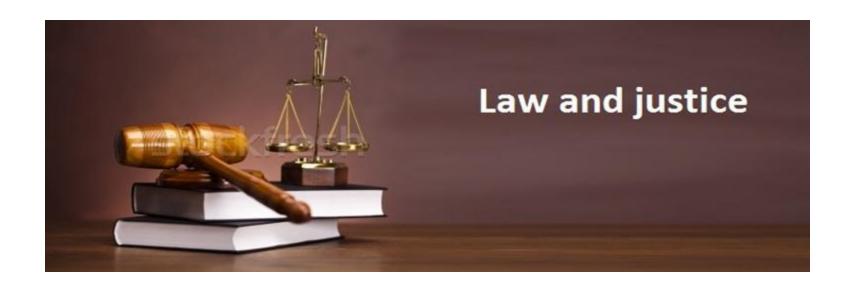
## XXII International Scientific Conference "Legal Days – Prof. Slavko Carić"

## Law and Justice



SESSION: INTERNATIONAL LAW AND THE CHALLENGES OF CONTEMPORARY SOCIETY

## Al for Justice or Justice for Al?

A critical analysis of algorithmic decision-making in judicial systems, examining whether Al serves justice or reshapes it to accommodate technological limitations.

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## The Central Question

#### Al for Justice

Technology serving fair and effective legal administration while upholding rights and due process

#### Justice for Al

Legal norms reshaped to fit technological limits and commercial pressures

This fundamental tension between technological capability and judicial integrity defines our contemporary legal landscape's most pressing challenge.



# The Loomis Case: A Turning Point

#### The Facts

Brandon Loomis, convicted in Wisconsin 2014, became subject to COMPAS risk assessment algorithm. Despite plea deal for one-year sentence, judge imposed seven years based on high-risk algorithmic predictions.

### Constitutional Challenge

Loomis argued COMPAS violated Sixth Amendment rights - unable to confront or challenge proprietary algorithmic evidence used in sentencing decision.

## Wisconsin Supreme Court Decision

01

Accommodation Over Standards

Court ruled COMPAS use constitutional, modifying legal analysis to fit Al opacity rather than requiring transparency

02

"Just One Factor"

Justified opaque algorithms as acceptable if combined with other evidence, despite inability to scrutinize

03

Precedent Set

Established framework where Al influences decisions without meeting transparency standards required of human testimony

# EU Al Act: A Different Approach

Justice as Standard

Requires AI systems to conform to established legal and ethical principles, not vice versa

Transparency Requirements

Article 13 mandates high-risk
Al systems be "sufficiently
transparent" for human
interpretation

Human Oversight

Article 14 requires effective
human supervision to
preserve agency in
fundamental rights decisions



# The Rowicz Case: Testing EU Principles

### Poland's SLPS System

Random Case Allocation System developed by Ministry of Justice to assign judges to cases. Raises constitutional concerns about separation of powers and judicial independence.

#### **Core Conflict**

Executive branch controlling judicial assignments through Al blurs institutional boundaries, risks indirect influence over judiciary despite algorithmic neutrality claims.



# Contrasting Philosophies



**US Approach (Loomis)** 

Adapt legal standards to Al limitations. Prioritize efficiency over traditional protections. Accept opacity for technological benefits.

EU Approach (Al Act)

Require AI to meet legal standards. Treat rights as non-negotiable. Demand transparency and accountability.

## Four Critical Dimensions



Transparency

Loomis normalized opacity; EU demands explainability as prerequisite for deployment



**Human Agency** 

Loomis reduced oversight to ceremony; EU requires meaningful human control



**Constitutional Standards** 

Loomis adapted rights to technology; EU requires technology to meet rights



Democratic Accountability

Loomis deferred to commercial products; EU demands public oversight



# Implications for Democratic Governance

The integration of Al into governance is not merely a technical issue but a societal decision about which values to uphold.

These contrasting approaches reveal whether democratic institutions must adapt to technological constraints or whether Al must conform to democratic standards. The choice shapes legitimacy, fairness, and accountability of legal institutions.

## The Path Forward

- Transparency as Fundamental Requirement

  Maintain accountability and legitimacy through explainable Al
  systems
- Preserve Human Agency

  Ensure meaningful control and expertise in Al-assisted decisions
- Democratic Participation

  Embed public values in Al governance through inclusive deliberation

The choice before us is critical: develop Al tools that support human judgment, or risk a system where efficiency trumps fairness, transparency, and accountability.





Thanks for your attention!

Any questions?