Alteration of local plan

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TO AID SENTENCING

COURT MAKES HISTORY WITH A.I. USE

It will be used in Sabah, Sarawak courts to save judges' time in referring to past cases, says top judge

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THE Malaysian judiciary made history yesterday by employing Artificial Intelligence (AI) in the sentencing of two drug cases — but not without objection from the defence.

Counsel Hamid Ismail raised the objection before magistrate Jessica Ombou Kakayun for his client, Denis Modili, who was charged under Section 12(2) of the Dangerous Drugs Act 1952 with possession of 0.01g of methamphetamine in Kampung Kobusak, Penampang, on Dec 16.

"The court should confine its mind to materials available in the court. Although the court has the discretion to decide whether to use AI or not, I fear it might affect the court's thinking in sentencing," Hamid said.

Jessica replied that the use of AI would aid decision-making, using data based on arguments by the defence and prosecution.

She said the AI would analyse cases between 2014 and last year in Sabah and Sarawak before making recommendations.

Denis, a 43-year-old father of seven, was sentenced to one year's jail, which will run concurrently with an eight-month jail sentence he was serving for another drug case.

Earlier, Jessica also sentenced Christopher Divingson Mainol, 26, to nine months' jail for drug possession. He was detained for having 0.16g of methamphetamine in Kampung Cenderamata, Likas, on Oct 22 last year. He, too, was represented by Hamid.

The AI had recommended 10 months' jail for Denis and nine months' for Christopher after processing their details, such as the law which they were charged under, their age, employment and socioeconomic status.

Sabah and Sarawak Chief Judge Tan Sri David Wong was present at the proceedings.

Later, Wong said he was satisfied with the process and had expected objections against the use of AI in the judicial system.

Tan Sri David Wong

"When we launched it, we expected it to be challenged, but we have to take it as it comes. The lawyers are entitled to make objections. It is a new tool for the court. Unless it is tested in court, we will not know whether it is constitutional or not."

Wong said the accused would have the chance to change their plea after learning of the possible sentences projected by the AI.

He said the AI, which would be used in Sabah and Sarawak courts, would help to save the judges' time in referring to past cases manually. The system is expected to improve analysis and make consistent recommendations.

Currently, the system is being used for cases of drug possession under Section 12 of the Dangerous Drugs Act and rape under Section 376 of the Penal Code.

"We are in the process of expanding it for civil cases relating to motor accidents in terms of awarding damages for injuries, hopefully in three to six months.

"It is a useful tool for the judiciary. Before going to trial, both sides will know the amount of damages, thus lawyers can negotiate for settlements before they come to court."

Present at the press conference was Chief Justice Tan Sri Tengku Maimun Tuan Mat.