

ARTIFICIAL INTELLIGENCE, DECISION-MAKING AND PRINCIPLES OF JUSTICE**LUBOV URYVSKAIA****Baltic Federal University of Immanuel Kant, Russia****LEV GOVOR****Artistic Industrial College, Russia**

The authors report is on the opening of the world of programming and jurisprudence: the creation of artificial intelligence, the ability to make judgments. It discloses the relevant actions of artificial intelligence and principles of applicable proceedings.

Introduction. A combined team of specialists from Pennsylvania University and the University of Sheffield created a weak form of artificial intelligence that is able to predict decisions of the European Court of Human Rights (European Court of Human Rights, ECtHR, ECHR) with an accuracy of 79%. The system predicts the court's decision after reviewing the case file, and on the basis of these data the AI is concluded [1].

Analyzing hundreds of texts of ECHR cases, scientists have found that judges of this court, first of all, pay attention neither to the legal terms in the text of appeal nor to a simple description of the facts. In other words, judges, according to the authors of the project, are most realists and pay attention to a moral side of the matter, not formalists, who strictly follow every letter of the law.

It is possible that in a few years the decision of Judicial Affairs will not take a judge but a robot. The idea sounds great, because the artificial intelligence will be deprived of a number of drawbacks in judgment of a human: addiction to bribes and the influence of emotions on decision-making [2].

Main part. "The Court may use this method to prioritize hearings on the basis of having a high probability of a violation of the article", - said in an interview with the Athens-Macedonian News Agency head study, Dr. Nikolaos Aletras (Faculty of Computer Science, University College London) [3].

The majority of Russian population relates to the court with suspicion and without respect, believing that the court in Russia is inefficient, unreliable or simply corrupt. Nearly 80% of respondents do not expect to find justice in Russian courts [4]. This belief is based mainly on the ideas expressed by the two versions of statements: "Our courts often win the case, the highest bidder" and "Many do not want to go to a court, because the road has too informal costs". For about 15% of respondents appeal to the courts during a year. And more than 27% say that have faced with the need to go to a court, but have not done so for the last two years [5].

Artificial Intelligence as a mediator of the judiciary could improve the efficiency and fairness of the judicial decision, and at the same time the level of citizens' trust to the judicial system, and as a consequence, to the government as a whole. It would increase the level of legal awareness and legal status of the state.

It becomes interesting to match the application of artificial intelligence to the principles of judicial proceedings.

1. The principle of legality. Continued compliance of the law requirements will not be violated due to the fact that the program was originally based on the norms of law and case-law in countries with Anglo-Saxon legal system. Additionally, you can admit the impossibility of deviation from the rule of law, which often leads to miscarriages of justice and the revision of cases on appeal.

2. The principle of justice. Artificial intelligence comprehensively processes facts of the case, including the nature and degree of public danger, the circumstances of the crime and the identity of the perpetrator. It guarantees no bias in the decision.

3. The principle of justice only by the courts. "No one can be convicted of a crime and subjected to criminal punishment except by the verdict of the court and in accordance with the procedure established by the Criminal Code." The circle of bodies authorized to administer justice is clearly restricted by the law [6]. Artificial intelligence is not an independent body of state authority or local government, and acts as a subsidiary subject in deciding some intermediary.

4. The principle of judicial independence. It controls a judge in deciding cases under its production. Artificial Intelligence is based only on the laws of conscience and their inner conviction and on the study in the court of admissible evidence. Artificial Intelligence creates an absolute impossibility of interference in the administration of justice due to the lack of methods and means of physical or mental pressure on it.

5. The principle of equality before the court. Artificial intelligence does not mean the individual classification according to sex, race, nationality, language, origin, property and official status, place of residence, attitude to religion, beliefs, membership of voluntary organizations. In solving the case, it relies only on the exist-

tence of offenses, administrative offenses, previously committed crimes, as well as mitigating and aggravating circumstances, which were crucial for the outcome of the case.

6. The principle of the right to appeal to the court. Everyone is guaranteed judicial protection of his rights and freedoms. Artificial intelligence implies a change in the stage of immediate trial without affecting the Complaint resolution of conflicts, as well as the process for submitting and receiving the application for judicial review [7].

7. The principle of the rights of the suspect and the accused to defense. The right to have a lawyer in order to collect information and provide evidence base remains essential in the court. Artificial intelligence is only concluded on the basis of evidence presented by both sides.

8. National judicial language. Presentation of evidence and publication of decisions is made in the national language of the State in which the proceedings are conducted. In the absence of language recognition, the software may attract a special translator in that field of law attributable to a dispute.

9. The principle of adversarial proceedings and equality of arms. The software system does not provide declination of a decision in favor of one side. Facts are analyzed without reference to their source. The possibility of an unlimited number of evidence by both sides fully implements the principle of adversarial proceedings.

10. The principle of citizen participation in administration of justice. Does not exclude the possibility of a jury, whose dissenting opinions may also be included in the program of the decision, but the statements have to be built in a logical way (based on templates created in the framework of the program laid down in the AD), based on the facts, excepting emotional and personal side.

11. The principle of the open court. If artificial intelligence assumes the correspondence form of the court hearing, the principle of the open court will find itself in a public proclamation and publication of the judgment and operative part of motivation.

12. The presumption of innocence principle. The decision is made after full analysis of the facts of a particular case, based on the evidence provided, including the prosecution, which function is to prove the defendant's guilt. The impossibility of adopting a program of conviction in the absence of sufficient evidence of claimed elements of a crime once again reinforces this principle.

13. The principle of legality, competence and impartiality of the court. The court, which is entrusted to hear and determine civil, criminal and other cases, is able to administer true justice if it is legitimate, competent, independent and impartial. Artificial intelligence relies on the law, has the ability only to correct and direct interpretation of the law, is independent of other authorities, and other kinds of influence, and has no sense of prejudice and forms its own positions on certain categories of cases.

14. The principle of respect of the rights and freedoms of a man and a citizen. It have been read 584 court rulings on the suit of citizens to the ECHR while analyzing artificial intelligence algorithms. The researchers chose those decisions, which related to the three articles of the Convention on Human Rights. These are the prohibition of torture and degrading treatment, the right to a fair trial and the right to respect private and family life. According to these articles, the court makes the most decisions. Analyzing the text of the appeal, artificial intelligence makes its own verdict of "violation" or "no violation". The computer, using a number of precedents to analyze each particular case, brings along its verdict based on phrases found in the text of the case, the facts, and circumstances. "Before, our system can predict the court's decision only on the basis of a crime or opinions of each judge. We were able to predict the decisions of referees on the basis of the documents analysis, which were prepared by the court ", - said one of the study participants.

15. The principle of binding judicial decision. The court ruling, created with the help of artificial intelligence, will be imposed on behalf of the State, and the obligation of execution is equal to any other judicial acts. This foundation has a character of legal presumption, that the court decision is considered to be true as long as it is not canceled in the manner prescribed by the law.

Conclusion. According to the given above analysis, we can conclude that introduction of artificial intelligence, as a subsidiary subject to the judicial system will not infringe existing principles of the trial, but, on the contrary, increase the speed, efficiency, trial openness, as well as literacy and complete impartiality of adjudication that in its turn will lead to the increase of quality of justice and the level of trust of citizens to acting judicial system.

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