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THE AUTHORITY OF JORDANIAN CRIMINAL JUDGE IN EVALUATING EVIDENCE DERIVED FROM ARTIFICIAL INTELLIGENCE SYSTEMS

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ABSTRACT

The study aims to demonstrate the discretionary authority of the judge in the process of proof through artificial intelligence systems, and to clarify the controls that limit it, according to the Jordanian Code of Criminal Procedure. The importance of the study arises from the technological development witnessed globally; crimes are increasingly committed using electronic means, with the spread of cloud computing systems, information technology, digital platforms, social media, and artificial intelligence systems. The study adopted a descriptive methodology to describe the concept of the judge's discretionary authority in evidence through artificial intelligence systems and the relevant legal texts and judicial rulings, along with an analytical approach to analyse legal texts. The study concludes that the Jordanian judge's discretionary power regarding evidence extends to that derived from artificial intelligence systems, However, the absence of explicit legislation creates legal uncertainty, which could affect legitimacy and fair trial guarantees. Therefore, the study recommends amending the Jordanian Code of Criminal Procedure to expressly allow reliance on artificial intelligence systems in specified fields, in accordance with the technological advancements witnessed today. It further emphasizes that the use of artificial intelligence systems must be subject to clear legal and technical controls that ensure transparency, the admissibility of evidence, and respect for the right to defence. Additionally, the study calls for providing ongoing training for judges on artificial intelligence techniques for use in evidentiary contexts.

KEYWORDS: Artificial Intelligence, Criminal Judge, Criminal Proof, Discretionary Authority.

1. INTRODUCTION

The discretionary authority of the judge in assessing evidence is one of the most significant issues examined by legislators through research and analysis in various judicial systems. This authority means "the judge's ability to form his conviction based on the evidence and facts presented to him, the reasoning he employs, and the legal texts he deems applicable to the dispute's circumstances," ultimately reaching judicial certainty in the case at hand by presenting evidence or providing exculpatory evidence in accordance with the established legal rules.

However, the criminal judge's authority in evaluating the evidence presented in the case is not "unrestricted"; rather, this evaluation must be logical and governed by controls that protect and safeguard rights, ensuring that the judge applies legal texts without exceeding the boundaries of his discretion. This authority should be built on certainty and conviction, while ensuring the soundness of the forensic evidence and its justification, particularly considering the technological advancements currently witnessed globally and the reliance on numerous technical pieces of evidence, especially those derived from artificial intelligence systems. In this context, the exercise of judicial power cannot be separated from the value and ideological frameworks that frame institutional discourse, as the legitimacy of power is built through the linguistic and institutional structure of the legal text itself (Abouelnour *et al.*, 2024). This is particularly relevant given the widespread occurrence of crimes such as extortion, fraud, illicit business transactions, and privacy breaches (Smedinghoff 1996).

Restricting the judge's authority in assessing evidence serves as a safeguard against potential abuses when exercising this authority, preventing judicial errors. This is crucial for maintaining a fair, impartial judiciary capable of instilling concepts of justice among litigants and providing them with a sense of security and reassurance. Indeed, social-psychological studies demonstrate that decision-making processes operating without sufficient institutional safeguards may inadvertently reproduce patterns of bias and injustice, especially in sensitive contexts involving complex evidentiary assessments (Asif *et al.*, 2025).

The judiciary plays a pivotal role in cementing equality within society, ensuring that all individuals are under the law's protection, with nothing superseding it. This need may increase amid technological advancements and the use of evidence derived from artificial intelligence systems due to the

unique nature of such evidence in proof and the necessity for the criminal judge to understand and evaluate modern technological evidence, particularly as numerous crimes are increasingly committed in virtual environments (Khater 2024; El Baroudy *et al.* 2025).

Major global companies in the internet sector utilize artificial intelligence systems to provide proof in some crimes; for example, in 2021, Facebook announced that it used artificial intelligence to detect over 9 million child pornography images within three months, and approximately 200 law enforcement agencies in the U.S. employ it to lead investigators to victims of human trafficking and sexual exploitation (Al-Rai 2024).

The judge's authority holds particular significance in the realm of proof within criminal justice, given the critical role of evidence in criminal cases to establish the truth before the judiciary and achieve the justice sought by the judicial system, whether by acquitting the accused or convicting them and imposing the legally prescribed penalties. This can only be accomplished through judicial proof, using all available means of proof, including digital and artificial intelligence systems (Chassaing 1996).

While the judge possesses discretionary authority in the entire proof process, this authority cannot be perceived as absolute; it must be accompanied by a range of influential and essential factors, which may expand, or contract based on the controls set by legal regulations. Some legal scholars view the judge's authority in this context as "the rights granted by legal rules that allow him to choose the appropriate solution from among multiple options, according to the circumstances and factual conditions, while being constrained by the legality of the penalty" (Al-Keek *n.d.*, p29).

Indeed, the discretionary authority of the judge – according to our esteemed Professor Dr. Mahmoud Najib Hosni – represents "the ability to reconcile the factual circumstances of the case before the judge and the conditions of the perpetrator concerning the choice of the criminal penalty, whether related to the type of penalty, its amount, or preventive measures, within the legally prescribed limits, achieving a balance between individual and societal interests" (Hosni 1982, p782).

As we see, the authority to assess evidence is "the weighing of proof and its decisive nature in the case before the criminal judge to acquit or convict the accused, according to the law." However, how is the evidence weighed, and are there specific controls in place when such evidence is derived from artificial intelligence systems?

The theory of proof forms the core of criminal procedures, from the moment the crime is committed until the final decision is issued, which represents the outcome reached by the criminal judge based on his practical role in clarifying the truth and achieving the just result his moral and professional conscience aspires to, under the law's supervision, while ensuring the accused's right to defend themselves without being wrongfully convicted in the absence of convincing and conclusive evidence, and applying legal principles and rules that reinforce these convictions in the judge; such as the principle that "the accused is presumed innocent until proven guilty," and "doubt is interpreted in favor of the accused." These rules apply to all criminal cases, including digital or electronic crimes.

Thus, "the criminal judge's authority in evaluating evidence represents one of the fundamental pillars of the criminal justice system; the criminal judge heavily relies on the evidence presented before him to form his conviction and issue the necessary ruling. Moreover, the judge bases his evaluation of evidence—whatever its nature—on the principle of judicial conviction, which grants him significant freedom in weighing evidence and assessing its credibility, without being bound by a specific order of evidence or rigid rules. This principle also allows the judge to rely on various available evidence, whether material or personal, provided that this evidence is legal, logical, and fulfills complete conviction".

On the other hand, the law imposes restrictions on this authority to ensure the protection of defendants' rights and to achieve justice; the judge can only base his ruling on evidence obtained lawfully, which reinforces the principle of procedural justice, especially in some crimes that require strong, consistent, and decisive evidence, such as terrorism, money laundering, drug trafficking, or complex financial crimes that employ digital systems and artificial intelligence entities in organized crime.

The legal propositions regarding the discretionary authority of the criminal judge in proof transcend prevailing concepts, particularly since the discretionary authority of the criminal judge in proof varies according to the restrictions and limits defined by legislation, especially with the significant advancements and developments that have altered general concepts of proof. Moreover, the means of proof itself have evolved, including the use of artificial intelligence systems and digital technologies.

This study seeks to clarify the boundaries established by the Jordanian legislator for the

criminal judge in assessing evidence derived from artificial intelligence systems and to outline its limits, controls, and the judge's right to reach conclusions based on any evidence he finds reassuring. Is this freedom absolute or constrained, or does the legislator specify which evidence the judge may or may not consider?

This study raises several questions considering what has been previously discussed, which can be summarized as follows:

What is the concept of criminal proof through artificial intelligence systems?

What is the discretionary authority of the criminal judge in proof through artificial intelligence systems?

What are the controls that limit the criminal judge's authority in proof through artificial intelligence systems?

Are there restrictions on proof through artificial intelligence systems?

The entire process of proof is one of the essential topics in judiciary in general, and in criminal justice in particular (Chami and Khater 2025). This significance has increased with the notable scientific advancements that have led to the commission of crimes through electronic means, with the spread of cloud computing systems, information technology, digital platforms, social media, and artificial intelligence systems. Therefore, granting the judge broad discretionary authority in proof, along with a set of controls that define, limit, and regulate this authority, leads to the truth, which represents the essence of criminal rulings.

Objectives of the Study: The study aims to clarify the controls that limit the discretionary authority of the judge in the process of proof through artificial intelligence systems and the extent of the conflict between legal texts—should there be any—and to critique the texts within the Jordanian legal system.

This study adopts a descriptive methodology to outline the concept of discretionary authority in proof through artificial intelligence systems and the relevant legal texts and judicial rulings addressed. It also employs an analytical approach to analyze legal texts and systematically classify them, highlighting the legal aspects of the study's subject. Additionally, it uses an inductive approach to construct clear concepts of the legal terms included in this study and to highlight them.

2. THE CONCEPT OF DISCRETIONARY AUTHORITY IN EVIDENCE

The term "authority" in the language means "control and dominance." The executive authority refers to the government and its body of employees,

who execute the laws established by the legislative authority. This is distinct from both legislative and judicial authority. Meanwhile, the authority of law signifies its ability to enforce compliance (Al-Maany Dictionary n.d.).

In legal terms, authority refers to "the freedom of choice granted to a certain authority in exercising its competencies, enabling it to either take a specific action, refrain from such action, or settle matters in a particular manner at its discretion, without being bound by the will of another person or entity" (Salim 2010, p371).

As for "discretion," in linguistic terms, it means assessing something based on its value. It signifies an artistic action deserving of appreciation, meaning it holds value, and serves as a criterion for evaluating students' grades at university, indicating that their grades have been assessed (Al-Maany Dictionary n.d.).

In legal terminology, discretion refers to "the authority granted to judicial or administrative bodies to assess evidence and the circumstances surrounding a case, allowing them to make decisions based on a thorough analysis of the available information. This may involve evaluating penalties, assessing the severity of a criminal act, determining damages in civil cases, or weighing the evidence in a manner that contributes to the attainment of justice."

The texts governing evidence are divided into two types of rules: substantive rules and formal rules. Substantive rules govern the evidence and the conditions under which each type of evidence is used, as well as the value of that evidence. Formal rules outline the procedures to be followed when presenting this evidence in court. A judge has discretionary authority only to interpret the evidence and determine its nature.

It is essential for a judge to have discretionary authority, as previously mentioned; however, granting extensive discretionary authority can lead to significant risks. This necessitates restrictions on this authority, as a judge might rule according to personal preferences without being accountable to the law, which could also lead to differing assessments of rights by judges, endangering litigants' rights and undermining trust in legal proceedings, while disrupting the stability that must exist in cases.

The current challenge lies in the assessment of evidentiary proof derived from technological systems, particularly artificial intelligence systems, and the judge's ability to exercise discretion in this area, compounded by the current judicial weakness in using these advanced technological systems

worldwide on one hand, and the lack of experience expressed before the court on the other hand. To clarify the concept of this authority, it is necessary to define the judge's authority clearly and precisely, which we will address in the first requirement of this chapter. In the second requirement, we will discuss the nature of the judge's discretionary authority in evidence.

2.1. Defining the Judge's Authority in Evidence

Before delving into the definition of the judge's authority in evidence, it is necessary to briefly define evidence in general. Evidence is linguistically defined as "confirming a right; it is said to establish one's proof, meaning to present and clarify it." In legal terminology, especially among legal scholars, evidence refers to "presenting proof in court through the methods prescribed by law to establish a disputed legal fact, along with the consequences arising from it" (Al-Awadi and Al-Attas 2011, p11).

According to this definition, evidence is the only way for the law to affirm the existence or non-existence of the disputed fact, and thereby arrange the legal consequences that follow. A fact cannot be denied or affirmed without evidence; there must be proof to support or negate this legal fact. Hence, a judge cannot rule based solely on personal feelings or the eloquence of a party in presenting their evidence. With the technological advancements witnessed globally today, the types of evidentiary proof have become more diverse and comprehensive, especially concerning artificial intelligence systems (Drim 2021).

However, evidentiary proof in court is not absolute but is constrained by a set of regulations established by law. Some scholars define evidence as "presenting proof in court through the methods prescribed by law and under the restrictions set forth regarding the existence of a disputed legal fact" (Al-Awadi and Al-Attas 2011, p12).

It can be stated that the judge's discretionary authority revolves around their ability to scrutinize the evidence presented before them—regardless of its type—understand it, and evaluate it objectively, so that the fate of the case hinges on their capacity to examine and arrive at the desired conclusion. Without this ability granted by law, the judge would be unable to ascertain the rights entailed for each party involved in the litigation (Al-Awadi and Al-Attas 2011).

The goal of procedural criminal legislation is for the judge to reach the truth in their ruling, whether through acquittal or conviction, which can be inferred—as previously mentioned—from the

evidence presented to them

The prevailing system in Jordanian legislation and most comparative systems is based on the principle of the judge's personal conviction; according to this principle, the judge enjoys broad freedom in assessing evidence, having complete independence in forming their judicial opinion on the matter (Abdel Fattah 1983).

The Jordanian Court of Cassation (1997) ruled that "the criminal court may form its belief based on any evidence presented to it in the case, and the reference for that is the court's assessment of the evidence and its confidence in it".

In another ruling, the court stated that "evidence in criminal matters is built on conviction, allowing the judge to issue a ruling based on what they are confident of in their conscience. However, the discretionary authority of the judge varies in breadth and narrowness depending on the means of proof within the same legislation and from one legislation to another (Al-Ababneh 2017).

Hence, it is necessary to study each legislation separately to demonstrate the extent of the judge's discretionary authority in assessing evidentiary proof, even if such evidence is technical or derived from parametric data or artificial intelligence systems (Joshi 2019).

Here, we can point out the difference between criminal and civil evidence; civil and commercial evidence may only be based on the methods defined by law, and deviation from these methods is not permitted. In contrast, evidence in criminal matters can be obtained through all means of proof, allowing the criminal judge to rule according to their personal convictions, unlike the civil judge, whose rules based solely on the evidence, proof, and data at hand, provided that the criminal judge does not exceed legal norms.

2.2. The Nature of the Judge's Discretionary Authority in Evidence

Law serves as a vital foundation in regulating relationships among individuals. It presumes the existence of many abstract rules governing human conduct, a necessity imposed by society's need for equitable stability. This cannot be understood or realized without a just judicial system. For this to occur, the judge must play a role in weighing up the evidence presented to them, but this must be within defined boundaries and according to specific criteria, as previously stated. The question arises: what is the nature of the judge's discretionary authority?

In response, Dr. Hassan Al-Dhnoon (1985, p220) states: "Judiciary provides protection to the legal

system against the state of imbalance in a conflicting dispute, aiming to address it without attempting to identify its causes, except to the extent necessary to determine the appropriate measures to confront it based on the authority granted to it to apply the law. Thus, we can say that the judiciary's authority is the basis for the discretionary power held by the judge, regardless of the nature of the dispute they address, where the judge's activity constitutes an integral part of the decision issued to resolve the subject of the dispute, forming a distinct intellectual construction based on logic that protects individuals from error in thinking, reasoning, and inferring".

The judge must evaluate the facts and select the influential aspects in determining the outcome, then seek the appropriate legal rule to apply in order to reach an acceptable degree of suitability of the law to reality, aided by several foundations, including legal logic as a general criterion for applying legal methods to specific cases (Abdel Fattah 1983), as well as judicial logic and uncovering the circumstances surrounding the incident. Therefore, we can say that the judge's discretionary authority is a mental authority based on a set of controls and specifications.

Consequently, evidence and the judge's authority in evidence reflect the extent to which a civil judge is convinced by the evidence presented before them, while adhering to a set of defined constraints according to a set of general rules, the most important of which are the principle of the judge's neutrality, the burden of proof, and the subject of the proof. I will address these next:

The Principle of the Judge's Neutrality: This principle is considered one of the foundational pillars in various legal systems; it ensures justice and integrity in judicial proceedings. It is summarized in the requirement that the judge must be neutral and unbiased during the hearing of cases, which contributes to building trust in the judicial system. This principle is enshrined in Article 97 of the Jordanian Constitution, which states, "Judges are independent, and no authority can influence them in their judgments except the law." Regarding criminal justice specifically, the legislator stipulated in paragraph 2 of Article 101 of the Jordanian Constitution (1952) that "no civilian shall be tried in a criminal case unless all its judges are civilians, except for cases of treason, espionage, terrorism, drug crimes, and counterfeiting." This provides a greater guarantee for the principle of neutrality, which is already established in the judiciary of European countries, where Article 6 of the European Convention on Human Rights affirms "the right of

individuals to a fair trial, which includes the impartiality of the judge" (The European Convention on Human Rights 1950).

The Burden of Proof: The Burden of Proof is a legal principle requiring the party who asserts a claim to provide sufficient evidence to support that claim. It is generally established that the burden of proof lies with the party making the assertion. In criminal cases, this burden is on the prosecution to establish the defendant's guilt beyond a reasonable doubt, while in civil cases, it typically lies with the claimant. The judge must ensure that the evidence provided by the parties meets the required legal standards and sufficiently supports their respective claims.

The Subject of the Proof: This involves the material and specific aspects of the case that need to be proven. In criminal cases, the judge must assess the evidence to determine whether it sufficiently supports the elements of the crime as defined by law. In civil cases, the judge must consider whether the evidence meets the necessary requirements to establish liability or support the claim being made.

In conclusion, the judge's discretionary authority in evidence is framed by several principles and standards that guide their assessment and evaluation of the evidence presented before them. This authority must be exercised with an awareness of the broader legal context and the rights of the parties involved in the litigation. The interplay between the judge's discretion and the established legal framework ensures that the pursuit of justice remains a foundational goal within the judicial process.

3. METHODS OF EVIDENCE BEFORE THE CRIMINAL JUDGE THROUGH ARTIFICIAL INTELLIGENCE SYSTEMS AND HIS AUTHORITY TO ASSESS THEM

The law has specified a range of methods for evidence in civil and commercial cases, which differ from criminal cases. In civil cases, these means, or evidence are defined by law, whereas the criminal judge has the discretion to rule on any means of evidence. Among the newly emerged means, considering technological advancement, are electronic systems and artificial intelligence technologies. Criminals have begun to develop their criminal ideas in line with developments in the information field and in artificial intelligence systems, where crimes are sometimes committed through these systems with an accurate rate of up to 99%. This necessitates the use of similar methods in the process of evidence, which depends on the discretion of the criminal judge regarding whether to

accept these systems in the evidentiary process.

Artificial intelligence falls under a branch of computer science and is a fundamental pillar of modern technology. It can be defined as "the ability of digital machines and computers to perform certain tasks that mimic those performed by intelligent beings, such as the ability to think, learn from previous experiences, or other processes that require cognitive functions." The goal of artificial intelligence is to develop systems that exhibit intelligence and behave in a manner akin to humans concerning learning and understanding (Boulanin 2013).

Consequently, it commits criminal acts in a manner like that of ordinary humans, which requires the use of these systems, as mentioned, in the evidentiary process before the criminal judge. This will be discussed in two sections in this chapter. The first section will discuss evidence before the criminal judge through artificial intelligence systems, while the second will explore the authority of the criminal judge in assessing evidence through these systems.

3.1. Evidence Before Criminal Judge Through Artificial Intelligence Systems

The objective that the criminal judge seeks is to identify the perpetrator of the crime through criminal investigative methods, which can be defined as "the means leading to identifying the offender in a crime he committed or attempted to commit, as well as the circumstances surrounding its commission, using legitimate means for investigation as determined by a competent authority." Legally, criminal investigation procedures are based on technical rules used by the competent authority according to the powers granted to it by law, which enable it to identify the perpetrator of the crime, clarify its ambiguities, and gather all evidence related to the crime. This type of crime raises numerous legal issues, from investigative procedures to gathering evidence and ultimately issuing the final criminal judgment, particularly concerning the evidentiary process (Casey 2000).

Considering the nature of artificial intelligence, the astonishing potential that these systems provide in tracking criminals through surveillance and tracking mechanisms become apparent, utilizing specific algorithms. The criminal judge may determine whether the results of these systems can be accepted, especially since artificial intelligence offers significant support through many devices that assist in detecting and analyzing forensic evidence, identifying unknown fingerprints, and linking them to their owners from the crime scene, alongside numerous advanced techniques in surveillance and

analysis.

Furthermore, artificial intelligence can analyze the data of evidence and indicators without considering psychological influences or personal convictions, nor the deception that may befall the competent authorities. "Artificial intelligence technologies and tools can contribute to formulating security and military strategies by providing promising insights for decision-makers, devoid of individual and collective psychological factors that are innumerable, including group thinking, bias, resistance to change, bureaucratic politics, excessive optimism, and general misjudgment of risks."

However, it is essential to note that artificial intelligence systems are susceptible to error and misjudgment, which may hinder the judicial process and the judge's ability to prove evidence, as they rely on data and information concerning specific mathematical algorithms. Moreover, one of the real challenges facing judges is their lack of knowledge regarding the evidentiary processes through these systems, given that these systems are more closely related to the technical field than to the legal field. It is also necessary to examine the extent to which these systems align with the law and their legality for use in criminal evidence, which this study recommends.

Many countries have witnessed a shift in the use of artificial intelligence technologies within judicial systems, as seen in their applications for analyzing digital evidence related to cybercrimes and other crimes involving technological use, as well as voice or facial recognition (identity of suspects) through analyzing video footage or phone calls, in addition to examining stored data to identify indicators and clues indicating the perpetrator of the crime (Khater 2023). The significant role played by artificial intelligence in financial crimes, especially in money laundering cases or financial fraud, has been noted through analyzing suspicious financial patterns via specific algorithms pointing to the perpetrator of the criminal act (Davies 2001).

Some courts, particularly in the United States, Germany, and the United Kingdom, have begun utilizing artificial intelligence systems to assist in summarizing evidence, assessing proof, and even aiding in formulating questions posed to witnesses or defendants. This may contribute to improving the efficiency of trials on the one hand and reducing the duration of legal proceedings on the other (Al-Rai 2023).

However, it must be emphasized that the criminal judge retains the authority to assess evidence through artificial intelligence systems, which will be elaborated upon in the second section of this chapter.

3.2. The Authority of the Criminal Judge in Assessing Evidence Through Artificial Intelligence Systems

Criminality has evolved remarkably, as noted, due to the widespread proliferation of advanced technological systems. Referring to the Jordanian Code of Criminal Procedure, it does not stipulate the validity of evidence derived from artificial intelligence systems. Nevertheless, the criminal judge can refer to and consider such evidence, ruling based on the principle of free evidence that the Jordanian criminal legislator adheres to. The adoption of artificial intelligence systems in the criminal field can also be based on the allowance for the use of experts for evidence in criminal cases, especially since cybercrime today poses a significant challenge (Kluge 2024). Therefore, it is recommended that the Jordanian Code of Criminal Procedure explicitly state the possibility for the criminal judge to accept technological, electronic, and artificial intelligence systems in proving criminal acts.

Additionally, reports issued by these systems can be accepted, provided they are reliable, accredited, and issued by official entities. For instance, technical reports produced by laboratories using artificial intelligence systems for analysis concerning any suspected material through modern examination methods, such as imaging or analyzing blood or semen stains, hold evidentiary validity. This is highlighted in Article 161 / 1 of the Jordanian Code of Criminal Procedure, which states, "The report from the responsible employee in the government chemical laboratory or the government chemical analyst, signed by him and containing the result of the chemical examination or analysis he conducted regarding any suspected material in the environment in the criminal proceedings, without the employee or analyst claiming to testify."

This text indicates that the legislator intended to restrict reports to those issued by a human employee rather than by the artificial intelligence system itself. Thus, the use of artificial intelligence systems should be analogous to using any machine or technical means that ultimately falls under the oversight of human elements. This stipulation does not align, in our view, with the developments the world is currently witnessing, necessitating its amendment based on specific controls established by the legislator.

The judge possesses discretionary authority regarding evidence obtained from our reliant on artificial intelligence systems. For example, the judge can accept such evidence or set it aside; there is no oversight from the Court of Cassation over this

aspect.

However, the judge must seek technical expertise in certain matters that can only be resolved with such expertise. Conversely, the judge's decision must be justified and reasoned regarding whether to accept or reject the evidence; otherwise, the decision may be subject to annulment for deficiencies in reasoning and flawed inference, bearing in mind that a technical report can only be annulled by a stronger technical report, as technical expertise cannot be dismissed except by technical expertise.

Nevertheless, "the authority of the criminal judge in assessing evidence is not absolute; it is governed by logical standards that safeguard rights and ensure the proper application of the law, preventing the judge from overstepping the bounds of their discretion or neglecting their rights in this freedom. The Jordanian legislator established a set of standards, which include the judge's conviction based on certainty, demonstrating the soundness of the forensic evidence, and substantiating the status of the forensic evidence, which serves as a safeguard against judicial bias when exercising this authority to prevent the judgments from being distorted. Should the judge violate these standards, they may be subject to judicial oversight."

Regarding the constraints on evidence derived from artificial intelligence systems, it is essential to assert that the expansion of accepting evidence obtained through artificial intelligence technologies must always remain within the general framework of the legality of evidence acquisition. The issues surrounding the integrity or legality of forensic and scientific evidence have escalated significantly with the proliferation of modern means to unveil the truth, because of the tremendous leap facilitated by modern technology in this field. The noticeable advancements in applying artificial intelligence techniques, psychological sciences, and psychiatry have greatly contributed to enhancing methods for revealing crimes and tracking their perpetrators (El-Erian *et al.* 2026; Khater *et al.* 2025). However, this development has sparked widespread debate over the legality of these methods, considering potential violations of personal freedoms and the sanctity of private life, in addition to intrusions into the depths of human psychology and the suppression of free will (Abouelnour *et al.*, 2025; Khalil 1982; Ngguu *et al.* 2026; Abouelnour *et al.* 2024; Adel *et al.*, 2024)

It can be concluded that "the protection and establishment of legal actions through artificial intelligence systems involve some connections through which judicial evidence can be assessed as follows:

Open Records: These include information accessible to all that can be reviewed and utilized in evidence, like scientific evidence.

Digital Signatures: Artificial intelligence systems can be employed to verify or deny their validity. The Jordanian legislator defined electronic signatures in Article 2 of the Electronic Transactions Law No. (58) of 2001, stating that "electronic signatures are data that take the form of letters, numbers, symbols, signs, or others..."

Distributed Data: Distributed data refers to data that resides on servers and other devices, which can be accessed in evidence through artificial intelligence systems.

We see that these links and evidence are not exhaustive but are merely examples of the uses of artificial intelligence in evaluating evidence in the context of proof. Legislation must keep pace with these developments, given the rapid technological advancements occurring worldwide.

4. CONCLUSION

The analysis of the discretionary power of the Jordanian criminal judges in evaluating evidential proof derived from artificial intelligence systems demonstrates relying on the traditional principle of free proof is no longer sufficient in the digital era. While judges have the freedom to assess evidence, they must adhere to objective and logical standards based on established legal principles to protect individuals' rights and ensure the proper functioning of justice.

With rapid technological advancements, judges must adapt to the ongoing changes in methods of proof, including evidence derived from artificial intelligence. Therefore, balancing the discretionary power of judges with the necessity of adhering to strict legal standards remains a pressing need. This dynamic should contribute to achieving fair and effective justice that reflects contemporary challenges and safeguards litigants' rights within modern legal systems aligned with the demands of the modern era, **Accordingly, the study has concluded with a set of findings and recommendations as follows:**

4.1. Results

The current Jordanian legal framework does not explicitly recognize the use of AI-generated evidence in criminal proceedings.

Judges may adopt artificial intelligence systems according to the principle of free proof, these systems are still susceptible to errors and misjudgements, which can hinder judicial work.

There is a noticeable need for integration between

legal and technical expertise.

There is insufficient research on artificial intelligence systems and their applications in the legal field and crime evidence before judges.

4.2. Recommendations

Amend Article 161/1 of the Jordanian Code of Criminal Procedure to allow the reliance on artificial intelligence systems in specific evidentiary contexts.

Establish clear legal and technical standards to

regulate the use of artificial intelligence in criminal proceedings, including auditability requirements and transparency.

Develop continuous training for judges on artificial intelligence techniques and modern systems to understand how to utilize them in evidentiary contexts.

Encourage further research on the compatibility of artificial intelligence systems with the law and the legality of their use in criminal evidence.

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