

Critical Analysis of Artificial Intelligence and Criminal Liability Under Contemporary Criminal Law.

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Abstract: *Artificial Intelligence has emerged as one of the most transformative technology of the twenty – first century, significantly influencing governance, commerce healthcare transportation, cyber security and criminal justice systems. The increasing integration of auto – nomous and self-learning AI systems into everyday human activities has created complex legal and ethical challenges, particularly in the field of contemporary criminal law. Prediction principles of criminal liability are primarily based on human conduct, intention, free will, and moral culpability. However AI systems passes the capacity to make independent decisions through algorithms, machine learning, and data. Driven processes thereby challenging the conventional foundation of criminal jurisprudence. This paper critically examines the relationship between Artificial Intelligence and criminal liability under contemporary criminal law.*

Keywords: *Artificial Intelligence (AI), criminal liability, contemporary criminal law, AI ethics, criminal jurisprudence, Algorithmic Accountability, Legal personality, Human Rights, Deep fake Technology, Digital Governance*

I. INTRODUCTION

The twenty – first century has witnessed unprecedented technological advancement, with Artificial Intelligence (AI) emerging as one of the most influential and disruptive innovations of the modern era. AI has rapidly transformed numerous sectors, including healthcare, banking, transportation education, governance, military operations, cyber security and criminal justice administration. From virtual assistants and recommendation algorithms to autonomous vehicle and predictive policing systems. AI has become deeply integrated into everyday human life. While AI offers anormaks benefits in forms of efficiency, automation and decision making, its increasing autonomy has simultaneously raised serious legal, ethical, and criminal law concerns across the globe.

The issue of the Artificial Intelligence and criminal liability represents one of the most significant legal challenges at contemporary criminal law. As AI systems continue to evolve and integrate into envoy aspect of human society the need for effective legal regulation and accountability mechanisms becomes increasingly urgent. The future of criminal law will largely depend upon how legal systems respond to the complex relationship between human responsibility and machine autonomy in the digital age.

The concept of Artificial Intelligence (AI) developed during the twentieth century with advancement in computer science and technology. In 1950 Alan Turing introduced the idea of machine intelligence through his famous work. “Computing Machinery and Intelligence.” Later in 1956, the term Artificial Intelligence was officially introduced at the Dartmouth

Conference by John Mccorthy which marked the beginning of modern AI research Initially computers functioned only as programmed machine and were treated merely as tools under criminal law. During 1970, and 1980’s the rise of



cybercrime such as hacking, data thefts and electronic fraud led many countries to introduce cyber laws. In India the Information Technology Act 2000 was enacted to deal with cyber offences and electronic crimes.

II LEGISLATION

The Information Technology Act 2000 is the principal legislation governing cybercrime and electronic communication in India. Section 43 provide compensation for unauthorized access and data damage. Section 66, 66c, 66d punishes identity theft, cheating by computer resources, scam identity fraud.

The Digital Personal Data Protection Act 2023 regulates the collection, processing and storage at digital personal data.

The Bhartiya Sakshya Abhiniyam 2023 governs admissibility of electronic and digital evidence – the Act become important in determining Authenticity, Reliability and Admissibility of AI generated evidence.

The constitution of India indirectly regulates AI through fundamental rights protections by Article 14. Right to equality, Article 19 freedom of speech and expressions, Article 21 Right to life and personal liberty.

III. JUDICIAL PERSPECTIVE

The judiciary plays a vital role in interpreting laws protecting constitutional rights and addressing legal challenges arising from technology advancements. Although India and many countries has bring to act exclusive judicial precedents directly dealing with criminal liability of autonomous Artificial Intelligence, courts have increasingly examined issues related to privacy, cybercrime, algorithmic decision making digital evidence, surveillance and accountability. Judicial interpretations in these areas significantly influence the development of AI regulation under contemporary criminal law.

The judiciary performs important functions in relation to AI and criminal law. Courts interpret criminal statues and cyber laws to address AI related offences judiciary safeguards privacy, equality, liberty, fair trial rights against misuse of AI technologies.

Case Laws

Anwar P.V. v P.K. Basheer (2014) 10 SCC 473

The Supreme Court held that electronic evidence must satisfy certification requirements under the Evidence Act.

Shreya Singhal v Union of India (2015) 5SCC 1

The Supreme Court struck down Section 66A as unconstitutional for violating freedom of speech under Article 19(1)(a)

Justice K.S.Puttuswami v Union of India (2017) 10 SCC 1

The Supreme Court declared the right to privacy as a fundamental right under Article 21 of the Constitution

IV CONCLUSION

Artificial Intelligence represents one of the greatest challenges to contemporary criminal law. Existing legal principles based upon human conduct intention and moral agency are increasingly inadequate to regulate autonomous AI systems. While AI can clearly perform criminal acts, attributing criminal legal intention remains problematic. Granting legal personality to AI remains controversial because machines lack consciousness and morality. Contemporary criminal law must evolve to acomonadate emerging technologies while preserving constitutional vales, human rights, transparency and justice. The most practical approach involves imposing liability upon developers, corporations, operators and users through a hybrid accountability framework future legal system must strike a balance between technological innovation and legal accountability without comprehensive returns, AI generated crimes may create serious accountability gaps that undermine the rule of law.

V SUGGESTIONS.

Government should introduce a separate and comprehensive law specifically regulating Artificial Intelligence autonomous system and AI related criminal liability.



Establish clear liability rules to define responsibility of programmers, developers, operators, manufacturers, users of AI system.

Strict liability principles should apply to highly dangerous AI technologies where national or public safety is involved. Cyber laws should be updated regularly to address AI powered cybercrime deep fake from hacking, identity theft, digital manipulation.

Judges, police officers, prosecutors and legal processions should receive technical trainings regarding AI technologies, digital evidences, cyber investigations, algorithmic accountability.

This will improve affective enforcement of AI related laws.

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