

General Considerations and Perspectives on New Artificial Intelligence (AI) Systems. Influence of AI Systems in the Area of Criminal Liability for Breaches of Integrity Rules in Public Office

Carmen Lorena VLĂDUȚ¹

Abstract: Artificial intelligence systems are being used in various areas such as e-commerce, e-government and e-advertising, mainly because of their efficiency and ability to provide fast access to services. However, AI uses a massive amount of data, raising concerns about the privacy and control of this data held by large corporations or government entities. Although there are some risks associated with AI, such as discrimination in AI algorithms and over-reliance on technology, there are also many benefits to be gained from using these systems: automating administrative processes, providing assistance and support to citizens, data analysis and personalised decision-making etc. To maximise benefits and minimise risks, responsible control and management of AI data and systems is required. The integration of artificial intelligence in e-government and in the detection of breaches of the integrity of public functions may prove useful, but it must be accompanied by measures to ensure respect for human rights, data protection, discrimination and the avoidance of violations.

Keywords: artificial intelligence, public integrity, e-government, data control, AI risks, AI benefits, justice, integrity breaches, accountability, transparency, ethics.

I. Introduction

Artificial intelligence systems have an impact on various aspects of life and we can say that we are living in the age of *e-world*, from *e-business*, *e-commerce* to *e-government* and *e-advertising*. The continuous development of AI technologies and their application in more and more areas will influence the way we interact and function in the digital world.

Thanks to their ability to process and analyse large amount of information in real time, AI systems can provide solutions and recommendations in a variety of areas, with the main benefits being: operational efficiency and cost reduction. For example:

- In *e-commerce*, AI systems can recommend customised products to customers, based on their choices, resulting in an enjoyable shopping experience

¹ PhD student in Criminal Law, „Alexandru Ioan Cuza” University of Iași

and an increase in the number of potential customers who become customers of the retailer.

- In *e-government*, AI systems provide citizens with easy access to public services and improve the efficiency of public administration by automating repetitive and routine administrative processes for which public service employees are responsible. Thus, by relieving public sector employees of these repetitive processes, they will be able to perform highly complex tasks.

We can say without a doubt that the use of AI systems to manage data and make decisions based on the information used represents progress and development in all areas of *e-life*.

In terms of complex data analysis, AI systems have the ability to efficiently and accurately analyse large and diverse amount of available data, and to identify trends or patterns that are more difficult for humans to identify. The algorithms used can anticipate future outcomes or make certain predictions, helping to make effective decisions in certain contexts and in different domains.

The European Parliament, in its resolution of 20th January 2021 on artificial intelligence, underlines the importance of investing in human skills, including digital skills, in order to adapt to scientific advances involving AI-based solutions for people working in regulated professions, including activities related to the exercise of state authority, such as the administration of justice².

II. AI systems in *e-government*

Is AI-government more, or different, than the *e-government*? Since the inception of the Internet, scholars and practitioners have advocated the use of the Internet in government. Commonly known as *e-government*, the concept materialized over several decades and we have seen various manifestations of that in different times and in different countries. In the early stages of the Internet revolution, scholars recognized that the transformational success of *e-business* has a role to play in government and identified some exciting features of *e-government*. It was clarified that *e-government* involves using technology to benefit citizens³.

The implementation of AI systems should not be considered an end in itself, but as a tool for the benefit of people, with the ultimate aim of increasing their quality of life, their capabilities and safety⁴.

² See, European Parliament resolution of 20th January 2021 on artificial intelligence: questions of interpretation and application of international law in so far as the European Union is affected in the areas of civil and military uses and of state authority outside the scope of criminal justice (2020/2013 (INI), material available online at: https://www.europarl.europa.eu/doceo/document/TA-9-2021-0009_RO.html, consulted on 06.02.2024.

³ See, Naqvi, Al. "AI-GOVERNMENT VERSUS E-GOVERNMENT: HOW TO VERNMENT WITH AI?" *Handbook of Artificial Intelligence and Robotic Process Automation: Policy and Government Applications*, edited by Al Naqvi and J. Mark Munoz, Anthem Press, 2020, pp. 97–108.

⁴ See, European Parliament resolution of 6 October 2021 on artificial intelligence in

In the European Parliament resolution of 20th January 2021 on artificial intelligence, it⁵ was considered necessary to adopt a common European legal framework on the definition of "AI system", being defined as *a system that is either software-based or embedded in hardware devices, and that displays behaviour simulating intelligence by, inter alia, collecting and processing data, analysing and interpreting its environment, and by taking action, with some degree of autonomy, to achieve specific goals.*

In the public sector, the use of AI has led to an efficient and productive public administration by freeing staff from routine tasks and eliminating human error in these processes, through automated document processing, correspondence management, event and meeting planning, and human resource management.

In the context of the European Union, one of the key pillars of the European legislative framework to promote the digitalization of public administration is the Digital Europe Strategy⁶, launched by the European Commission in February 2020, which aims to set targets leading to the digitalization of Europe by 2030.

Digitisation and the use of AI systems are efficient both for the staff involved in the work of the public system and for citizens, as they primarily assist and support citizens by providing direct access to public services, making information of public interest available to them, offering assistance in filling in online applications and forms or answering questions.

The use of AI enables public administration to provide citizens with individual, personalised services, according to their needs, providing benefits to both citizens and administration, such as: a good user experience when interacting with the public administration, thanks to an efficient service that adapts to the needs and preferences of the citizen; increasing the level of trust and satisfaction of citizens by providing personalized, simple and safe services; the efficiency of the public services, by providing citizens with secure and fast resources, that deliver what they need through the appropriate use of resources; improving interaction and communication with citizens, by providing them with useful information according to their needs, which leads to a state of understanding and collaboration with public administration.

AI is increasingly being used in the justice sector, to enable more rational, lawful and timely decisions. The use of AI in the fight against crime and cybercrime

criminal law and its use by police and judicial authorities in criminal proceedings (2020/2016 (INI), material available online at: https://www.europarl.europa.eu/doceo/document/TA-9-2021-0405_RO.html, consulted on 06.02.2024.

⁵ See, *European Parliament Resolution of 20 January 2021 on Artificial Intelligence, work cited.*

⁶ See, R. Pérez-Morote, C. Pontones-Rosa, Montserrat Núñez-Chicharro, *The effects of e-government evaluation, trust and the digital divide in the levels of e-government use in European countries, Technological Forecasting and Social Change*, Volume 154, 2020, 119973, ISSN 0040-1625.

could offer a wide range of possibilities and opportunities, and the principle that what is illegal offline is illegal online should continue to apply⁷.

It is therefore expected that the use of AI will speed up judicial proceedings, where it will contribute to improving the process of analysing and collecting data and protecting victims, which could lead to an optimisation of the judicial process. The development of AI systems in the justice system is being studied, but the impact of the use of such technology, the use of algorithms that guarantee the fundamental principles of justice, such as a fair trial and the avoidance of discrimination or inequities, must certainly be assessed.

AI-based applications can offer great opportunities in the area of law enforcement, in particular to improve the working methods of law enforcement agencies and judicial authorities and to fight more effectively certain types of crime, in particular financial crime, money laundering and terrorist financing, online sexual abuse and exploitation of children, and certain types of cybercrime, thus contributing to the safety and security of EU citizens, but at the same time can pose significant risks to the fundamental rights of individuals; whereas any broad application of AI for mass surveillance purposes would be disproportionate⁸.

However, the precautionary principle should be applied in the evaluation and use of AI technologies in the justice system, in order to minimise risks and potential negative consequences. It is important to recognise that the use of AI should not replace the involvement of humans at crucial moments, such as sentencing or decision-making. Instead, it should serve as a complementary tool, designed to support and enhance human activity, while respecting the rights and dignity of the individuals.

Thus, the benefits of integrating AI into public administration services are reflected in the efficiency and accessibility of public services, in user satisfaction, but also in the good management of human resources and the elimination of human error in non-complex, repetitive activities.

III. AI Data Control

The behaviour of AI systems is driven by the control of data by large technology corporations and public institutions.

With regard to public administration and *e-government*, public institutions have control over the AI systems used in this area due to their access to personal and non-personal data about citizens. As for large technology corporations, they have control over a large amount of information due to the data they collect through their online platforms and services.

It is essential that both public institutions and technology companies exercise responsible and ethical control over data and ensure that user's personal

⁷ See, European Parliament Resolution of 20th January 2021 on Artificial Intelligence (...), *work cited*.

⁸ See, European Parliament Resolution of 6th October 2021 on Artificial Intelligence in Criminal Law, *work cited*.

data is protected. In doing so, they will consider issues such as: technology corporations and public institutions should be transparent and accountable in how they manage data and how they implement AI systems; the protection of user's personal data and the implementation of data security and protection measures, as well as compliance with data protection regulations and standards, such as the General Data Protection Regulation; the evaluation of the AI algorithms used to ensure that they do not create discriminatory situations or result in unfair decisions; public consultation and participation of civil society in the process of development and implementation of AI systems, in order to take into account the interests of citizens and ensure that the benefits and risks of AI systems are properly assessed.

Regardless of the 'e' domain, it is important to ensure that the control over data and AI is done responsibly and ethically, so that the benefits of AI are distributed fairly and user's personal data is protected. To achieve this, all stakeholders, namely governments, technology corporations, civil society and other interested parties, need to work together.

IV. Risks and hazards associated with AI systems

Anchored in the wider digital revolution, artificial intelligence (AI) is poised to transform the economy, society, geopolitics, and the global political orders we know today. The AI revolution's impact inextricably combines very substantive opportunities (e.g., AI for Good) and serious societal risks (e.g., unemployment, bias, privacy, safety). The prospect to shape AI development towards capturing these opportunities and minimizing the risks will depend on national-level policy, industry practices, and international coordination and collaboration. However, a global governance approach must consider the unique dynamics and challenges present in AI development⁹.

The European Parliament was one of the first institutions to make recommendations on the regulation of artificial intelligence (AI), focusing in particular on issues of ethics, liability and intellectual property rights. These recommendations were an important step in paving the way for the European Union (EU) to become a world leader in the development and regulation of AI.

We need to recognise that along with the benefits of AI, there are certain risks that we need to be aware of:

1. bias and discrimination, which can occur when AI algorithms are trained on data that contains bias, or when they learn or amplify bias from training data.

Bias refers to the situation where AI algorithms can make unfair decisions due to inaccurate information they receive, which can lead to discriminatory or unfair treatment.

⁹ See, Mialhe, Nicholas, and Yolanda Lannquist. "Global governance of artificial intelligence." *Handbook of Artificial Intelligence and Robotic Process Automation: Policy and Government Applications*, edited by Al Naqvi and J. Mark Munoz, Anthem Press, 2020, pp. 23-30.

In recruitment, AI systems can reproduce biases based on gender, age and ethnicity, affecting the fairness of the selection process.

In the justice system, AI algorithms can be biased in relation to procedural events, which could lead to violations of procedural rights.

In terms of discrimination, AI algorithms can result in unfair or unequal treatment based on race, gender, sexual orientation or other grounds.

To avoid these situations, AI algorithms must use diverse and balanced data in the training process, and the performance of the algorithms should be constantly evaluated in order to correct biases and develop algorithms that are not affected by discrimination and bias.

2. data confidentiality, namely the risks associated with it: unauthorized access, data leakage and unauthorised use of data.

The protection of individuals with regard to the processing of personal data is a fundamental right. Article 8(1) of the Charter of Fundamental Rights of the European Union (the „Charter”) and Article 16(1) of the Treaty on the Functioning of the European Union (the „TFEU”) provide that every individual has the right to the protection of personal data concerning him or her¹⁰.

AI systems can also use personal data to create detailed profiles of users, which can then be used to take decisions about them or predict their behaviour in ways that may affect their privacy and autonomy.

To avoid data privacy hazards in the use of AI, it is important that appropriate data security and protection measures are in place, including encryption, user access controls, informed and transparent user consent to the use of their data, and compliance with data protection regulations and standards, such as the General Data Protection Regulation (GDPR) in the European Union.

3. dependence on technology, a risk that society accepts with resignation, because in everyday life the human ability to make decisions or manage certain activities without technological support creates this vulnerability.

While we know that no technological system is immune to failure and error, reliance on AI systems makes people even more vulnerable, in addition to losing individual independence and autonomy with a life organised by technology.

Overall, it is important to find a balance between the use of technology and the development of human capabilities, in order to achieve our goals without compromising our critical thinking and ability to make independent decisions.

However, the European Union institutions recommend that Member States carefully assess the risks associated with the use of artificial intelligence (AI)-based technologies, in particular in relation to the automation of activities related to the exercise of state authority, such as the administration of justice. The assessment of these risks should be an integral part of the process of implementing AI technologies in these critical areas, which must take into account the need for

¹⁰ See Regulation (EU) 2016/679 of the European Parliament and of the Council of 27th April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (JO L 119, 4.5.2016, p. 1.)

safeguards, such as supervision by a qualified professional and strict rules of professional ethics.

V. Are we ready to accept the dangers posed by AI?

No matter how much we reflect on this question, the fact that AI systems offer us so many benefits in all areas: health, government, education, business etc., leading to efficiency, accuracy and accessibility of services and progress of society, we accept the potential risks, which we have a duty to ensure we minimise through the measures we take when using them.

The growing influence of AI in society has also led to the development of AI systems in the fight against corruption¹¹.

AI has been used to automatically predict corruption risks, based on data from news media¹², police archives¹³, and financial reports¹⁴. Tweetbots can also highlight suspicious cases of MP's claiming expenses and encourage their followers to investigate further¹⁵. Algorithmic systems are already regularly used in the context of anti-money laundering, where they are employed to analyse large datasets of financial transactions in order to detect irregularities. They can flag certain transactions for further investigation or even restrict transactions before they take place¹⁶. However, AI can also have negative effects, which are often

¹¹ See, Aarvik, P. 2019. *Artificial Intelligence a promising anticorruption tool in development settings*. No. 2019:1. U4 Anti-Corruption Resource Center. *apud*. Köbis, N. C. et al. *The corruption risks of artificial intelligence*. Transparency International, 2022, material available online at: <http://www.jstor.org/stable/resrep43028>, Accessed 8 Feb. 2024.

¹² See, López-Iturriaga, F. J., Sanz, I. P. 2018. Predicting public corruption with neural networks: An analysis of Spanish provinces. *Social Indicators Research*, 140(3), 975–998, *apud*. Köbis, N. C. et al. *work cited*.

¹³ See, Flachaire, S., Mocetti, P., Montalbano, A., Muscarnera, L. 2020. Predicting corruption crimes with machine learning. A study for the Italian municipalities, http://www.diss.uniroma1.it/sites/default/files/allegati/DiSSE_deBlasioetal_wp16_2020.pdf *apud*. Köbis, N. C. et al. *Ibidem*.

¹⁴ See, Lavigne, S., Clifton, B., & Tseng, F. 2017. Predicting financial crimes: Augmenting the predictive policing arsenal. Preprint at <https://arxiv.org/abs/1704.07826>, *apud*. Köbis, N. C. et al. *Ibidem*.

¹⁵ See, Forjan, J., Köbis, N. C., Starke, C. 2022. Using artificial intelligence to fight corruption: Expert interviews on the potentials and limitations of existing approaches. In A. Mattoni (Ed.), *Digital Media and Anticorruption*. 2006. Odilla, F. 2021. Bots against corruption: Exploring benefits and limitations of AI-based anti-corruption technology. International Seminar Artificial Intelligence: Democracy and Social Impacts, https://www.academia.edu/download/67395812/FO_AI_Bots_Against_Corruption_2May2021.pdf *apud*. Köbis, N. C., et al. *Ibidem*.

¹⁶ See, Breslow, S., Hagstroem, M., Mikkelsen, D., Robu, K. 2017. The new frontier in anti money laundering.

<https://www.mckinsey.de/~media/McKinsey/Business%20Functions/Risk/Our%20Insights/The%20new%20frontier%20in%20anti%20money%20laundering/The-new-frontier-in-anti-money-laundering.pdf> *apud*. Köbis, N. C. et al. *Ibidem*.

seemingly unintended. The implementation of AI systems in both the private and public sectors can lead to undesirable outcomes as a result of biased input data, faulty algorithms or irresponsible implementation¹⁷. For instance, certain facial detection software has been shown to perform poorly on people of colour, because it was not sufficiently trained with various training data sets¹⁸.

The benefits of Artificial Intelligence (AI) systems in various aspects of "e-life" are considerable and deserve to be recognised, and with responsible and ethical management of AI technology, awareness of the risks and hazards associated with its use, and appropriate measures to manage it responsibly, e-life offers us enormous potential for improving the quality of life and advancing society.

VI. The influence of AI systems in the area of criminal liability for breaches of integrity rules in public office

The topic of the author's doctoral thesis is *Criminal liability for breaches of integrity rules in the exercise of public office and dignitaries*, i.e. for committing offences related to conflict of interest, corruption and service offences under the Romanian Criminal Code, offences assimilated to corruption offences under special laws, offences directly related to corruption offences, and an important aspect of the research could be how artificial intelligence systems could influence or intervene in the prevention, detection and investigation of these crimes, as well as in the monitoring of integrity in the public sector.

Previously, we mentioned that AI can be integrated into the justice system, of course with some due diligence so that the fundamental rights of the people involved are not affected by possible system errors, but we believe that it can also be implemented in the detection of the integrity of public functions, through the development of specialised software. Such software can use AI algorithms to analyse and monitor activities in the public sector and identify potential cases of corruption, fraud or abuse.

Artificial intelligence (AI) in the service of the law holds out the promise of a legal system that is more accessible, effective, efficient and just, where artificially intelligent systems, widely accessible and equipped with perfect knowledge of the law and of all jurisprudence, ensure high-quality legal representation and access to justice not just for the wealthiest among us but also for the most destitute and most vulnerable¹⁹.

¹⁷ See, Christian, B. (2020) *The Alignment Problem: Machine Learning and Human Values*. W. W. Norton & Company; Starke, C., Baleis, J., Keller, B., Marcinkowski, F. No date. *Fairness perceptions of algorithmic decision-making: A systematic review of the empirical literature*. *Big Data and Society*. <https://arxiv.org/abs/2103.12016> apud. Köbis, N. C. et al. *Ibidem*.

¹⁸ See, I. Buolamwini, T. Gebru (2018) *Gender shades: Intersectional accuracy disparities in commercial gender classification*. In S. A. Friedler & C. Wilson (Eds.), *Proceedings of the 1st Conference on Fairness, Accountability and Transparency* (Vol. 81, pp. 77-91). PMLR apud. Köbis, N. C. et al. *Ibidem*.

¹⁹ See, N. Economou, B. Hedin. "Legal systems at a crossroads: justice in the age of

It should be noted that in criminal matters we do not have rules that cover the concept of integrity for criminal acts committed in the exercise of public functions, and the legislator has not provided for a specific penalty for failure to comply with the criminal rules on integrity in the exercise of public functions and dignities.

The term “integrity” in public office is sometimes used as an antonym to corruption, but integrity is not only about the absence of corruption, but also about personal dignity, communication and transparency in public decision-making, so as not to raise suspicions that private interests are taking precedence over the public interest.

The National Anti-Corruption Strategy 2021-2025 passed by Romanian Government defines integrity as the obligation of representatives of public institutions and authorities to declare any personal interests that may conflict with the objective exercise of their duties and to take all necessary measures to avoid such situations²⁰.

Public integrity implies the cumulative fulfilment of three conditions: the incorruptibility of the decision, irrespective of its beneficiary; respect for the principles of transparency and competitiveness; and good administration in terms of economy, effectiveness and efficiency²¹.

In order to be held liable for criminal offences arising from breaches of integrity rules, there are preliminary steps that lead to this result if the conditions for criminal liability are met.

To this end, we believe that AI can be used to detect signs of breaches of integrity rules in the exercise of public functions, such as:

- financial anomalies resulting from significant discrepancies between the allocated budget and the execution of the budget;
- situations where persons holding public office or public dignitaries are involved in decisions or contracts that may be in conflict with their personal or financial interests, may raise suspicions about their integrity and impartiality; situations of discrimination in the decision-making process or in the provision of public services; inappropriate access to / or use of confidential or sensitive information for personal purposes or for the benefit of others; favouring certain companies or persons in the award of public contracts or licences; undue external influence on administrative or political decisions; irregularities in the recruitment and promotion process as a result of unclear or inconsistent procedures in this area;

artificial intelligence.” *Handbook of Artificial Intelligence and Robotic Process Automation: Policy and Government Applications*, Anthem Press, 2020, pp. 119–28.

²⁰ Information that we have formulated in the chapter entitled *Criminal rules on integrity in the exercise of public functions and dignities*, from the research paper with the same name, in progress.

²¹ See, *Guidelines on Whistleblower Protection (Ghidul privind protecția avertizorilor de integritate)*, Romanian Transparency Association, Bucharest, 2005, page 9, the text was consulted on 07.02.2024 at: <https://www.transparency.org.ro/publicatii/ghiduri/GprotectieAvertizori.pdf>.

and lack of transparency and accountability due to missing or inconsistent internal reporting and control systems.

These are just a few examples of indications of possible breaches of integrity in public office. It is important that these matters are properly investigated and dealt with to ensure that the principles of ethics, transparency and accountability in the exercise of public functions are respected and that legal procedures are followed where there is a suspicion of criminal offences in the exercise of public functions.

The algorithms of AI systems used to detect integrity rules violations could be trained to analyse large amount of data to identify suspicious activity by:

1. *analysing data*, in the sense that AI algorithms can analyse large amount of information to identify patterns and anomalies that may indicate suspicious activity in the performance of public functions, such as: monitoring financial flows, analysing public contracts and monitoring the behaviour of public servants.

2. *identifying patterns* or signals that may indicate corruption or fraud in administrative processes or decisions made in the exercise of public office. Algorithms can identify unusual discrepancies or inconsistencies in the way public resources are managed or in the way decisions are made within public institutions.

AI algorithms can identify discrepancies or inconsistencies in public resource management or decision-making, by analysing financial and accounting data to indicate possible fraud or abuse in the management of public financial resources. This can include detecting unusual transactions, unjustified expenditure or discrepancies between the budget and budget execution.

The algorithms can also monitor public contracts and government procurement, to identify potential cases of favouritism, corruption or abuse in the procurement process or in the execution of contracts. This can include analysing contract terms and conditions, comparing prices and identifying significant discrepancies.

The AI system can analyse administrative decisions taken by public institutions to identify potential cases of discrimination, bias or non-compliance with rules and procedures. This may include identifying discrepancies in the way different similar cases are handled, or analysing factors that influence administrative decisions.

AI algorithms can also monitor data flows and communications within public institutions, to identify potential cases of misuse or abuse of sensitive or confidential information.

By identifying and reporting these discrepancies or inconsistencies, AI algorithms can help improve transparency, accountability and integrity in the management of public resources and in public sector decision-making. This can lead to greater trust and credibility in public institutions and better protection of citizen's interests and rights.

3. *monitoring*, in real time, *the conduct* in the performance of duties, to identify misconduct or behaviour that does not comply with ethical and legal

norms. This may include monitoring online activities, conversations or interactions with people outside the public institution.

By criminalising the offence of conflict of interest, the legislator's aim was to protect the social relations relating to the proper performance of the public official's activity, which requires the correct conduct of the person performing an activity within a public authority, public institution etc.; the social relations relating to the correctness of public officials in the performance of their duties also require them to refrain from taking any decision that could bring them, directly or indirectly, or a third party, a certain material advantage²², with the exception of favouring relatives or persons with whom they have had business relations. Noting that the old and the new Romanian Penal Code similarly criminalize the conflict of interests, the previous doctrine emphasized that legislator also intended to protect the social relations related to the defence of the legal interests of natural or legal persons against the unlawful interests of public officials²³.

Where there is a suspicion that such an offence has been committed, investigative bodies may conduct monitoring using AI systems, while respecting the fundamental rights of individuals, including the right to privacy and confidentiality, and subject to safeguards to ensure that the AI system is used in a proportionate and necessary manner for the purpose of the investigation and that the data collected are handled appropriately and in accordance with ethical and legal principles.

4. *analysis of documents and internal communications of public institutions* using natural language processing algorithms to search for clues or indicators of suspicious or illegal conduct.

The ultimate aim of integrity is the rigorous respect of all legal frameworks within which public authorities must operate, in order to provide the widest and most predictable space for the full exercise of citizen's fundamental rights²⁴. Thus, the implementation of artificial intelligence in the detection of integrity in the exercise of public functions can contribute to increasing transparency, accountability and integrity in the public sector.

However, it is important to ensure that these systems are used in accordance with ethical and legal principles, and that adequate oversight and control mechanisms are in place, to prevent abuse or violation of individual rights, as well as expert oversight, to check for errors in the algorithms used by the system.

What is clear about the impact of artificial intelligence systems on criminal liability for breaches of public integrity is that the integration of such systems would play an important role in flagging potentially incriminating situations in

²² See, T. Toader, *Drept penal. Partea specială, (Criminal Law, Special Part)*, 7th Edition, Bucharest, Hamangiu Publishing House, 2012, p. 281.

²³ See, I. Măgureanu, „Conflictul de interese”, (*Conflict of Interests*), *Revista de Drept Penal (Journal of Criminal Law)* 2007, No. 2, p. 126.

²⁴ See, E.S. Tănăsescu, *Integrity in the exercise of functions as a guarantee of fundamental rights (Integritatea în exercitarea funcțiilor ca garanție a drepturilor fundamentale)*, *Judicial Courier, (Curierul Judiciar)* No. 2, 2018, p. 91.

relation to public integrity, a tool for preventing and combating corruption and other breaches of the law in the public sector, and could also lead to criminal liability for offences in relation to public integrity and beyond.

AI will not be able to replace investigative bodies or courts in providing legal solutions; the role of these systems is to generate information and indices to facilitate the investigative process and to help identify cases that require further attention from the relevant authorities.

VII. Conclusions

The use of artificial intelligence to detect breaches of integrity norms in public office is a promising approach to promoting transparency, ethics and accountability in the public sector. By analysing data and identifying anomalies or misconduct, AI systems can help prevent and combat corruption, conflicts of interest and other breaches of ethical and legal rules.

However, it is important to take into account the respect of fundamental rights of individuals and the protection of personal data in the monitoring process. The responsible use of AI technology must be accompanied by adequate safeguards, to respect the principles of confidentiality, transparency and impartiality.

The implementation of AI systems for this purpose should be part of a robust legal and institutional framework, that ensures respect for individual rights and promotes ethical and transparent governance. Through the proper management of these technologies, we can contribute to strengthening integrity and accountability in the exercise of public functions and the rule of law.

References:

- Guide on protection of whistleblower*, Romanian Association for Transparency, Bucharest, 2005.
- Măgureanu I., *Conflictul de interese*, Revista de Drept Penal, 2007, no. 2.
- Naqvi, Al. *AI-government versus e-government: how to government with AI?* Handbook of Artificial Intelligence and Robotic Process Automation: Policy and Government Applications, edited by Al Naqvi and J. Mark Munoz, Anthem Press, 2020.
- Miaailhe N., Lannquist Y., *Global governance of artificial intelligence*. Handbook of Artificial Intelligence and Robotic Process Automation: Policy and Government Applications, Anthem Press, 2020.
- Economou N., Hedin B., *Legal systems at a crossroads: justice in the age of artificial intelligence*. Handbook of Artificial Intelligence and Robotic Process Automation: Policy and Government Applications, edited by Al Naqvi and J. Mark Munoz, Anthem Press, 2020.
- Köbis N.C., et al. *The corruption risks of artificial intelligence*. Transparency International, 2022.
- Pérez-Morote R., Pontones-Rosa C., Núñez-Chicharro M.T., *The effects of e-government evaluation, trust and the digital divide in the levels of e-government use in European countries*, Technological Forecasting and Social Change, Volume 154, 2020,119973, ISSN 0040-1625.
- Toader T., *Drept penal. Partea specială*, Bucharest, Hamangiu Publishing House, 2012.