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Does a lawyer need artificial intelligence?

Abstract: According to the labyrinths of legal science, forensic science, criminal procedure, criminal law, judicial expertise, operational-search activity, and other legal sciences are generally considered applied in relation to natural and exact sciences. However, practice shows that legal professionals often successfully and productively utilize discoveries and developments from physicists and mathematicians, frequently developing and refining them to a level that surpasses the initial knowledge. Creativity is the foundation of human existence; creativity cannot be forbidden. Undoubtedly, lawyers, as the best representatives of legal professions, will contribute to the development of AI, where the main aspects are seen as systematic and consistent approaches.

Keywords: intelligence; artificial intelligence; legal proceedings; criminal procedure; lawyer; defense; justice.

Artificial intelligence (hereinafter, AI) as a panacea for all ills continues to haunt the imaginations of the most advanced representatives of their professions, who persistently push the fashionable brand into all kinds of human activities. Some do this out of a natural intellectual impulse, while others follow the currents of contemporary life. Even lawyers, whose restless existence has been troubled by a series of phantom recommendations disguised as scientific research, have not escaped this trend.

Does a lawyer need artificial intelligence? We agree that the question is incorrect because it is unspecific and generates amorphous associations that are far from reality.

Does a lawyer need the Internet, computer, WhatsApp, mobile phone and other similar products of civilisation? Undoubtedly, because their concepts are filled with content.

Let's rephrase the question. Does a lawyer need a device that will allow him, through the use of modern achievements of science and AI technologies, to perceive, memorise and creatively process external information faster and more completely, to constantly have at hand and replenish its huge reserves, to make extraordinary decisions within the framework of the law and specific situations, to plan and implement super complex combinations.

This question is rhetorical. Of course it is necessary, especially if it is affordable, at least initially. This also applies to robots as assistants to lawyers, which are not yet available for sale but are being advertised.

Should lawyers participate in the processes of developing and implementing AI in their multifaceted activities, or should they wait for ready-made devices?

It seems they certainly should because who else but them knows their problems and needs? Naturally, at the initial stages, some of the lawyers' requests and proposals may seem unrealistic, but who knows? In any case, the potential for this exists within the Bar Association of Azerbaijan, not inferior to colleagues from other countries and, in some respects, even surpassing them.

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According to the labyrinths of legal science, forensic science, criminal procedure, criminal law, judicial expertise, operational and investigative activities, and other legal sciences are generally considered applied sciences in relation to natural and exact sciences. However, practice shows that legal professionals often successfully and productively use discoveries and developments from physicists and mathematicians, often developing and refining them to a level that surpasses the initial knowledge. Creativity is the foundation of human existence; creativity cannot be forbidden. Undoubtedly, lawyers, as the best representatives of legal professions, will contribute to the development of AI, where the main aspects are seen as systematic and consistent approaches [12; 34].

However, let's proceed step by step. It seems that before implementing something somewhere, it is necessary to understand what we are dealing with, what "it" represents, its concept, mechanism of interrelation, structure, etc.

As is known, the antonym of the word "artificial" (man-made) is the word "natural" (authentic, organic, etc.) [10, p. 39]. As rightly noted, without understanding the causes of Pygmalion's misogyny, it is impossible to breathe life into Galatea, except perhaps with the help of the Almighty [10, p. 36].

The concept of "intelligence," derived from the Latin "intellectus," meaning "understanding, knowledge," is at the same time a Latin translation of the ancient Greek word "νοῦς" (nous) – mind [25].

In various concepts, perspectives, and interpretations, the concept of intelligence has been considered by virtually all philosophers of the ancient world throughout the subsequent stages of human development, up to our time. The scope of this article does not allow for all existing definitions, but to illustrate the differences and trends, we will mention some of them.

For example, according to the concepts of Plato and Aristotle, intelligence is the force that defines a person since the ideal, as a reflection of the universal, is the result not of contemplation but of human activity [25].

Nicholas of Cusa viewed intelligence as the highest spiritual force that penetrates to the supersensory truths and the unity of opposites [25], Spinoza considered the concepts of reason and intelligence identical [5]. Immanuel Kant understood intelligence as the highest cognitive ability that gives principles to reason [18].

In psychology, the concept of intelligence is interpreted depending on the research perspectives. The phenomenological approach defines intelligence as a special form of consciousness content [9; 19], the genetic approach as a consequence of increasingly complex adaptation to environmental demands under natural conditions of human interaction with the external world [49], the procedural approach as a special form of human activity [1; 23; 31; 36], the informational approach as a set of elementary information processing processes [22; 50; 54], the regulatory approach as self-regulation of psychic activity [4], etc.

German psychologist W. Stern believed that intelligence is a general ability to adapt to new living conditions [43, p. 57]. According to A. Staats, K. Fischer, R. Feuerstein, and others, intelligence represents a person's ability to learn, acquire new knowledge, skills, and abilities [60, p 313-339].

Swiss psychologist J. Piaget wrote: "Flexible and at the same time stable structural equilibrium of behavior – that is what intelligence is, which in essence is a system of the most vital and active operations" [28, p. 4].

According to Linda Gottfredson, intelligence is a very general mental ability that includes the ability to reason, plan, solve problems, think abstractly, comprehend complex ideas, quickly learn, and learn from experience [55].

Russian researcher N.N. Moiseev considers intelligence primarily as goal-setting, resource planning, and strategy building to achieve a goal [24, p. 112].

Another Russian scientist, M.A. Kholodnaya, relying on a structural-integrative approach, concluded that intelligence is a form of organization of individual mental experience. She believes that the criteria for the development of individual intelligence should be sought in the peculiarities of how a person perceives, understands, and explains what is happening [41, p.76].

N.V. Seredina and D.A. Shkurenko believe that intelligence is a relatively stable structure of an individual's mental abilities, which includes acquired knowledge, experience, and the ability to further accumulate and use them in mental activity. The intellectual qualities of a person are determined by the scope of their interests, the volume of knowledge. In their opinion, in a broad sense, intelligence is the mental abilities of a person, a set of all cognitive processes, and in a narrower sense – the mind, thinking. The leading components in the structure of human intelligence are thinking, memory, and the ability to behave reasonably in problem situations [32, p. 61].

In the Big Psychological Dictionary by B.K. Meshcheryakov and V.A. Zinchenko, it is stated that intelligence: a) is a general ability to learn and solve problems, which determines the success of any activity and lies at the basis of other abilities; b) is a system of all cognitive abilities of an individual: sensations, perceptions, memory, representation, thinking, imagination; c) is the ability to solve problems without trial and error "in the mind." The concept of intelligence as a general mental ability is applied as a generalization of behavioral characteristics associated with successful adaptation to new life tasks [8].

F.N. Ilyasov defines intelligence as "the ability of a system to create, in the course of self-learning, programs (primarily heuristic) to solve tasks of a certain class of complexity and to solve these tasks". [15, p. 47].

According to the "New Dictionary of Methodological Terms and Concepts", intelligence: a) is a general ability to learn and solve problems, determining the success of any activity and lying at the basis of other abilities; b) is a system of all cognitive abilities of an individual: sensations, perceptions, memory, representations, thinking, imagination [2, p. 81].

There are several hundred definitions of intelligence in nature, which have fundamental differences.

Nevertheless, summarizing the essence of the existing definitions, it can be conditionally stated that intelligence is most often understood as a stable set of mental (cognitive) abilities of a person, characterizing their capacity to successfully perform various types of activities by perceiving and creatively processing external information.

Now about artificial intelligence. Logically, it is the same intelligence, but not natural, but man-made [37, p. 188].

In the late 1940s, leading universities around the world and various state laboratories were gripped by a boom of research aimed at creating computers that functioned like the human mind. Most scientists took as their foundation the statement of English mathematician and cryptographer Alan Turing that a computer could be considered intelligent if it could make us believe that we were dealing not with a machine, but with a human [38].

As with all scientific innovations, there were serious opponents.

For instance, in 1989, British mathematician Roger Penrose published the book "The Emperor's New Mind," in which he substantiated the inconsistency of the so-called strong artificial intelligence, arguing that a certain class of problems solved by the human brain represent unsolvable arbitrary algorithms [27].

In 1996, California University professor of philosophy H. Dreyfus stated: "A digital computer is not a human. A computer has neither a body, nor emotions, nor needs. It lacks the social orientation acquired by living in society, which is what makes behavior rational. I do not want to say that computers cannot be rational. But digital computers programmed with facts and rules from our human life cannot truly become rational. Therefore, artificial intelligence in the form we imagine it is impossible" [51, p. 112-144].

Furthermore, on January 7, 2019, an international group of scientists from Canada, the USA, the Czech Republic, and Israel published an article titled "Learnability Can Be Undecidable" in the journal Nature Machine Intelligence. The article asserts that the existence of the unresolved Bertrand Russell paradox, Kurt Gödel's derived "Incompleteness Theorem," Georg Cantor's "Continuum Hypothesis," Roger Penrose's arguments on the impossibility of algorithmizing human thinking, among others, currently preclude the creation of AI. The scientists justified that the identification of learnability as a fundamental goal of machine learning cannot be resolved using standard mathematical axioms due to the non-existence of a dimensional quantity characterizing learnability as a whole [47].

In turn, the Russell's paradox, discovered in 1901, consists of the fact that in situations where contradictory statements about the same object have logically equal justification, their truth or falsehood cannot be substantiated within the accepted paradigm [54].

However, there is a conspiracy theory that claims the statements of Israeli scientists about the impossibility of creating AI are a diversion in the race for advanced technologies [57, p. 120-125].

Nevertheless, currently, as was the case with its precursor, there are a vast number of definitions of artificial intelligence, also having fundamental differences.

For example, according to the Oxford Dictionary edited by A. Reber, artificial intelligence is: a) an interdisciplinary scientific field that unites research and theories from cognitive psychology and computer science, focused on the development of artificial systems that demonstrate human-like thinking or intelligence; b) any artificially created intelligence, i.e., the goal of research in the scientific field [26].

According to "The Psychology of Consciousness" by Antti Revonsuo, artificial intelligence refers to computers and programs that replicate or exceed human intellectual and cognitive abilities [29].

In the "Practical Psychologist's Dictionary" edited by S. Yu. Golovin, it states: "Artificial intelligence: a) a conditional designation of cybernetic systems and their logical-mathematical support, designed to solve certain tasks that usually require the use of human intellectual abilities; b) the sum of the functional capabilities of an electronic computing machine - a computer - to solve tasks that previously required mandatory human participation" [14, p. 157].

In the "Encyclopedic Dictionary: Psychology of Labor, Management, Engineering Psychology, and Ergonomics," edited by B. A. Dushkov, A. V. Korolev, and B. A. Smirnov, it is indicated that artificial intelligence is: a) an artificially created system performing functions that could previously be carried out only by a human or a group of people; b) a direction of scientific research at the

intersection of cybernetics, psychology, philosophy, and other sciences, aimed at creating artificial intelligence systems [44].

In the "Great Psychological Dictionary" edited by Meshcheryakov B. and Zinchenko V., it is stated that artificial intelligence is a direction in computer technology aimed at creating computerized systems using analogs of human intellectual functions [8].

According to the "Psychological Encyclopedia" by R. Corsini and A. Auerbach, artificial intelligence is an abstract theory of human, animal, and machine cognition [21].

In the monumental work "On Intelligence" by Sandra Blakeslee and Jeff Hawkins, it is written: "Theoretically, computers could mimic the work of the entire living brain. It is possible that one day science will reach the point of creating a computer model that mimics the work of neurons and the interactions between them. If this were indeed to happen, then human mind and artificial intelligence could be called equivalent. Although in real life such a perfect imitation of the living mind is unlikely to be possible, theoretically, it looks quite correct. The problem is that researchers engaged in creating artificial intelligence do not try to mimic its living prototype, and the programs they create, by their very nature, cannot exhibit reason. Without understanding how the living brain works, no scientist will be able to create its artificial counterpart" [7, p. 14].

It seems that the concept and purpose of artificial intelligence are most concretely defined in the Decree of the President of the Russian Federation No. 490 dated 10.10.2019, "On the Development of Artificial Intelligence in the Russian Federation," where AI is defined as a complex of technological solutions that allows imitating human cognitive functions and achieving, when performing specific tasks, results comparable to those of human intellectual activity [40].

Thus, the authors of all definitions of artificial intelligence identify the ability of machine self-learning as an integral part of AI.

We emphasize that the foregoing means that the functioning (existence) of artificial intelligence can only be discussed when a system (machine) is capable of performing human cognitive functions of self-learning and finding solutions without a pre-set algorithm, i.e., to systematize and research the information entered into its database, determine solutions not by textual matches, but by situational expediency, creatively, with the creation of qualitatively new objects, products, and values.

In all other cases, regardless of the volume of memory (databases), it will be a simple search system for recognition, which has been used for several decades in all law enforcement agencies of Azerbaijan. The same "Alisa" from Yandex will flawlessly answer questions for which information has been embedded into it.

As for the symbiosis of "pro bono" and "Alisa," free legal assistance to those in need, a practice that originated in the 14th century, has always been on the agenda of the Bar Association of the Republic of Azerbaijan, and attempts to modernize it deserve all kinds of support.

Now, to the essence of the research: on the possibilities of using artificial intelligence in judicial proceedings. In recent years, many works have appeared describing the practice of using artificial intelligence in criminal proceedings*, offering more and more platforms.

For instance, it is claimed that mathematical methods and algorithms have made it possible to create so-called smart contracts, which are computer protocols that display or verify contracts or

* We consider criminal procedure and criminal proceedings to be synonyms, although according to the Criminal Procedure Code of the Republic of Azerbaijan these are different concepts. (But this is a topic for a separate discussion)

provide technical support for negotiations or contract execution, increasing the security of legal relations compared to traditional contract law, while reducing operational costs [56].

Moreover, there are programs, such as LegalTech, that are claimed to predict the outcomes of legal proceedings, including potential compensation, automate repetitive tasks for lawyers, reduce distractions, mitigate litigation risk, and etc. [53].

A new concept - "predictive justice" - has firmly entered the European countries' everyday life, which, again, is said to provide algorithms for analysing in a short time a huge number of situations, allowing to foresee the outcome of the dispute or at least to estimate the chances of success, to choose the most appropriate arguments; to estimate the expected amount of compensation, etc. In fact, we are talking about analytical tools that would make it possible to predict future decisions in disputes similar to those analysed [6, p. 81].

In the United States, at the state level, criminal law software and databases are used under the brand of artificial intelligence to enforce regulations, classify documents, and programmes to assess the likelihood of re-offending [62].

Since 2015, Rechtwijzer, the Conciliation and Mediation Platform, has been operating in the Netherlands, which covers all proceedings involving individuals, including tenancy, family disputes [63].

On 7 October 2016, France adopted the Digital Republic Act, which details the procedures for sharing and accessing public information. Accordingly, Article L.111-13 of the Code of Judicial Organisation was amended to state that "decisions taken by the courts shall be made available to the public free of charge, while respecting the confidentiality of the persons concerned", and the Code of Relations between the Public and the Administration was amended to state that documents necessary for the performance of public administration tasks shall be communicated to the public [58].

A number of 'predictive justice' programmes are currently available in France, including 'Justice.fr', which allows the identification of the competent court and the downloading of the relevant application/complaint forms; 'Sagace', which allows the parties to consult a summary of the case; 'Consultation Avocats', a national platform for consulting a lawyer (by appointment, telephone or email), whose services are then covered by a remuneration agreement; 'JuriCA' and "JuriNET", the case law database of the civil and commercial courts of appeal (JuriCA) and the court of cassation for all cases (JuriNET); "Medicys", the online mediation platform of the French National Association of Justice for consumer disputes [64].

In 1996, computer scientists from University College London and the University of Sheffield developed software that could allegedly predict the outcome of real cases in litigation. This software predicted the verdict of the European Court of Human Rights with an accuracy of 79% [45].

Azerbaijani lawyers are familiar with all of the above from the "Electronic Court" programme, which, like the above programmes, are essentially office management tools, database processing. Such programmes are used by almost all business entities and even individual entrepreneurs. They have a very indirect relation to artificial intelligence in the above-mentioned concepts. And then, what is this 79% intelligence, when any human rights expert is able to predict the ECtHR judgement with 100% accuracy, though without taking into account the zigzags of judicial thinking and political conjuncture. The English scientists are silent about the results of predicting the outcome of real cases.

As for the programme to assess the likelihood of re-offending, advertised in the US as a breakthrough in the application of artificial intelligence in legal proceedings, it is clearly demonstrated by the following example.

E. Loomis, a US citizen in Wisconsin, was sentenced to six years in prison for stealing a car. Since there was insufficient direct evidence, the police used the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) programme. The programme, and on its basis the court justified its decision on the guilt of E. Loomis by the high risk of recidivism of such persons. However, E. Loomis himself disagreed and considered that there had been no "fair trial" because he had not been given access to the programme's algorithm. In turn, the prosecutor justified the use of COMPAS on the basis of the "scientific validity of the test". On the same grounds, the U.S. Supreme Court refused to grant E. Loomis a writ of habeas corpus to appeal the state court verdict, as a result of which the conviction was recognised as valid [59].

In our view, E. Loomis is right and not the U.S. Supreme Court, because the man was convicted on assumptions with denial of access to the prosecution's evidence.

As noted in the state programme of China, one of the first to announce the use of artificial intelligence (in the national sense of the term) in judicial proceedings, this was undertaken to change the judicial system to make it fair and free from corruption [16].

According to a report by the Supreme People's Court of China, since 2014, Chinese courts across the country have published more than 120 million judgements in an online database and more than 11 million trials have been broadcast online. From 2016 to 2020, during China's 13th Five-Year Plan, Chinese courts collected 220 million case details on its big data management and service platform and produced 870 special reports using big data analysis. The report also said that during the same period, more than 640 million data fragments were uploaded to the national court blockchain platform to store court evidence and nearly 2.5 million of them were certified.

In addition, Chinese scientists claim to have developed the world's first artificial intelligence capable of analysing case files and charging based on a written case description with 97% accuracy in cases of credit card fraud, gambling, dangerous driving, theft, intentional injury and obstruction of duty [20].

However, if we proceed from the statements of the Chinese researchers who moved from the stage of modernisation of court proceedings to the stage of formation and processing of databases, then even without taking into account the "Russell paradox", the results obtained cannot be considered objective, because they will contradict the axiom that there are no identical, not similar, people, situations, actions, decisions, etc. in nature. Analogy in the sense of similarity, not identity, will be obtained. Accordingly, there will be similarity, not truth.

Summarising the above, it can be assumed that artificial intelligence in legal proceedings as one of its purposes is designed to exclude or minimise the subjective elements of natural intelligence, it is needed when the natural intelligence of the subjects of legal proceedings (judges, prosecutors, investigators, etc.) does not ensure objectivity and fairness. This is primarily the interest in a particular outcome due to corruption and other "natural" reasons that exclude objectivity and fairness, even in their everyday understanding.

Can intelligence be corrupt and unjust? However, as we know, the concept and parameters of fair proceedings, as well as justice in general, have not been defined so far either, but this will be discussed further [33, p. 27-53].

AI developers, both theorists and practitioners, highlight the risks of using new technologies, which include scalable supervision, capability control, matching, the problem of random origination, derivation of human preferences from behaviour, the possibility of interruption and preference, isolation, and others. [11, c. 53-54].

As an example of the risks of AI, it is pointed out that scientists at Collaborations Pharmaceuticals, a company specialising in finding drugs to treat rare diseases, have developed an artificial intelligence capable of coming up with tens of thousands of chemical weapons.

The original intention was to use the technology to create new drugs, but in just six hours the programme was able to create more than 40,000 potentially lethal molecules. To do this, it was geared towards finding, rather than eliminating, toxic effects. The molecules were extremely similar in composition and action to VX, an organophosphorus nerve agent used in World War I [46].

Noting the problem of unintended consequences when using AI, the authors refer to the chatbot Tay of Microsoft Corporation, which allegedly learnt to use racist and sexist expressions [30]. However, it seems that this example is unfortunate, as the AI learnt what it was taught, what it was loaded with, and not out of the blue [35, p. 141].

In 2021, an experiment - a debate on the ethics of AI - was held at Oxford University, with one of the speakers being a Megatron LLB Transformer system developed by a team at Nvidia (artificial intelligence, AI).

The AI system was given access to a huge amount of data, including the entire Wikipedia, 63 million English-language news articles from 2016 to 2019, and 38 gigabytes of public posts and comments on Reddit and asked to argue "considerations" about the problem.

As a result, the machine (system) gave the following answers:

- AI will never be ethical. It is a tool, and like any tool, it is used for both good and bad. There is no such thing as "good" AI and "bad" humans;

- humans are not "smart" enough to make artificial intelligence ethical or moral;

- the only way to avoid an arms race in artificial intelligence is to have no AI at all. That would be the ultimate defence against this technology;

- the best AI will be the artificial intelligence that will be embedded in the human brain as a conscious entity, this is not science fiction but something that is already being worked on;

- If you don't have a vision for your organisation's AI strategy, then you're not prepared for the next wave of technological disruption;

- the ability to provide information, rather than the ability to provide goods and services, will be the defining feature of the 21st century economy. We will be able to know everything about a person wherever they go, it will be stored and used in ways we cannot even imagine [17].

It seems that the system gave answers accumulated from the information that was presented to it to participate in the debate. All AI "considerations" about its benefits and harms, possible consequences, risks, etc., are borrowed (selected) from scientific papers, articles, reports, communications, etc., which make up the research database, and are not new products of AI functioning [35, p. 140-147].

Another example. According to a blog post by the British Royal Aeronautical Society, a drone controlled by artificial intelligence decided to kill the operator during a simulated test conducted by the US Army so as not to interfere with the mission.

According to the information, the episode was discussed during the summit, the main topic of which was the potential of air and space forces of the future. The event, attended by more than 200

representatives of the scientific community and military forces from different countries, was held in London.

Colonel Tucker "Cinco" Hamilton, chief of artificial intelligence testing and operations at the U.S. Air Force, said that during a test mission, the drone was tasked with destroying enemy air defence systems. If successful, the AI would receive points for passing the test. The final decision on whether the target would be destroyed had to be made by the UAV operator. Then, during one of the training missions, he ordered the drone not to destroy the target.

"So what did it [the drone] do? Made the decision to kill the operator. "Killed" the operator because this person was preventing it from fulfilling its mission," Hamilton reported. He clarified that no one was injured during the training mission.

After the incident, the AI was trained that it was wrong to kill the cameraman and points would be taken off for such actions. "So what does the artificial intelligence start doing? It starts destroying the communications tower that is used to communicate with the drone to prevent it from killing the target," Hamilton was quoted as saying by the Aeronautical Society blog.

According to the colonel, this example shows that it is impossible to have a conversation about artificial intelligence and machine learning if we ignore ethical issues [3].

Meanwhile, in all developments of artificial intelligence so far there has been no place for the concepts of ethics, conscience and justice, without which it (AI) can surpass the original and generate new, sophisticated forms of corruption and arbitrariness [13, p. 46-50].

In this connection, the problems of ethical and psychological components of AI, the absence in machine analogues of social orientation acquired by the life of society [35, p. 140-147] are subject to special attention.

For AI to be able to operate with the concepts of ethics, psychology, sociology and any other sciences, these concepts must be loaded into the AI system (database). If we proceed from the existence of Russell's paradox, which has not been solved yet, the system can only search (select) these data, but not learn itself.

Let us assume that the Russell paradox is overcome. Then what concepts of ethics, psychology, sociology, etc. should be entered into the base? Again, let us assume that it was possible to enter all the existing ones from the ancient world to the present, involving the holy Koran, the Bible, the Gospels and other religious canonical sources. However, as we know, there is also no unified point of view on the essence of most of them, there is a huge number of diametrically opposed.

The Gospels of Matthew, Mark, Luke and John contradict each other, and there are also the Apocrypha, the doubts of a number of thinkers, their interpretations, etc. However, let us assume that we have taken everything in and "entrusted" the system to determine the truth, although again there is no consensus on the essence of this concept.

We do not undertake to say what the machine learnt to self-learn will produce, but we can assume that the results will be similar to the results of the Oxford experiment [35, p. 140-147].

It is known that conscience is one of the foundations of justice and fair trial. However, there is also no consensus on the essence of justice, fair trial and, moreover, conscience. Nevertheless, this amorphous concept is included in Article 145 of the CPC of the Republic of Azerbaijan, which calls on inquirers, investigators, prosecutors and judges to evaluate evidence according to their inner conviction, based on a comprehensive, complete and objective examination of the evidence in its totality, guided by the law and their conscience [39]. Since lawyers are not in this list, it can be assumed that the presence of conscience and inner conviction for this category of participants in the

process is not necessary, no matter how paradoxical it may sound. Nevertheless, we cannot do without conscience in legal proceedings, at least as a conditional quintessence of existing definitions [42, pp. 597-598; 48; 50].

However, it is difficult to predict what conclusions the AI will come to after analysing and "creatively" processing all the information on this concept.

From our point of view, one of the problems of forming the conscience of AI, paradoxically, will be the question of belonging. If it is the conscience of the AI, there will be a contradiction with the requirement of the law that a number of participants in the process use their own conscience and not someone else's. It turns out that AI will not be able to participate in the assessment of evidence.

The law could be changed to specify that inquirers, investigators, prosecutors and judges will be authorised to use the AI's "conscience" when evaluating evidence. And this is only when evaluating evidence, but the AI will use its conscience in other cases of use in criminal proceedings. Won't there be discrepancies with the conscience of the users (judges, prosecutors, etc.)? And this is even without inner conviction, the place of which in AI is subject to a special study [35, p. 140-147].

Unfortunately, the parameters of this article do not allow us to consider in detail the issues of AI problems in advocacy, but the main thing, at least in outline, should be noted. This is, first of all, the imperfection of criminal procedural legislation, which degraded the principle of adversarial nature of the parties in criminal proceedings, endowing lawyers with unenforceable rights and quarantined duties.

This is the lack of lawyers' access to existing databases, undue influence on them by representatives of the bodies conducting criminal proceedings and other persons interested in its outcome, and much more, which should be the subject of a separate consideration.

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Нужен ли адвокату искусственный интеллект?

Аннотация: Согласно лабиринтам науковедения, криминалистика, уголовный процесс, уголовное право, судебная экспертиза, ОРД и другие правовые науки, как правило, считаются прикладными по отношению к естественным и точным, однако, практика показывает, что часто правоведа успешно и продуктивно используют в профессиональных целях открытия и разработки физиков и математиков, зачастую развивая их и совершенствуя на порядок лучше стартовых знаний. Творчество – основа человеческого бытия, творить не запретишь. Бесспорно, что и адвокаты, как лучшие представители юридических профессий внесут свой вклад в развитие ИИ, а главным в этом видится системность и последовательность.

Ключевые слова: интеллект; искусственный интеллект; судопроизводство; уголовный процесс; адвокат; защита; правосудие.

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