Judicial Trials in the Context of Artificial Intelligence

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Abstract. With the development of artificial intelligence technology, the convenience it brings is significant, but it is also limited. The functionality of judicial trials is "subjective" and "irreplaceable", while artificial intelligence as a new thing has the characteristics of "mechanization" and "programming". Therefore, it is impossible and should not be possible to use artificial intelligence to build a trial stage artificial intelligence replacement. It cannot be reflected in the fact that the essential attributes of the two things deviate from each other, and their forced combination will only lead to the situation of doing their own things. It should not be embodied in the judicial trial agency as a dispute resolution agency. The public's demands are merely demands on "people", and the situation of replacing individuals only applies to situations where individuals are insufficient. Therefore, artificial intelligence should not replace judicial trials. The application of artificial intelligence in the judicial field should be limited to alternative jobs.

Keywords: Artificial Intelligence, Judicial Trials, Alternative

The development of artificial intelligence has caused uproar in all walks of life. It mainly focuses on the "industry substitution" of artificial intelligence. Whether the development of artificial intelligence has more advantages than disadvantages or more disadvantages than advantages, it must be evaluated from various industries. From a legal perspective, the results of artificial intelligence will be applied to all aspects of investigation, prosecution, and trial in the future. For example, the artificial intelligence document production in the investigation stage, the use of artificial intelligence to score file materials in the prosecution stage, the trial stage can apply artificial intelligence to the processing of documents, the power of evidence and the judgment of evidence ability, and it can also replace the judge to make the final conclusion. From this point of view, the impact of the development of artificial intelligence on the judicial system is unprecedented. Although "existence is reasonable", it may not be the best. As a new thing, artificial intelligence reflects the technological progress of the times, but is it really suitable for replacing certain aspects of the judicial system? The author believes that artificial intelligence should not and cannot replace certain functions in the judicial system. The author takes the criminal justice trial as a perspective to demonstrate.

1. The Functional Positioning of Judicial Power is Irreplaceable
The criminal trial process is like the process of processing goods on a production line. First of all, scoring of cases transferred by procuratorial organs is a subjective and objective process. Secondly, it
is a subjective process to evaluate the evidence ability and probative power of the evidence on the basis of comprehensive scoring. Finally, it is also a subjective process to further understand the situation of the case through court investigations at the trial stage. At the same time, for the formation of the final judgment conclusion, the judge needs to comprehensively consider all stages of the trial and draw the conclusion. Although the frequent occurrence of unjust, false and wrong cases in recent years has led to a discussion of "new statutory evidence doctrine" in theoretical circles, and many rules on the standard of evidence have been formed in the system. But still cannot change the subjective factors of judges in the trial stage. For example, Professor Long Zongzhi of Sichuan University believes that "violating the law of proof and ignoring the function of psychological proof is a misuse of proof proof" [3]. Article 55 of my country's "Criminal Procedure Law" fully illustrates this point. The criteria for conviction must meet three requirements. First, the facts of the conviction and sentencing are all proved by evidence; second, the evidence based on the conviction has been verified by legal procedures; finally, the comprehensive case excludes reasonable doubts about the confirmed facts. From the first two points of view, it can be regarded as the result of the "new legal evidence doctrine", which sets requirements on the qualifications of evidence. But the third point excludes reasonable doubt and preserves the judge's free evidence. Therefore, no matter what kind of evidence system, it is difficult to exclude the subjective factors of judges. However, artificial intelligence is the product of complete objectification. Its operation requires a series of program input, and the code has the characteristics of "fixedness" and "mechanicality". To replace an industry with artificial intelligence, it is necessary to subdivide the various body and consciousness processes in this industry [4], engineering is one aspect, the most important thing is that it is difficult to cover everything. If some factors are ignored in the process of programming, the results will be very different. Therefore, from this perspective, it is difficult for artificial intelligence to meet the requirements of epistemology. The same is true for criminal trials. The stages of examination, court investigation, court debate, and conclusion formation are all dynamic processes. Its dynamic nature means that there are many uncertainties in the trial stage. However, it is impossible to enumerate these various uncertainties completely in the form of text. In other words, it is inherently contradictory to use static source code to evaluate the dynamic trial process.

2. Artificial Intelligence Should Not Replace Trial

The convenience brought by artificial intelligence is obvious to all, and many aspects of social life have been proficient in using artificial intelligence. But in the field of criminal justice, artificial intelligence should not replace judges. Its own limitations and the functional positioning of the court are strong reasons. Judging from the essential attributes of things like artificial intelligence, its purpose is to provide convenience for all walks of life. But from a practical point of view, the results are not ideal [5]. At present, in various industries, artificial intelligence is mostly used in service industries, such as express delivery, sorting, and automobile driving, such as self-driving cars. No matter from the practical level or the future development prospects, the view that it can cover all industries is biased. In practice, the application of artificial intelligence is not mature and the industries used are limited. Even if it can achieve a complete application, as a new thing, the public is only willing to try the novelty, and the courier has not been replaced. From a development perspective, the author also believes that the use of artificial intelligence has also reached a bottleneck. Artificial intelligence has been accompanied by the production of computers, and it has been more than ten years since it has produced results that are not proportional to the time and money spent. Therefore, I am not optimistic about the future of artificial intelligence.

For the courts that perform the duties of criminal trials, their function settings carry the public's institutional expectations. Its function is to resolve contradictions and disputes. In the ancient legal history of our country, no matter "Di Renjie", "Bao Zheng" or "Song Ci", their roles have common characteristics. On the one hand, they all represent the official duty of investigating the case. In the second aspect, they are all regarded as fair and carrying the demands of the people. In the third aspect, the process of case trial is an official process. In the fourth aspect, there are always three parties
involved in the settlement of conflicts and disputes, namely, the plaintiff and the defendant and the official hearing the case. All in all, the functional positioning of judicial officials in ancient my country is to exist outside of contradictions and to be the leader in resolving contradictions between people. The Chinese civilization that has gone through thousands of years in our country has been able to find such a dispute resolution model from ancient times to the present. Although at different stages, dispute resolution agencies have different titles, such as "yamen", "government", and "court." But its evolution process is still the same. As a court for resolving disputes in modern society, it carries the people's expectations of fairness and justice. By appealing to the main body of the court, the people hope that the judge will find out the details and finally reach the verdict. His ideology implied this demand for people, not a demand for machines. Investigating a case is a verb. "Investigating" has the connotation of "active" and "subjective." "Active" requires the judge to take the initiative to preside over the trial, preside over the investigation of evidence, and preside over the debate. "Subjective" requires judges to use their professional knowledge to understand the case during the review process. Knowing is a subjective process. In the current court structure in our country, whether in civil or criminal cases, it is ultimately necessary to draw a reasonable conclusion through the initiative of the judge. Perhaps some scholars will point out that trials are also fungible. In minority areas in my country, there is a pattern of "parents" finding cases. Criminal cases under the auspices of prestigious elders can also have the effect of settling disputes. This statement is indeed convincing, but it is not contradictory. The court's trial can be substituted. For example, the unique dispute resolution model of minority nationalities and other regions, but this model also belongs to the appeal of "person". Citizens regard "person" as the subject of dispute resolution, and this role also needs to be equipped. A certain degree of "recognition", regardless of whether it comes from identity or fame. Artificial intelligence is displayed as a machine, regardless of technical obstacles, it is difficult to have the public's recognition of judges. The idea of trying to compile various evidence rules into the computer, and add, subtract, multiply and divide the evidence submitted by the procuratorial agency on the computer will definitely not work. Therefore, the author believes that the idea of letting artificial intelligence be applied and developed in the judicial trial field should be dispelled as soon as possible. Artificial intelligence should not replace trial.

3. Response Plan

The development of artificial intelligence is the general trend of the future society, and it is also the social brand of the progress of the times. Applying it to all aspects of social life is the goal of producers, and perhaps the general expectation of the public. In summary, the author has listed the stakes. Artificial intelligence cannot and should not replace judicial trials, and the exercise of judicial power is irreplaceable. People have multiple value appeals to judicial trials, which are appeals to people rather than machines. Therefore, the author does not agree to fully apply artificial intelligence to the field of judicial trials. But the author is not absolutely against it. The convenience brought by the popularity of artificial intelligence is well known. The improvement in efficiency is obvious to all. Therefore, the author believes that the use of artificial intelligence in the field of judicial trials should be classified. The author believes that judicial trial work can be divided into two categories, one is irreplaceable, and the other is replaceable. Irreplaceable work refers to the process in which judges use subjective evidence to judge and form conclusions, as well as the process in which subjective knowledge is mixed in the trial procedures. These stages are highly subjective. Even if people's various decision-making ideas are input into the computer, the final conclusions are not only unreliable but also lack credibility. Substitution work refers to some procedural matters that do not require subjective knowledge, such as the use of artificial intelligence to classify and sort out evidence, and to quickly screen and identify illegal evidence, so that judges can make timely judgments. The focus of controversy in the case is screened in advance to facilitate judges to support court debates. At the same time, in combination with the "formalization" phenomenon faced by my country's current substantive reform of court trials, artificial intelligence can be used for guidance and monitoring. Use artificial intelligence to integrate the previous cases so that the judge knows how to make an
appropriate conclusion \cite{9}. All in all, artificial intelligence as a new thing brings convenience while we must guard against its moral and legal risks. We must not blindly reject or accept it. We must strictly abide by the justification of judicial trials, but at the same time, we must also enjoy technological progress. The convenience brought to adapt to this trend \cite{10}.

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