



The Indian Journal for Research in Law and Management

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Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

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ARTIFICIAL INTELLIGENCE AND LAW

~ *Alena Mary Jacob*

In laymen's terms, law refers to a set of rules created to maintain discipline, responsibility and order in society. It aims to protect, and defend the rights of the citizens. With the rise of modern technology, evolving legal systems, and with the expansion of the internet, there are mixed feelings of hope and uncertainty. Although, artificial Intelligence has brought significant progress in education, teaching, research and so on, yet it raises serious concerns regarding privacy, accountability and misuse. In many ways, society faces a paradox– it heavily depends on AI while simultaneously fearing its possible harmful consequences.

Justice Nagarathna, at the 22nd Biennial State-Level Conference of Judicial Officers in Bengaluru, themed “*Reimagining the Judiciary in the Era of Artificial Intelligence*”, organized by the Karnataka State Judicial Officers Association, had cautioned against over-reliance on artificial intelligence in judicial decision-making. She stated that, “*AI poses a threat to human cognition by influencing how information is processed and decisions are made*”, adding that judicial independence must now be understood to include independence from algorithmic influence.¹ The principle that must remain untouched is the Rule of Law. Irrespective, of how advanced technology becomes, the foundation of the judiciary cannot and must not shift. Justice involves empathy, compassion, context, and a deep understanding of human life, whereas a tool or a machine like AI cannot replicate that. Hence, the use of AI in judicial processes must be approached with a deep sense of responsibility. Unfortunately, many lawyers and legal experts use AI-generated judgments, and consider it as legal precedents, which ultimately leads to a compromised picture of the judicial system. Such an incident came into the limelight, when a Bench of Justice P. S. Narasimha and Justice Alok Aradhe during hearings linked to cases where non-existent judgments were reportedly cited in court records, which

¹ “Justice B.V. Nagarathna: Judicial independence must include freedom from algorithmic influence,” *The New Indian Express* (Apr. 18, 2026). <https://www.newindianexpress.com/states/karnataka/2026/Apr/18/justice-b-v-nagarathna-judicial-independence-must-include-freedom-from-algorithmic-influence> (last visited May 9, 2026).

were apparently AI generated verdicts. According to reports from court proceedings, the Bench orally asked the Bar Council of India to set up a committee of experts, including technical specialists, to study the issue and submit recommendations. The Court reportedly observed: “*We want the Bar Council of India to constitute a committee of experts...*”. However, the Bench clarified that no formal judicial order has been passed yet. The Supreme Court warned that such practices directly affect the credibility of the justice delivery system.² Globally, courts have increasingly flagged problems caused by unchecked AI usage in legal work. In the United States, several lawyers and prosecutors have already faced penalties for submitting AI-generated fake citations in court proceedings. Legal experts say generative AI tools can sometimes “hallucinate” and create fictional judgments, laws, or legal references that appear real but do not actually exist. Experts believe AI can still help the judiciary in research, document management, and reducing workload if proper safeguards are introduced. The United Kingdom (UK) has so far taken a light-touch regulatory approach to its strong artificial intelligence (AI) sector. While the lack of horizontal laws may create a complicated legislative patchwork, the government argues that this is conducive to innovation and agile technology. There is an AI bias that multiplies into systematic errors or unfair outcomes, due to factors like biased training data, algorithmic flaws, or human biases in the development process. It can manifest as discrimination against certain groups, perpetuating societal stereotypes, or leading to unfair treatment. Law firms, in such cases must exhibit accountable generative AI use, allow transparency around inputs, and emphasize on human oversight. Law firms can institute AI policies guiding proper usage, with implementation varying by organization. In the U.K., there has been a growing concern regarding the use of facial recognition technology developed by police authorities, due to the fact that it has been determined that there is a higher rate of mistaken identity (e.g. the use of hyper-accumulative identification rates) amongst people who are from the Black and Asian racial backgrounds, compared with people who identify as being from the white racial background. Facial recognition systems have been used to identify suspect individuals, however, these facial recognition systems have been shown to also inaccurately identify people at a higher rate in relation to certain racial and cultural groups, such as Black females. As a result, the use of these systems has raised questions about legal and ethical considerations related to racial discrimination, privacy rights, the right to equality before the law, and the fairness of policing. Some critics of the use of these systems have stated

² “AI Misuse in Indian Courts: Supreme Court, BCI & Fake Judgments,” *Indian Masterminds*. <https://indianmasterminds.com/news/judiciary/ai-misuse-in-indian-courts-supreme-court-bci-fake-judgments-202430/> (last visited May 9, 2026).

that over reliance on the use of these biased A.I. systems could result in the incorrect identification of an innocent person and may therefore affect the public's confidence in the integrity of the law system and the justice system. This incident has also helped to fuel the global debate surrounding the need for regular and accountable usage and equitable legal protections for A.I. usage in law enforcement and judicial institutions.³ The criminal justice system in the United States is an example where AI is being used in order to mediate between state and accused. It is becoming commonplace that 'pretrial risk assessment algorithms' are being consulted when setting bail, determining the duration of prison sentences and contributing to decisions concerning guilt and innocence. The basis for decisions made by these algorithms are factors such as age, sex, geography, socio-economic status, family background, neighborhood crime and family status.

In the case of *State v. Loomis*, the defendant received a prison sentence of six years. The sentence was affected by an algorithmic risk assessment tool which was used by a Wisconsin trial court. The Judges in the U.S., typically receive a Presentence Investigation Report (PSI), which includes information about the defendant's background. In this case, the PSI included an assessment created by a company named Northpointe Inc., whose product COMPAS used various information about the defendant's past to produce a bar graph predicting how likely he is to commit a crime in the future. Though there were several warnings against using such assessments because of their limitations, the Wisconsin Supreme Court affirmed the trial court's ruling and found no violation of the defendant's due process rights in the use of COMPAS. However, the court were unable to obtain full disclosure on how the COMPAS software operates because Northpointe Inc. refused to disclose this information because of trade secrecy issues. This case generated widespread debates concerning transparency, accountability, algorithmic bias and the ethical implications of using Artificial Intelligence within criminal justice systems.⁴ The rule of law as a legal notion is elusive, it is viewed as a political ideal, a mechanism for curtailing the abuse of power as well as a mechanism for ensuring that society uphold certain values, for example, human rights. Modern technologies are increasingly being used within society, AI a prime example. It is therefore important to pay

³ Dan Milmo, "Urgent Clarity Sought over Racial Bias in UK Police Facial Recognition Technology," *The Guardian* (Dec. 5, 2025). <https://www.theguardian.com/technology/2025/dec/05/urgent-clarity-sought-over-racial-bias-in-uk-police-facial-recognition-technology> (last visited May 8, 2026).

⁴ *Criminal Law—Constitutional Law—Wisconsin Supreme Court Holds that Use of Algorithmic Risk Assessments in Sentencing Does Not Violate Due Process—State v. Loomis*, 881 N.W.2d 749 (Wis. 2016), 130 Harv. L. Rev. 1530 (2017).

attention to these technologies, that challenge the ideals associated with the rule of law, as concept of traditional law.