and predict the results of property disputes, divorces and other family matters.

This article will answer the question, "How is it possible to use artificial intelligence as a judge in legal and jurisprudential affairs?" The challenge facing the use of artificial intelligence in Iran's jurisprudence and judicial structure is firstly examined along with analysis and response to them. Then, regarding the capabilities of this new technology and the possibility of using it in Iran's judicial system, a suitable way would be presented, along with a summary and conclusion of the discussion, to solve it.

2- Method

Using the descriptive-analytical method and referring to library and computer resources, this research tries to solve the challenges facing the technological phenomenon of artificial intelligence, including the challenges related to the necessary conditions for proceedings as well as challenges and doubts related to the inability of artificial intelligence to reason in difficult cases, the possibility of favoring some people and groups, the social disapproval of judicial opinions issued by artificial intelligence judges due to inadequacy, etc., in order to investigate the feasibility of the judicial use of this phenomenon about some easy judicial cases.

3- Result

The findings show that the artificial intelligence judge has the necessary capacity to conduct some easy judicial cases in Iran's judicial system along with accuracy, speed and quality of service. Additionally, the challenges facing this technological phenomenon, including the conditions of the judge, the possibility of mistakes and defects in the performance and, as a result, the impartiality of its decisions, the reduction of rights to

computer science and its transformation from a social fluid phenomenon to an immutable entity, etc. are not such serious challenges that prevent the application of this phenomenon in the judicial field as a judge. In particular, based on the achievements of artificial intelligence in many social relationships, intelligent litigation very soon will be able to perform the descriptive aspects of law interpretation better than humans.

4- Conclusion

The necessity of using artificial intelligence with its astonishing speed in all social fields, including the judicial field, is undeniable; negligence and carelessness in it will lead to harm to the nation and the government and will cause huge losses to the national interests of the country and, as a result, to the judicial system and the citizens.

The government's step in approving and promulgating the national artificial intelligence document of the Islamic Republic of Iran dated May 24, 2024 by the presidential body, including the design and macro planning of this project in priority legal and judicial axes as "Intelligent Legal Advisor" and also "Intelligent Assistant Judge" to provide services to the general public, confirms this claim. However, it should not be enough; Rather, with a forward-looking perspective and with regard to the high and stunning speed of artificial intelligence, which covers various fields of science and social fields, we should think of large-scale plans from now on in relation to more comprehensive legal and judicial fields, including the use of artificial intelligence in cases that are popularly known as less important, simpler, and easier lawsuits and cases amongthecommunity of judges, lawyers, and people. Also, handling them is within the jurisdiction of the quasi-judicial bodies of the dispute resolution council, the peace court, arbitration and mediation, and they do not require technical and complex judicial proceedings in the literal sense. Like administrative lawsuits, they are within the jurisdiction of municipal commissions or boards of detection, determination, and resolution of tax disputes whose correctness and inaccuracy, after filing a lawsuit and uploading the documents into the system, and then systematically referring them to the relevant experts and registering the expert's opinion in rejecting or confirming the matter in the system, will be done easily. Therefore, the valuable experiences that will be gained from this will enable us to fix the deficiencies and plan more precisely in relation to this category of cases, so that we dare to plan and apply it in another batch of cases so that we don't depend on others in this field.

6- Authors' contribution

Dr. Mashalla Karimi, a scientific member of the Faculty of Law of University of Ayatollah Boroujerdi, is the corresponding author of this article, who has contributed to 65% of this article.

Dr. Abdul Samad Aliabadi, a scientific member of the Faculty of Jurisprudence and Law of the University of Islamic Denominations, is the co-author who contributed to 35% of this article.

7- Conflict of Interest

The authors declared no conflict of interest.