

ARTIFICIAL INTELLIGENCE AND THE FUTURE OF CRIMINAL LIABILITY: A CRITICAL LEGAL ANALYSIS

AUTHOR – DAMINI YADAV, STUDENT AT KES LAW COLLEGE

BEST CITATION – DAMINI YADAV, ARTIFICIAL INTELLIGENCE AND THE FUTURE OF CRIMINAL LIABILITY: A CRITICAL LEGAL ANALYSIS, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 6 (9) OF 2026, PG. 625-627, APIS – 3920 – 0001 & ISSN – 2583-2344.

INTRODUCTION

The unprecedented advancement of Artificial Intelligence in the contemporary technological era has fundamentally transformed the structure of modern society, redefining the boundaries of human capability, decision-making, and automation. Artificial Intelligence, once perceived as a mere theoretical concept confined to scientific imagination, has now emerged as a dominant force influencing critical sectors including healthcare, finance, defence, governance, transportation, and criminal justice systems. The rapid integration of intelligent autonomous systems into everyday human activities has undoubtedly generated immense societal benefits; however, it has simultaneously produced profound legal, ethical, and jurisprudential challenges that demand immediate scholarly and legislative attention. Furthermore, the increasing sophistication of Artificial Intelligence has intensified fears relating to algorithmic bias, autonomous weaponry, cyber manipulation, deep fake technology, digital surveillance, and transnational cybercrime. In the absence of effective regulatory frameworks, Artificial Intelligence possesses the potential to undermine legal certainty, individual rights, and public safety on an unprecedented scale. Consequently, legal systems across the world are confronted with the urgent necessity of re-evaluating traditional concepts of criminal liability in order to accommodate the rapidly evolving dimensions of technological autonomy.

Literature Review

The issue of criminal liability arising from the use of Artificial Intelligence has emerged as one of the most significant and intellectually challenging areas within contemporary legal scholarship. With the rapid advancement of autonomous technologies, legal scholars across the world have increasingly questioned the adequacy of traditional criminal law principles in regulating offences committed through or by Artificial Intelligence systems. Existing literature demonstrates that the evolution of AI has fundamentally disrupted conventional doctrines of criminal jurisprudence, particularly concerning the attribution of intention, accountability, and legal responsibility. The existing body of literature clearly establishes that Artificial Intelligence has generated unprecedented jurisprudential

complexities that cannot be adequately resolved through traditional legal doctrines alone. Although significant scholarly efforts have been made to examine criminal liability in the context of Artificial Intelligence, substantial gaps continue to exist regarding the formulation of universally accepted legal standards capable of addressing autonomous technological misconduct. Consequently, there remains an urgent need for comprehensive legal reform, international cooperation, and the development of specialized regulatory mechanisms to ensure accountability, transparency, and justice within the rapidly evolving technological era

Primary Objectives of the Study

1. To critically examine the applicability of traditional principles of criminal liability, particularly (mens rea) and (actus reus), in

offences involving Artificial Intelligence systems.

2. To analyze the legal challenges arising from autonomous Artificial Intelligence and the difficulties in determining criminal accountability for AI-driven actions.

Methodology

1. The present study adopts a doctrinal and empirical research approach to critically examine the emerging legal challenges associated with Artificial Intelligence and criminal liability.

2. Primary data was collected through a structured online questionnaire based on a 5-point Likert scale, while secondary data was gathered from legal journals, case laws, statutes, and academic sources

Sample Details

* Sample Size: 35 Respondents

* Age Group: 18–30 Years

* Sampling Technique: Convenience Sampling

The study primarily focused upon examining public understanding regarding AI-generated offences, autonomous decision-making, cyber risks, and the adequacy of existing criminal laws in regulating Artificial Intelligence.

Data Analysis

The data collected through the structured questionnaire was subjected to comprehensive descriptive and analytical evaluation in order to critically examine societal perceptions concerning Artificial Intelligence and criminal liability. The responses obtained from the participants were systematically classified, interpreted, and analyzed through percentage distribution and comparative assessment to identify prevailing legal and ethical concerns associated with autonomous technological systems. The study additionally highlights increasing societal anxiety relating to data privacy violations, algorithmic bias, deep fake technology, cyber manipulation, unauthorized surveillance, and the misuse of Artificial Intelligence for unlawful purposes. The findings

further indicate that respondents overwhelmingly support the formulation of specialized legal frameworks, stricter regulatory mechanisms, and progressive legislative reforms to ensure transparency, accountability, and ethical governance in relation to Artificial Intelligence.

Discussion

One of the most significant concerns identified through the study relates to the incompatibility between autonomous Artificial Intelligence and the foundational doctrines of mens rea and actus reus.

Traditional criminal law requires the existence of guilty intention and voluntary human conduct for the imposition of criminal liability. However, Artificial Intelligence systems possess the capability to independently process information, make algorithmic decisions, and execute actions without direct human intervention. Consequently, determining criminal responsibility in cases involving AI-generated harm has emerged as an exceptionally complex legal issue. The study further reveals growing societal concern regarding the absence of comprehensive regulatory frameworks governing Artificial Intelligence. Respondents expressed considerable apprehension about emerging technological threats including cybercrime, deep fake technology, algorithmic bias, digital surveillance, autonomous weapon systems, and AI-enabled manipulation. These developments possess the potential to undermine legal certainty, individual rights, public security, and the fundamental principles of justice if left inadequately regulated.

Conclusion

1. Summary

The research identified significant legal and ethical challenges arising from autonomous Artificial Intelligence systems, particularly concerning accountability, cybercrime, and technological misuse.

2. Limitations

The research is confined to general legal perspectives concerning Artificial Intelligence and criminal liability without extensive jurisdiction-specific comparative analysis.

3. Implications

The research may assist policymakers, legal scholars, and judicial institutions in understanding the emerging challenges associated with autonomous technological systems

4. Future Scope

The rapidly developing technological landscape provides substantial scope for future interdisciplinary research integrating criminal law, cyber law, ethics, and Artificial Intelligence governance.

REFERENCES (BLUEBOOK FOOTNOTES)

= Gabriel Hallevy, Liability for Crimes Involving Artificial Intelligence Systems 87 (Springer 2015).

= Samir Chopra & Laurence F. White, A Legal Theory for Autonomous Artificial Agents 156 (University of Michigan Press 2011).

= Hifajatali Sayyed, Artificial Intelligence and Criminal Liability in India: Exploring Legal Implications and Challenges, 5 Indian J. L. & Legal Rsch. 1, 4 (2024).

= European Parliament Resolution on Civil Law Rules on Robotics, EUR. PARL. DOC. 2015/2103(INL) (2017)

. = Information Technology Act, No. 21 of 2000, India Code (2000)

. = U.N. Secretary-General, Governing Artificial Intelligence for Humanity, U.N. Doc. A/78/265 (2023).