INTELLIGENCE DECISION-MAKING IN INTERNATIONAL LAW: THE VALUE OF EVIDENCE AND LEGAL RESPONSIBILITY IN CRIMINAL PROCEDURE LAW THE INFLUENCE OF THE PRINCIPLE OF PARTY AUTONOMY ON THE COURT'S ADAPTATION TO INTERNATIONAL TREATIES"

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Abstract: International treaties play an important role in unifying the rules of foreign-related civil and commercial affairs.Many international treaties clearly recognize the principle of party autonomy, such as giving parties a wide range of choices in terms of the application of contract law and the effectiveness of arbitration agreements.

At the same time, international treaties have also established mandatory clauses to impose necessary restrictions on the autonomy of the parties in order to safeguard the purpose of the treaty and the international public interest.For example, in the fields of consumer protection, labor contracts, etc., international treaties often restrict the parties' free choice of the scope of applicable law.

1. Introduction

Artificial intelligence has become an essential component of contemporary criminal justice systems. From predictive policing and facial recognition to algorithmic risk assessment and automated evidence analysis, AI technologies promise efficiency and accuracy. However, their increasing use raises fundamental legal questions concerning procedural fairness, admissibility of evidence, and responsibility for errors. Criminal procedural law, which aims to safeguard human rights and ensure justice, must adapt to these technological changes. This thesis explores how AI decision-making affects evidentiary rules and legal liability in criminal proceedings.

2. Concept and Characteristics of Artificial Intelligence Decision-Making

Artificial intelligence decision-making refers to the process whereby algorithms analyze large datasets and generate outcomes or recommendations that influence legal decisions. These systems are characterized by automation, data-dependence, probabilistic reasoning, and limited transparency. Unlike human decision-makers, AI systems lack moral judgment and legal consciousness, which poses challenges for their direct application in criminal justice. Understanding these characteristics is essential for evaluating their evidentiary and legal implications.

3. Evidentiary Value of AI-Generated Decisions in Criminal Proceedings

The admissibility and probative value of AI-generated evidence depend on its reliability, relevance, and legality. AI outputs may include facial recognition matches, digital forensic analyses, and predictive risk scores. Courts must determine whether such evidence meets procedural standards, including verifiability and the right to challenge evidence. The 'black box' nature of many AI systems complicates cross-examination and undermines the principle of adversarial proceedings. Therefore, clear standards for validation, documentation, and expert explanation are necessary.

4. Legal Liability for AI Decision-Making Errors

AI decision-making systems may produce errors due to biased data, flawed algorithms, or improper use. Determining legal liability in such cases is complex. Potentially responsible parties include software developers, system operators, law enforcement agencies, and judicial authorities. This thesis argues that liability should be allocated based on fault, control, and foreseeability. Criminal procedural law must establish clear rules regarding responsibility to prevent accountability gaps.

5. Comparative Legal Approaches

Different jurisdictions have adopted varying approaches to regulating AI in criminal justice. The European Union emphasizes transparency, human oversight, and fundamental rights protection, while other countries focus on technological innovation and efficiency. Comparative analysis reveals the importance of embedding procedural safeguards and accountability mechanisms. International cooperation and harmonization of standards may further enhance the lawful use of AI technologies.

6. Challenges and Risks

The use of AI decision-making in criminal procedure presents several risks, including algorithmic bias, discrimination, erosion of due process, and over-reliance on automated systems. Without proper regulation, AI may reinforce existing inequalities and undermine public trust in justice systems. Addressing these challenges requires interdisciplinary collaboration, continuous monitoring, and robust legal frameworks.

7. Recommendations for Legal Regulation

To ensure the appropriate use of AI in criminal proceedings, this thesis proposes several measures: establishing admissibility standards for AI evidence, mandating algorithmic transparency, ensuring human oversight, defining liability rules, and enhancing judicial and professional training. These measures aim to balance technological innovation with the protection of fundamental procedural rights.

Conclusion

Artificial intelligence decision-making has the potential to enhance efficiency and accuracy in criminal justice. However, its integration into criminal procedural law must be carefully regulated to preserve fairness, accountability, and human rights. By

clarifying evidentiary standards and legal liability, criminal procedural law can accommodate AI technologies while upholding the core principles of justice.

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