DOI: https://doi.org/10.56461/ZR_22.DUKPP.20

UNDERNEATH THE ROBOT JUDGE'S ROBE: DEMYSTIFYING THE USE OF ARTIFICIAL INTELLIGENCE IN CRIMINAL JUSTICE THROUGH A GLOBAL SOUTH PERSPECTIVE

Leonardo Simões Agapito*
Matheus de Alencar e Miranda**
Túlio Felippe Xavier Januário***

Scientific and technological developments in the field of autonomous systems and artificial intelligence have provided and boosted their use in the most varied sectors of society. It is no different with activities carried out within the scope of criminal justice. Examples of these technologies being used in criminal investigations and procedures, including in assisting judgments, are increasingly frequent. However, it did not take long for questions to be raised regarding the limits of these systems and their possible impacts on the individuals' guarantees. Although we cannot deny that some particularities of these technologies, especially of AI (such as the opacity and unpredictability of its output), pose risks to some fundamental guarantees in criminal proceedings, there is, in our view, at the basis of many doctrinal criticisms, a certain misunderstanding on what these technologies actually are, how they operate and how they are being used in the justice system. In view of this scenario, the aim of the present paper is precisely to investigate how artificial intelligence and autonomous systems have been used in criminal justice, so that we can identify what are, in fact, their potential impacts on Defendants' rights and guarantees. For this, we will initially study the concept and operation of these technologies, so that we can understand their particularities. Subsequently, we will analyze their concrete application in the judicial sphere. For that, we will adopt as object of study, two of the best known systems of judicial assistance – HART and COMPAS – and the system used in Brazil, namely, the VICTOR. From the conclusions reached in the first two topics and applying the deductive methodology, we will seek to demystify some legends related to the so-called "robot judge", identifying what are, in fact, its potentials and limits and which are the guarantees that are at stake.

KEYWORDS: *artificial intelligence; robot judge; decoloniality; global south.*

* PhD Student in Latin American Integration, University of São Paulo (Brazil).
E-mail: *leoagapito@gmail.com*

** PhD Candidate in Criminal Law, State University of Rio de Janeiro (Brazil).
E-mail: *matheus.alencarm@gmail.com*

*** PhD Fellow, Fundação para a Ciência e a Tecnologia (FCT), University of Coimbra (Portugal).
E-mail: *tuliofxj@gmail.com*

INTRODUCTION

Scientific and technological developments in autonomous systems and artificial intelligence have provided and boosted their use in the most varied sectors of society (Januário, 2020b: 95ff; Estellita, Leite, 2019: 15; Hilgendorf, 2020: 43; Januário, 2020a; Januário, 2022; Pereira, 2021: 235; Machado, 2019: 101; Januário, 2021c; Rodrigues, 2021a.). It is no different with activities carried out within the scope of criminal justice.

Examples of these technologies being used in criminal investigations and procedures, including in assisting judgments, are increasingly frequent. However, it did not take long for questions to be raised regarding the limits of these systems and their possible impacts on the individuals' guarantees.

Although we cannot deny that some particularities of these technologies, especially of AI (such as the opacity and unpredictability of its output), pose risks to some fundamental guarantees in criminal proceedings, there is, in our view, at the basis of many doctrinal criticisms, a certain misunderstanding on what these technologies actually are, how they operate and how they are used in the judicial system. Nevertheless, questions about the criminal procedure model itself need to be asked previously.

In this scenario, the present paper's objective is to investigate the criticisms that can effectively be directed to the use of technology in judicial activity in the criminal sphere. To do this, we will initially do a brief study on the concepts and operation of these technologies so that we can understand their particularities and concrete application in the judicial sphere. Subsequently, we will analyze in detail the criminal procedural model and the criticisms that can be directed at it. To do so, we will make a case study of some Latin American examples of alternative criminal procedures. In the end, we want to demonstrate that, although there are pertinent criticisms that are directed to the so-called "robot judges", which point out problems that in fact must be faced so that there is a fair and adequate application of these technologies in the criminal justice system, there are even more fundamental problems in the criminal procedural model itself, which must be rethought to become a truly democratic instrument.

1. TECHNOLOGY IN JUDICIARY SYSTEM: CONCEPTS, LIMITATIONS AND THE CRITICS DIRECTED AT IT

The automation of repetitive tasks that require the processing of a large amount of data has become increasingly common in the most diverse sectors of activities, including in the scope of investigations and criminal proceedings. It is important to note that this automation still occurs mainly through autonomous systems, although there is undeniable room for expanding the application of artificial intelligence[1] (A.I.).

[1] According to Fabiano Hartmann and Roberta Zumblick, artificial intelligence operates through the identification of patterns in the available database, prioritizing, from them, behaviors that have positive effects related to the objective sought. Widely used to find patterns and classify documents, this

In this scenario, some questions arise due to the implementation of this level of automation in the "typically human" Judiciary System, mainly in criminal issues, where the individualization of every case and person is most likely expected. These questions come in an even larger number when the technology used is the A.I., concerning its specific problems. The journey of this criticism will be explained here, but first, it is necessary to understand *if* A.I. is the key factor to pose new challenges and how the technology capable of autonomous decision-making is inserted into the criminal system as a whole.

In the distinction between A.I. and autonomous systems, it is important to note that the European Commission (2018) defines artificial intelligence as 'systems that display intelligent behavior by analyzing their environment and taking actions – with some degree of autonomy – to achieve specific goals'. They 'can be purely software-based, acting in the virtual world' (e.g. voice assistants) or 'embedded in hardware devices (e.g. autonomous cars).

Despite some lingering discussion on this topic (Santosuosso, Bottalico, 2017: 35ff), we can consider A.I. as machine intelligence, capable of solving problems in a way similar to a human being. In other words, with the purpose of solving a problem, it has the ability to understand its environment through data inputs and, based on them, choose a course of action. It is undeniably an 'umbrella concept', which encompasses several subfields such as robotics, machine learning, and natural language processing (Calo, 2017; Peixoto & Silva, 2019: 75; Agapito, Miranda, Januário, 2021).

This definition is somewhat close to the classification proposed by the European Commission's High-Level Expert Group on Artificial Intelligence (2018: 7), which is intended precisely to improve the abovementioned concept. According to them, the comprehension of A.I. can involve two perspectives: by I) *Artificial Intelligence as "systems",* we can understand softwares or hardwares that, to achieve a complex goal, perceive their environment, interpret the collected data, reason on this data and decide the best action(s) to take (according to pre-defined parameters) in the physical or digital world. Besides that, some can also learn to adapt their behavior according to their previous experiences. II) As a scientific discipline, A.I. encompasses several approaches and techniques, such as machine learning, machine reasoning, and robotics.

Although the "intelligence" of these systems is sometimes impressive, A.I. is not the only specie of technology capable of autonomous decision-making (without immediate human intervention). There are several algorithms able to do it, despite being the product of pure human previous programming, not using the ability of A.I. to reprogram itself to adjust precision.

As such, we can understand pre-programmed automation (P.P.A) the systems capable of autonomous decision-making but are products of pure human previous programming[2]. In other words, they have the ability to react to the environment without

technology has expanded to other functions as well. See: Peixoto; Silva, 2019: 63ff. See also: Agapito; Miranda; Januário, 2021: 89.

[2] We are aware of the use of heuristic algorithms in the IT language and in another opportunity, we used the terminology "autonomous system". See: Agapito, Miranda, Januário, 2021. We are also aware both terminologies are correct, but this time we preferred to use pre-programmed automation for law science

the need for human intervention (therefore, autonomous, like A.I.), but cannot select a course of action or elaborate a new solution to a problem (therefore, not intelligent). They only present a pre-programmed response according to the environment identified (Hilgendorf, 2015; Peixoto & Silva, 2019; Agapito, Miranda, Januário, 2021: 89-90).

It is important to mention that when these technologies are applied in the Judicial System, many critics arise, mainly around the A.I. The first concern regards the data used as *input*. Since artificial intelligence depends on processing a huge amount of data, their security, reliability, and lawfulness become an important issue, especially if we consider the risks of violation of the holders' rights and data bias, which may reflect developers' prejudices and discriminations (Agapito, Miranda, Januário, 2021: 96; Mulholland, Frajhof, 2019; Yapo, Weiss, 2018: 5366; Peixoto, Silva, 2019: 34-35; Januário, 2021b; Miranda, Januário, 2021: 286ff.)

In other words, scholars point out that, contrary to what happened in the past, when data sharing depended on minimal conscious conduct by data subjects, they are shared massively and depend on a simple active conduct of their holders. Based on that observation, there is a justified concern that there will be an ever-increasing intrusion on people's intimacy and privacy on the grounds of arguments such as greater efficiency in police activities and in the criminal justice system (Miró Llinares, 2018: 114ff).

Besides that, there is a concern regarding the eventual accentuation of criminal selectivity to the detriment of certain groups. Using factors such as ethnicity, race[3], gender, place of residence, and profession to determine greater or lesser preventive policing or the risk of recidivism and whether a specific citizen is entitled to a certain alternative penalty or precautionary measure will definitely demonstrate a sort of *algorithm discrimination* (Miró Llinares, 2018: 120ff).

Finally, data may end up being inaccurate or invalid. This can happen when the data employed for training the algorithm is poorly applied by the programmer, when they are collected in a very strict period, or when they are not representative enough. With poor data being used as input, poor outputs will be achieved, increasing the chances of errors and perpetuation of discrimination and prejudice (Miró Llinares, 2018: 122ff).

Another concern is related to the *opacity* of artificial intelligence. By that, we mean that the comprehension of the relationships between a given input and an achieved output, especially the foundations of a decision made by the algorithm, is very difficult. A.I. is often compared with black boxes since the conditions for fully understanding the outputs' "how" and "why" are very limited (Burrell, 2016: 1; Price II, 2017: 2; Wimmer, 2019; Rodrigues, 2020b: 25.).

Furthermore, we cannot disregard the issues related to the *unpredictability* of these systems. Once their algorithms have the ability to learn from their previous experiences

because it is the best technical expression for a legal system, considering the potential of communication of the meaning of the technology in terms of its production and consequences for the law.

[3] As explained by Anabela Miranda Rodrigues (2020a: 233), it is important to point out that the variable "race" is not expressly used by these systems. However, other elements are applied and end up implicitly reflecting racial prejudice.

and adapt themselves to achieve their goals better, the output reached by A.I. sometimes cannot be foreseen even by its programmers.[4]

For those reasons, far beyond the relevant controversies in evidentiary matters that A.I. raises (Quattrocolo, 2020: 37ff; Gless, 2020: 202ff; Fidalgo, 2020: 129ff; Canestraro, Januário, 2022), some scholars sustain that its application in criminal justice system itself, depending on its form and intensity, could represent a violation on some of the defendant's rights and guarantees, such as his right to a defense, to a public trial, and the right to appeal[5].

As we can see, P.P.A. and artificial intelligence, when applied in the most varied phases of criminal prosecution, spark endless debates regarding their feasibility, limits, and implications (Kehl, Guo, Kessler, 2017; Chiao, 2019). We believe, however, that despite the adequacy and fairness of many of the critics directed to technology in the criminal justice system, some of them are built on premises that are, in our view, inaccurate. Briefly, we understand that there is a misunderstanding of how these technologies are really applied in practice, besides suggesting that they have been applied (and consequently disturbed) in an effective criminal procedure model. It disregards, therefore, that many of the problems observed reflect a more significant issue related to the criminal justice system itself.

First, it must be noted that all critics are generally directed to A.I., ignoring that P.P.A is also part of the same problem, with similar consequences. The difference between them is much more related to how to address responsibility to people involved in each case, bringing specific and controversial problems. As explained by Cathy O'Neil (2016), more than the distinction between A.I. and P.P.A., what is relevant to consider is the mathematic models, the algorithms, and the way they are built.

Regarding human responsibility, however, it is very important to understand the different types of technology and how they are applied to the Criminal Justice System. In other words, if the system is fully pre-programmed, it is necessary to find the decision-makers that decide how the machine would automate decisions. On the other hand, if the machine learns how to improve itself and solve different problems, it is necessary to identify the ones that were responsible for the definition of the objectives, path, and testing of A.I.

Finally, it is important to note that some of the critics seem to understand that the application of these technologies restrains their sentencing when they would be

[4] Susana Aires de Sousa (2020: 64) highlights that the specificity of autonomous systems is precisely their ability to reach outputs with no interference of the programmer, but only through information and experiences acquired by them. Therefore, they are able to obtain answers that were not even imagined by the individuals and make decisions that can even be against the law.

[5] According to Anabela Miranda Rodrigues (2020a: 230ff), due to algorithms' opacity, relevant decisions to the Defendants are taken without them having the opportunity to know their foundations. Besides that, the development of these technologies is under the charge of private companies, which have no interest in disclosing the particularities of their operation. This causes difficulties in the public control of judicial decisions and a certain "unaccountability" on the part of the judges, which no longer see the decisions as their own. Luís Greco (2020: 43ff.) also sees in the lack of a person accountable for the decisions, the main issue with the so-called "robot judges".

"deciding" similarly or instead of a judge. However, as we emphasized before (Agapito, Miranda, Januário, 2021), the decision-making capacities of A.I. and P.P.A. are helpful in several other procedural phases when a decision has to be made, such as surveillance, intelligence, investigation and sentence serving.

These misunderstandings on the concrete applications of technology end up limiting the scientific capacity to analyze and propose valid changes in this scope. In fact, instead of this consolidated idea of systems that judge and hinder and that must be excised from criminal justice, we should accept that some of these technologies are already a reality in the criminal justice system and that would be much more productive to direct our energy on identifying which kind of technology and decision-making processes are (and should be) accepted according to law and the protection of human dignity.

However, as we briefly addressed in the introduction, these scientific guidelines are dependent on the accommodation of another stodgy reality: criminal justice system is not even close to being satisfactory in terms of peace building and conflict overcoming. This is what we will seek to demonstrate through the case study in the next topic.

2. LONG BEFORE THE ARRIVAL OF TECHNOLOGY: SCRUTINIZING PROBLEMS OF CRIMINAL PROCEDURE IN LATIN AMERICA

Brazilian contemporary criminal justice system has unquestionably perpetuated the Portuguese institutions, the influence of German and French concepts, and, more recently, a considerable alignment to the United States' common law. Herman Dooyeweerd (2015) explains that western law relies on an ancient Roman tradition, which divides public and private law. For Dooyeweerd, this separation has its legitimation in the Roman society organization by "families". This family concept included much more relatives than nowadays and had a leader, the "paterfamilias", who was not only the decision-maker, the head, and the legal representant of this large group, but also its priest, responsible for spiritual ceremonies and guardian of family's gods, ancestor's worship, knowledge, and traditions. There was a division between private gods (family's worship) and public gods (the gods of the State, "imperium", like Caesar himself), both with an ancient common origin (no hierarchy between public and private forums). In other words, the conflicts inside the family were legally solved by the "paterfamilias", but the conflicts with the State might be solved by public institutions with "religious status". It is no surprise that Braithwaite (2014) sees in western criminal systems the sobriety (seriousness) of a cult, or, we should say, of a Roman Christian cult.

The first response to this perspective could be that only an unreligious procedure (empty of any transcendent content) would be able to answer different religious perspectives at once. So, a great effort would be made to exclude every religious reference and traditional symbols without any success for at least four main reasons: a) because every action will always be interpreted by the interested parties of the procedure by religious

meanings (*e.g.* revenge from gods, divine will, or universal balance); b) the separation of religious authorities and political authorities is far from being a consensus for a large number of non-Christian traditions, which see peace and reconciliation as spiritual experiences; c) the rituals became empty without a transcendent meaning, which depends on creating a whole new perspective to the interested parties (without significance it is harder to obtain collaboration); d) all religions deals with similar concepts that are substantially important to a criminal procedure (*e.g.* justice, truth, revenge, forgiveness, an reconciliation) which might build bridges in conflicts.

In fact, the superficial discourse of secularism, liberal principles of tolerance by "equal distance" and neutrality of institutions is at least a great part of the reason why: a) criminal justice struggle to legitimate itself in different communities (not only on rural areas, but also in urban peripheral communities); b) criminal system may judge damages caused against companies and accept a "business ethics" and "corporate citizenship" faith, but it still blinds to all the complexity of environmental harm for indigenous people; c) legal reforms debates are more about efficiency and "war on crime" by criminal procedure than safety consensus and peacebuilding. Criminal justice is not using socially meaningful instruments and are not able to listen to people's real expectations on criminal cases.

The religious intolerance in Brazil have still been an issue since the Colonization. It would be naïve to ignore all the current violence and racism against Indigenous and African beliefs. But there are plenty of examples of resistance inside symbols and religious rituals. The "rustic Catholicism" (*catolicismo rústico*)[6] has been important to preserve traditional knowledges from ancient communities. The Brazilian "benzeideras", the use of images identified as Catholic saints and African gods, even folk stories about how World was corrupted or saved (Bosi, 1992: 54). Syncretism is not a "case of complete success", but it demonstrates that different cultures are able to dialogue and survive.

By not listening to religious traditions, along many other cultural forms of expression, the criminal system has not allowed minorities to create something new, to express themselves, to show its pain. It has not allowed resistance. The "so-called" neutral justice is a monopoly of narratives. The criminal system needs to re-fund its rituals and symbols, which are the social meaning and territorial values shared. More than that, it needs to find new (actually, they are meaningful ancient) perspectives of justice, retribution, and restauration for a more effective system, identified with its society.

2.1. Decolonization: how deep should we go?

The Constitution of the "*Estado Plurinacional de Bolívia*", from 2009, is a great example of this syncretism on Law and its institutions. In the preamble, it proposes to overcome the "colonial state", building a "Social Unitarian State under Plurinational

[6] See: Queiroz, 1968: 106. The author explains that African cultures could resist better in urban areas, while indigenous traditions had a better chance to survive in distant areas. However, the folklore and traditional celebrations may reveal deeper roots.

Community of Law", re-founding the country "with the strength of Pachamama and the grace of God". To ensure the protection of diversity, art.30, II, guarantees the recognition of indigenous community institutions as part of the general structure of the State (5) and the "exercise of political, legal and economic systems according to their worldview" (14). There is also the guarantee of due legal process in a "plural justice" (art.115, II) and the exercise of the adversary by ordinary means or by indigenous justice (119, I). In the art. 28 of the Bolivian Criminal Procedure Code (Law n.1970 of March 25, 1999), "community justice" is recognized with the same value as the ordinary justice system in cases involving members of the same community.

It is important to remember that the criminal procedure is not about punishment or guilt attribution. It is about solving conflicts, social pacification. It is about understanding injury, the leading cause and what might be done. In simple words, criminal procedure has the mission of finding the truth and to decide how to respond to it. To build this "truth", all the affected agents will intent to expose their perspectives and narratives. A consensus might be necessary in some communities or democratic systems and reparation, retribution and restoration might be possible if one of these makes some sense for this specific community.

Néstor García Canclini (1989: 263), writing about culture in Latin America, investigated a particular aspect of regions' identity, the hybridization of traditions of different origins, classes, and nations, which directly affects the dynamics of power. The dispute in urban public spaces between old statues, graffiti, social movement's signs, and advertisements is a great example of what it means to have a "dispute for a narrative", construction of meaning, and legitimacy. In this scenario, the author notes an ostensive fragmentation of messages and the surpass of territory as a fundamental element of cultural restrictions. To the author, Latin America has a long story of cultural hybridization. However, new technologies speeded this phenomenon in a particular way that overshadowed the difference between mass culture and popular culture, allowing individuals to create unlimited contents and variations.

In this scenario, a plural criminal procedure is not only about parallel systems. It is about social participation, new instruments, new dynamics built by community and new consequences for each process model. The process is not an island in society, it is also a great opportunity to rethink relations and social needs. In that way, it is important to observe what has already been made in the Plurinational State of Bolivia, and the different great proposes of John Braithwaite, as: a) the need for a double consciousness; b) the dialogue through symbols and myths; c) the pursue for cultures of reconciliation and long-term projects. However, we also need to take a better look at the specificities of Brazilian conflicts.[7]

[7] These topics were explored in detail at: Braithwaite, 2014. The present paper intents to make a review applied for Latin American context.

a. Double consciousness

The recognition of communitarian institutions in Bolivia is extremely important for enhancing community identity, protecting its members, and maintaining social cohesion. As presented by Donna Lee Van Cott (2006), the processes of independence in general, guided by liberalism and positivism, did not bring recognition of the diversity of legal systems. Despite that, the systems continued to exist. As a consequence, we may assume that Brazil has already had many different legal systems, even without formal recognition. Isolated communities have their means of settling disputes, which tend to be as much freer as their seclusion. In this scenario, it would be naive to think that formal judicial institutions can be better for the community where there is not even formal health care service and essential medicines.

Although the Bolivian model brought autonomy and recognition, Braithwaite (2014) made an important observation about "vernacularizing" institutes. When assimilating procedures, new issues might be caused, as the reduction of effectiveness of sanctions and consequent naturalization of causing injury, especially against vulnerable people, such as women and children.[8] But also, traditional procedures may not have enough guarantees or know-how to judge new kinds of harms as economic frauds, crimes against consumers, and intellectual property violations. As an example, both traditional institutions (unprepared or without recognition) and formal institutions (absents) are not able to protect isolated communities from harms produced by companies, such as soil and water pollution. Traditional justice must be evaluated by its social impacts, just like any other criminal policy.

As proposed by Braithwaite (2014: 220), an open dialogue between members of different communities is essential to the development of a "double consciousness". Both sides need to investigate together which one considers a harm and what kind of response is expected for those who violate it. In some cases, members of an isolated community might discover new standards and harms that cannot be accepted anymore and also how serious this harm really is for them. A great example of this "double consciousness" was demonstrated in 2019, in the first "*Marcha das Mulheres Indígenas*", occurred in Brasília, which produced a final report about female leadership, matriarchal traditions and education. In this document, the violence against women is presented as a consequence of colonization, but also as cultural heritage that needs to be transformed. The event became the biggest feminist protest in Brazilian history after the indigenous feminist movements also invited many other feminist movements to join them. In other words, the greatness of the event became from the huge support given to indigenous women to use their own voice for their own demands.

In summary, different than the Bolivian proposal, it is the conflicts between different communities that demand hybrid processes, that better listen to the victims, better meet the defendant needs and may offer an adequate integration. Criminal justice is also

[8] Braithwaite (2014) presents the institute of Bulubulu, which was a meaningful ritual of reconciliation and reparation, but it became an authorization for rapes when applied for sexual violence.

about social awareness and social engagement to present complaints and to demand reparations. Hybrid procedures might develop instruments more accessible than formal justice, but also use the duties and protections offered by formal procedures (*e.g* whistleblowing protection, identities secrecy or even bodyguards for defendants) (Schavelzon: 2016).[9]

b. Dialoguing by symbols and myths

When a dialogue is proposed, there are instruments to investigate, but also important roles to be played and respected. Community leaders are not "representants" of a group. They may be judges, mayors, or priests. Some roles are too complex and depend on a deep understanding of the community for a meaningful role assignment on criminal procedure. It is not a simple "talk". A hybrid procedure depends on hybrid institutions, and hybrid Courts. International criminal law and post-conflicts Courts already discussed it a lot. However, the biggest difference here is not identity and representativeness, although those elements remain important. As demonstrated by Braithwaite (2014), the complexity of harm and the plurality of its meanings (as sensitive cultural and spiritual consequences) create a social claim for responses that might only be satisfied by those particular roles.

A great example, is the Plan de Sánchez massacre, judged in 2004 by the Inter-American Court of Human Rights (IACHR)[10], revealed different forms of violence perpetrated by public officers during the criminal investigation. At first, members of the Guatemalan army invaded different communities and killed children and the elderly, sexually assaulted women, and disposed the bodies in mass graves. When a community member died, these communities had traditional ceremonies that should take weeks before a burial. Also, family members had to be buried close to their homes, for different spiritual reasons. In the following months, those villages were supervised by the Guatemalan army, which forbade religious rituals and limited their daily activities. Twelve years later, when the State started to investigate the massacre, the bodies were removed and manipulated without any special consult of families and local religious leaders, which the community interpreted as a repetition of violence. Paying attention to customs and practices prevents revictimization by judicial procedures.

On the other hand, as observed by Braithwaite (2014: 223), the penalties applied can also generate good or bad spiritual consequences, for example, a "new balance between different worlds" or "attracting the fury of the gods". Again, communitarian justice mechanisms should not be implemented without thinking about their political-criminal effects, yet, choices must be made collectively after all the consequences

[9] The author explains the risk of popular lynching and the use of traditional justice as an excuse for pure revenge, as might had occurred with Bolivian ex-vice President Víctor Hugo Cárdenas.

[10] See: Inter-American Court of Human Rights (IACHR) (2004). By the time of the trial, many traditions had been lost by the death of ancient members and the fear of survivors. Many of them had already accepted the Christian faith to be included in a new community in cities (looking for social acceptance). On this matter, see: YATES, 1984. The documentary presents the growth of Pentecostal churches during the U.S. endorsed military coup.

are exposed and considered. Criminal sanctions are not like math to be applied by an isolated judge, an autonomous island of reason. In this aspect, except in simple cases or special jurisdictions, the Bolivian penal procedure code provides a Judgment Council, joined by a technical judge and two random citizens (art.53 and 57, Bolivian Code of criminal procedure).

Finally, Braithwaite (2014) also made an excellent observation about myth and law enforcement. A criminal procedure may also incorporate the spiritual consequences to encourage compliance. To restore peace, different commitments and promises are made between the convicted person, the victims and their communities. If a commitment is violated by someone, what could happen to them? The myth might be able to discourage revenge, to create satisfaction on shareholders and to establish insurances. The myth communicates social perspectives, but it also illustrates how this group would deal with betrays and lies.

Of course, there will also be new reactions during these rituals and procedures. Western courts tend to be rigid and serious, without much space for laughter or even tears. As demonstrated before, the way in which western courts carry out their acts is intrinsically linked to the Roman religiosity of the "imperium", which was sober. This same logic is not present in other cultures, where activities can oscillate between comedy and tragedy, as presented by Braithwaite (2014: 230). Again, an immersion into Latin American religiosity and plurality is necessary to see that emotions tend to be exposed as a demonstration of commitment and personal concern.[11]

The end of apartheid in South Africa is a demonstration of how essential emotions are. Desmond Tutu (2000) narrates the 27th of April 1994, the first time that the country's black population could vote, as a day of joy, prayers, clapping, singing, and dancing. The pain of centuries was not easily overcome, overcoming requires intensity. Emotions are natural, unavoidable, but also symbolic. As presented by Braithwaite (2014: 230), during his experience on East Timor Commission for Reception, Truth and Reconciliation, the public joined the sections and testimonies, saluting with applauses and gestures of respect for those who confessed and laughing at those who lied.

The procedure, in the search for a better understanding of the facts that occurred, must be prepared for the unspoken, for the internal demands of the parties, for the social feeling of vulnerability. Moreover, during these sections, a much more violent feeling might grow on each side. How to deal with the unforgivable? Braithwaite's proposal relies on the surpass of a spiral of shame, anger, and violence. According to the author, the criminal procedure must interrupt this circle, so that the defendant does not need to fear the truth and its consequences. Thus, not all human feelings might help, so the myths should encourage collaboration and integrity, but also it needs to reward them.

And how to reward the defendant that pleads guilty? The myth might offer some possibilities.

[11] As an example, see: the Inter-American Court of Human Rights (IACHR), 2013: 90. The relatives demanded a "public act" that would dignify the life of Jeremias Osório. Memory, visibility, non-repetition. The requests of the victims of the Inter-American Court will exemplify a subjective world that demands externalization. Image restoration, confession and commitment.

c. Peacebuilding as a long journey

Padilla (2005: 214) made an interesting report about a case that occurred in 2003, in Totonicapán, Guatemala when two members of an indigenous community were caught trying to rob a house in another community. Initially, the community to which these individuals belonged felt extremely ashamed and proposed the sentence of twenty years in prison, without any right to defense. However, the dialogue turned in a different direction after many manifestations. The community started to reflect on reasons to rob and their needs, their hunger, and which values must prevail. The conclusion was that "punishment does not clear the mind, work does." The community decided that both defendants must clean their names and repair the invaded community with voluntary work. Reparation, honor, work became more important than revenge, blood, and fear. The turning point emerged with the question: which values may create a stronger community?

By this report, it is possible to conclude that reconciliation and other restorative justice values are not exactly "natural", but they are possible. During debates, there is much to hear and evaluate, because society does not feel the act by itself, but the complexity of causes and its consequences, mainly when harm became common. Why did police shoot again? Why have companies always ignored the risks they are aware of? Why would people burn a bus? Why have people been living in a piece of land that does not belong to them? The judicial procedure become nonsense without these answers.

Colonized procedures are long, formal, and limited. They search for an episodical solution. Traditional justice also offers a great opportunity to revisit institutions, rebuild solidarity, and create new relations. In this scenario, it becomes impossible to simply compare the formal justice system and traditional instruments of conflict resolution. However, as proposed by Braithwaite (2013), there will be no better moment to discuss what is expected of government and corporations as during the criminal procedure. Liability must be evaluated not only by what was done (wrongdoing), but actually by what should be done (compliance). Criminal procedure is a lesson for the future, a journey for the truth and for a better society, with mature individuals and stronger connections.

Every society has its own myths about this journey. The hero that was not prepared for the challenge. The defeat and the pain. The supporters, the wisdom, the lessons. The reborn, return of a king (queen), and a final victory when everything becomes better than ever. This is the story of Moses, Hercules, and even Anakin Skywalker, as demonstrated by Campbell (1997). The journey is a symbol of all people's life. The struggles, the "no comeback point". Of course, there will be fear and anger, shame, and regret. But the myth has the keys to salvation, regeneration, forgiveness, and remission. It demands a complex process and is far from being fast. No journey is easy or simple, but it might be possible.

As demonstrated before, all interested parties must join this process to compose the truth with their fragments (in different forms), and to build a new solution with their needs. But the truth will not always be revealed by spoken dialogues. As exposed

by Braithwaite (2014), Indonesia's peacemaking process "dismissed" the search for truth by long and diverse testimonies, deciding to pass through a reconciliation agreement that was radically embraced by sharing tasks and voluntary services. The "unspeakable" was said by sharing each other's pain on service. By the other hand, every IACHR decision says that "this judgment is, *per se*, a form of reparation", which is false. The Courts opinion can not heal anything by itself, especially when this opinion occurs far from the place where the harm was made. Healing comes through the journey, by social engagement, even media accountability, public acts.

For Braithwaite, this limitation of criminal procedure, especially in international courts, is the reason why "justice" might be pursued by many doors. Parallel initiatives from different actors, pursuing public awareness, recognition, and forgiveness. Justice must find its own multiparty way. In the author's words:

"For this we need a formalism of criminal law that enables informalism, and an informalism that enables formalism. This is so if there can be strength in the convergence of weaknesses of formalism and informalism in the longue dure´e of international justice." (Braithwaite, 2020: 26)

In conclusion, when comparing the formal criminal system and traditional justice, we may find ourselves comparing things that are very different because communitarian decisions have a much bigger meaning; or, because communitarian instruments are also part of something bigger. Decolonizing criminal justice means that our justice standards must grow in a more diverse and complex reality (Haesbaert, 2021: 318).[12] Decolonizing also means surpassing modernity and its fragmented worldview. And, if "justice comes from many doors", as Braithwaite said, those should also be respected and accepted by the same criminal system.

d. Criminal procedure tendencies in Brazil

Despite what we have exposed, the Brazilian judicial system has been following a different direction. The latest criminal procedure reform is a big example of the principal value followed by legislators and legal practitioners: "efficiency" (*e.g.,* Law 13.964/2019).

As demonstrated, the criminal procedure must allow all interested parties to join it. However, the United States' influence pushed legislators to adopt a new perspective, where efficiency means "quick procedures and easier solutions", reducing "legal guarantees" and "impunity". Suddenly, the criminal procedure became an uncomfortable detail before tougher sanctions.

In that case, different bargain solutions were implemented to dismiss a more prolonged investigation (e.g., Art.28-A, *Brazilian Criminal Procedure Code*). A shorter process is not only a good deal for judges and public prosecutors, whose careers are benefited from productivity, but also for companies. In Brazil, a corporation can only be charged by environmental crimes, where quick procedures will not be able to demonstrate all

[12] The author demonstrated the importance of local radio station to build reconciliation and social pacification.

the consequences of a disaster (as a dam rupture or an oil leak). On the other hand, quick procedures and short investigations limit the collection of evidence in financial crimes, which allows companies to use compliance programs and internal investigations to transfer liability to lower employees (Laufer, 1999).

Of course, nobody would benefit from a long-life criminal procedure where confused and empty acts are repeated with no special reason than legitimate itself. Brazilian judiciary has many investigations standing in cabinets, waiting months and years in an infinite line to be presented to a judge. Efficiency should not be faced as "a cleaning operation". Proposals should reflect on urgency (not hurry, but an active posture by the judiciary), plural participation, and social engagement, not simply on the lapse of time. Why does a fast decision matter without hearing the victims? After a year or even eight years, the feeling will be the same: abandonment.

In the opposite direction, there is no contemporary legal reform proposal for corporate criminal procedures. In Brazilian criminal law, there are no more than five articles about legal consequences for corporate crimes (Lei n.9.605/1998). Simultaneously, administrative and civil liabilities may also be negotiated by fines and compliance commitments, although all the challenges faced by victims and public authorities to enforce fulfillment. The Brazilian judicial system needs to adopt a new and socially meaningful procedure without easy solutions for corporate abuses.

CONCLUSION

Considering what we have emphasized in the last topic, we understand that it is necessary to address the question of technology in the criminal justice system through a different perspective from now on. We still agree that the main challenge in dealing with autonomous decisions in criminal justice is to secure transparency and accountability - through the disclosure of autonomous decision steps – and also the elimination of data bias, which might guarantee a more reliable A.I.

However, overcoming these issues does not necessarily make A.I. more legitimate when applied in the criminal justice system. Technology *per se* is very effective in achieving greater efficiency in some activities that demand the processing of a massive amount of data in a reduced time. However, it does not necessarily secure fairer decisions and, even less, peacemaking between the parties, especially if applied in a criminal procedure model that is ineffective in achieving these goals. In other words, technology is not the cause of several problems pointed by some scholars, but it will not be the solution to them as well, unless it is accompanied by structural changes in the criminal justice system.

As some kinds of technology have an undeniable disruptive capacity, they have the potential to be an important tool in overcoming traditional, expensive, and ineffective legal procedures. The technology of the future should therefore be seriously investigated and applied to support a more democratic, plural, and effective procedure in conflict resolution.

As we demonstrated through the Latin America's case study, traditional justice instruments are inadequate for countries that face a large number of violent deaths per year, high crime rates, and demand fast decisions every day in a judicial routine. They need exactly the opposite than merely fast decisions in a judicial routine. There is a social claim for justice, but isolated judges are not able to understand and political judges are to dangerous to have this power. New policies need to be developed and corporations need to be charged for real. Traditional justice instruments might offer new answers for questions that the judicial system has only worked to silence.

Most important, traditional justice is not an alternative path. It is the community's identity, the legitimated way, and the autonomy to say what matters to society. Justice is a deeper concept than academic graduation. It is created from the community's values, built by ancestors, shared by dear ones, and chosen by dialogue. Justice is a living heritage. Furthermore, technology should help those in need of Justice find its best-inherited version.

REFERENCES

1. Agapito, L. S., Miranda, M. A., Januário, T. F. X. (2021) "On the Potentialities and Limitations of Autonomous Systems in Money Laundering Control", *RIDP* 92(1), 87-108.
2. Braithwaite, J. (2013) "Does restorative justice work?" in: Johnstone, G. *A restorative justice reader*. 2.ed. London: Routledge, 320-352.
3. Braithwaite, J. (2014) "Traditional justice" in: Llewellyn et. al. (eds.). *Restorative Justice, Reconciliation and Peacebuilding*. New York: Oxford University Press, 214-239.
4. Braithwaite, J. (2020) "Many doors to international criminal justice", *New Criminal Law Review*, 23(1), 1-26.
5. Bosi, A. (1992) *Dialética da colonização*. São Paulo: Companhia das Letras.
6. Burrell, J. (2016) "How the Machine 'Thinks': Understanding Opacity in Machine Learning Algorithms", *Big Data & Society*, 3(1), 1-12.
7. Calo R. (2017) "Artificial Intelligence Policy: A Primer and Roadmap", *UC Davis Law Review,* 51(2), 399-435, https://lawreview.law.ucdavis.edu/issues/archive.html.
8. Campbell, J. (1997) "O herói de mil faces" São Paulo: Cultrix/Pensamentos.
9. Canestraro, A. C., Januário, T. F. X. (2022) "Inteligência artificial e programas de compliance: uma análise dos possíveis reflexos no processo penal", in: D'Ávila, F. R., Amaral, M. E. A. (orgs.). *Direito e Tecnologia: Anais do I Colóquio Nacional do IEDC*. Porto Alegre: Citadel, 363-392.
10. Chiao, V. (2019) "Fairness, Accountability and Transparency: Notes on Algorithmic Decision-Making in Criminal Justice", *International Journal of Law in Context*, 15(2), 126-139.
11. Conselho Indigenista Missionário (2019) *Documento final da Marcha das Mulheres indígenas: "Território: Nosso Corpo nosso espírito",* https://cimi.org.br/2019/08/

marcha-mulheres-indigenas-documento-final-lutar-pelos-nossos-territorios-lutar-pelo-nosso-direito-vida/.
12. Dooyeweerd, H. (2015) *Raízes da cultura ocidental: as opções pagã, secular e cristã.* São Paulo: Cultura cristã.
13. Estellita, H., Leite, A. (2019) "Veículos Autônomos e Direito Penal: uma introdução" in: Estellita, H., Leite, A. (orgs.) *Veículos Autônomos e Direito Penal.* São Paulo: Marcial Pons, 15-35.
14. European Commission (2018) "Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, Artificial Intelligence for Europe: COM/2018/237 final", https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2018%3A237%3AFIN.
15. Fidalgo, S. (2020) "A Utilização de Inteligência Artificial no Âmbito da Prova Digital – Direitos Fundamentais (Ainda Mais) Desprotegidos' in: Rodrigues, A. M. (coord.), *A Inteligência Artificial no Direito Penal.* Coimbra: Almedina, 129-161.
16. Garcia Canclini, N. (1989) *Culturas Híbridas: estrategias para entrar y salir de la modernidad*. México, D.F.: Grijalbo.
17. Gless, S. (2020) "AI in the Courtroom: A Comparative Analysis of Machine Evidence in Criminal Trials", *Georgetown Journal of International Law,* 51(2) 195-253.
18. Greco, L. (2020). *Poder de julgar sem responsabilidade de julgador*: *a impossibilidade jurídica do juíz-robô.* São Paulo: Marcial Pons.
19. Haesbaert, R. (2021) *Território e descolonialidade: sobre o giro (multi)territorial/de(s) colonial na América Latina*. Buenos Aires: CLACSO.
20. Hilgendorf, E. (2015) "Recht und autonome Maschinen – ein Problemaufriβ" in: Hilgendorf, E.; Hötitzsch, S. (eds.) *Das Recht vor den Herausforderungen der modernen Technik.* Baden-Baden: Nomos.
21. Hilgendorf, E. (2020) "Sistemas Autônomos, Inteligência Artificial e Robótica: uma orientação a partir da perspectiva jurídico-penal" in: Hilgendorf, E., Gleizer, O. (eds.) *Digitalização e Direito.* São Paulo: Marcial Pons, 43-59.
22. Inter-American Court of Human Rights (IACHR) (2004). *Case of Plan de Sánchez Massacre vs. Guatemala***.** 19 November 2004. http://www.corteidh.or.cr/docs/casos/articulos/seriec_116_ing.pdf.
23. Inter-American Court of Human Rights (IACHR) (2013). *Case of Osorio Rivera y relatives vs. Peru*. 26 November 2013. https://www.corteidh.or.cr/docs/casos/articulos/seriec_274_esp.pdf.
24. Januário, T. F. X. (2020a) "Inteligência Artificial e Responsabilidade Penal no Setor da Medicina", *Lex Medicinae: Revista Portuguesa de Direito da Saúde,* 17(34), 37-63, https://www.centrodedireitobiomedico.org/publica%C3%A7%C3%B5es/revistas.
25. Januário, T. X. (2020b) "Veículos Autónomos e Imputação de Responsabilidades Criminais por Acidentes" in: Rodrigues, A. M. (coord.) *A Inteligência Artificial no Direito Penal.* Coimbra: Almedina, 95-127.

26. Januário, T. F. X. (2021a) "Cadeia de Custódia da Prova e Investigações Internas Empresariais: Possibilidades, Exigibilidade e Consequências Processuais Penais de sua Violação", *Revista Brasileira de Direito Processual Penal,* 7(2), 1453-1510, https://doi.org/10.22197/rbdpp.v7i2.453.
27. Januário, T. F. X. (2021b) "Considerações Preambulares Acerca das Reverberações da Inteligência Artificial no Direito Penal" in: Comério, M. S.; Junquilho, T. A. (eds.) *Direito e Tecnologia: um debate multidisciplinar.* Rio de Janeiro: Lumen Juris, 295-314.
28. Januário, T. F. X. (2021c) "Inteligência artificial e manipulação do mercado de capitais: uma análise das negociações algorítmicas de alta frequência (High-Frequency Trading – HFT) à luz do ordenamento jurídico brasileiro", *Revista Brasileira de Ciências Criminais*, 29(186), 127-173.
29. Januário, T. X. (2022) "Inteligência artificial e direito penal da medicina", in: Rodrigues, A. M. (coord.), *A inteligência artificial no direito penal, Volume II*. Coimbra: Almedina, 125-173, forthcoming.
30. Kehl, D., Guo, P., Kessler, S. (2017) "Algorithms in the Criminal Justice System: Assessing the Use of Risk Assessments in Sentencing", *Responsive Communities Initiative, Berkman Klein Center for Internet & Society, Harvard Law School*, 2017. http://nrs.harvard.edu/urn-3:HUL.InstRepos:33746041.
31. Laufer, W.S. (1999) "Corporate Liability, Risk Shifting, and the Paradox of Compliance", *Vanderbilt Law Review*, 52, 1341-1420.
32. Lee Van Cott, D. (2006) "Pluralismo legal y administración de justicia comunitaria informal en América Latina". in: *Antología: Grandes temas de la antropología jurídica.* Oaxtepec: Red latinoamericana de antropología jurídica, 2006, 209-237.
33. Machado, L. S. (2019) "Médico robô: responsabilidade civil por danos praticados por atos autônomos de sistemas informáticos dotados de inteligência artificial", *Lex Medicinae: Revista Portuguesa de Direito da Saúd*e, 16(31), 101-114.
34. Miranda, M. A.; Januário, T. F. X., "Novas tecnologias e justiça criminal: a tutela de direitos humanos e fundamentais no âmbito do direito penal e processual penal", in: Moreira, V. Et. al. (orgs.), Temas de Direitos Humanos do VI CIDH Coimbra 2021, Brasílica / Edições Brasil, Campinas / Jundiaí, 2021, 284-298.
35. Miró Llinares, F. (2018) "Inteligencia artificial y justicia penal: más allá de los resultados lesivos causados por robots", *Revista de Derecho Penal y Criminología*, 3(20), 87-130.
36. Mulholland, C.; Frajhof, I. Z. (2019) "Inteligência Artificial e a Lei Geral de Proteção de Dados Pessoais: Breves Anotações Sobre o Direito à Explicação Perante a Tomada de Decisões por Meio de Machine Learning" in: Frazão, A.; Mulholland, C. (eds.). *Inteligência Artificial e Direito: Ética, Regulação e Responsabilidade.* São Paulo: Thomson Reuters Brasil.
37. O'Neil, C. (2016), *Weapons of math destruction: how big data increases inequality and threatens democracy.* New York: Crown Publishers.
38. Padilla, G. (2005) "Pluralismo jurídico y paz en Guatemala", *Revista IIDH,* 41, 209-223.

39. Peixoto, F. H.; Silva, R. Z. M. (2019) *Inteligência Artificial e Direito.* Curitiba: Alteridade Editora, 2019.
40. Pereira, A. G. D. (2021) "Inteligência Artificial, Saúde e Direito: considerações jurídicas em torno da medicina de conforto e da medicina transparente", *Julgar,* 45, 235-261.
41. Price II, W. N. (2017) "Artificial Intelligence in Health Care: Applications and Legal Issues", *U of Michigan Public Law Research Paper*, 599, 1-7.
42. Quattrocolo, S. (2020). *Artificial Intelligence, Computational Modelling and Criminal Proceedings: A Framework for a European Legal Discussion.* Cham: Springer.
43. Queiroz, M.I.P. (1968) "O catolicismo rústico no Brasil", *Revista do Instituto de Estudos Brasileiros,* 5, https://doi.org/10.11606/issn.2316-901X.v0i5p,104-123.
44. Rodrigues, A. M. (2020a) "A questão da pena e a decisão do juiz - entre a dogmática e o algoritmo", in: Rodrigues, A. M. (coord.), *A Inteligência Artificial no Direito Penal*, Coimbra: Almedina, 219-244.
45. Rodrigues, A. M. (2020b) "Inteligência Artificial no Direito Penal – A Justiça Preditiva entre a Americanização e a Europeização", in: Rodrigues, A. M. (coord.), *A inteligência artificial no direito penal*. Coimbra: Almedina, 11-58.
46. Rodrigues, A. M. (2021a) "Os crimes de abuso de mercado e a «Escada Impossível» de Escher (o caso do Spoofing)", *Julgar,* 45, 65-86.
47. Santosuosso, A.; Bottalico, B. (2017) "Autonomous Systems and the Law: Why Intelligence Matters" in: Hilgendorf, E.; Seidel, U. (eds.), *Robotics, Autonomics, and the Law: Legal Issues Arising from Industry 4.0 Technology Programme of the German Federal Ministry for Economic Affairs and Energy.* Baden-Baden: Nomos, 27-58.
48. Schavelzon, S. (2016) "La justicia comunitaria en Bolivia y la ocupación de la casa de Víctor Hugo Cárdenas", *Direito e Democaria*, 17(1) 43-63.
49. Sousa, S. A. (2020) "Não fui eu, foi a máquina": teoria do crime, responsabilidade e inteligência artificial", in: Rodrigues, A. M. (coord.), *A inteligência artificial no direito penal*. Coimbra: Almedina, 59-93.
50. The European Commission's High-Level Expert Group on Artificial Intelligence (2018) *A Definition of AI: Main Capabilities and Scientific Disciplines: Definition Developed for the Purpose of the Deliverables of the High-Level Expert Group.* Brussels: European Commission, 2018. https://ec.europa.eu/futurium/en/system/files/ged/ai_hleg_definition_of_ai_18_december_1.pdf.
51. Tutu, D. M. (2000) *No future without forgiveness*. Nova Iorque: Doubleday.
52. Wimmer, M. (2019) "Inteligência artificial, algoritmos e o direito. Um panorama dos principais desafios", in: Lima, A. P. C., Hissa, C. B., Saldanha, P. M. (coords.), *Direito digital: debates contemporâneos*. São Paulo: Thomson Reuters Brasil, 15-30.
53. Yapo, A; Weiss, J. (2018) "Ethical Implications of Bias in Machine Learning" in: *Proceedings of the 51st Hawaii International Conference on System Sciences,* 5365-5372.
54. Yates, P. (dir.) (1984) *Cuando las montañas tiemblam*. Guatemala, Espanha: Skylight, 1984, (84min). https://www.youtube.com/watch?v=5FIHfM2E2PQ&t=2122s&gt.

ISPOD TOGE SUDIJE ROBOTA: DEMISTIFIKACIJA UPOTREBE VEŠTAČKE INTELIGENCIJE U KRIVIČNOM PRAVU U ODNOSU NA GLOBALNU PERSPEKTIVU JUGA

Naučni i tehnološki razvoj u oblasti autonomnih sistema i veštačke inteligencije omogućili su i podstakli njihovu upotrebu u različitim društvenim oblastima. Oni su počeli da se koriste i u okviru krivičnog pravosuđa. Sve su češći primeri njihovog korišćenja ne samo u krivičnim istragama i postupcima, već i prilikom donošenja presuda. Međutim, nije prošlo mnogo vremena, a da se ne postave pitanja u vezi sa granicama tih sistema i njihovim mogućim uticajem na prava pojedinaca. Iako ne možemo poreći da neke specifičnosti ovih tehnologija, posebno veštačke inteligencije (kao što su npr. nejasnoća i nepredvidivost učinka), predstavljaju rizik za neke fundamentalne grancije u krivičnom postupku. Po našem mišljenju, u osnovi mnogih dokritriniranih kritika, prisutno je izvesno nerazumevanje šta su ove tehnologije, kako funkcionišu i kako se koriste u pravosudnom sistemu. S obzirom na navedeno, autori u ovom radu nastoje da istraže kako su veštačka inteligencija i autonomni sistemi korišćeni u krivičnom pravosuđu kako bismo mogli da identifikujemo koji su u stvari njihovi potencijalni uticaji na prava i garancije okrivljenih. Zbog toga ćemo prvo proučiti koncept i rad ovih tehnologija kako bismo razumeli njihove posebnosti, a zatim ćemo analizirati njihovu konkretnu primenu u sferi pravosuđa. Stoga ćemo se opredliti za predmet proučavanja dva najpoznatija sistema sudske pomoći – HART i COMPAS, kao i sistem koji se koristi u Brazilu, odnosno VICTOR. Na osnovu zaključaka i primenom deduktivnog metoda, nastojaćemo da demistifikujemo neke stavove vezane za tzv. "sudiju robota" identifikujući koji su njegovi potencijali i granice, a naročito kada su u pitanju pravne garancije.

KLJUČNE REČI: *veštačka inteligencija, robot, sudija, dekolonijalnost, globalni jug.*