

ALGORITHMS AND RULE OF LAW: COURTS IN THE AGE OF AI

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MY POSITIONAL APPROACH

- Political and Constitutional Order
- Digital territoriality
- Governance of social-technical systems
- Post-colonial institutional design
- Political Science and Law (Jurisprudence, Political Thought, Political Economy and Digital Theory)

ANALYTICAL FRAMING

Analytical Category

- AI as Structural Creative Destruction: Institutional Displacement and Legal Authority (Macro-structural category)
- Epistemic Shift in Legal Reasoning: Interpretation vs Prediction (Jurisprudential Critic)
- Judicial Authority Under Algorithmic Governance (Social-technical critic)
- GIGO (Computer Science Perspective)
- Institutional Adaptation and Resistance (Historical Sociology of Courts and Technology)

JURISPRUDENTIAL PROBLEM

- Law is built on reason-giving (Natural Law and Enlightenment Legal Logic)
- AI is built on pattern recognition (Machine Legal Logic)
- Legitimacy Questions (Courts, public justification and machine based accountability)
- Algorithms (Opacity and Probability)

AI AND STRUCTURAL CREATIVE DESTRUCTION

- Creative destruction (Schumpeter)
- Disruption of the Monopoly of legal reasoning.
- Algorithms and judicial discretion
- Redistribution of epistemic power
- It shifts governance toward platform capitalism
- Producers of authoritative legal judgment (Courts V Algorithmic systems)

INTERPRETATION AND PREDICTION: EPISTEMIC SHIFT

- Digital modernity's main challenge to jurisprudence (legal authority shifts from interpretive reasoning to statistical prediction transforming the epistemology of the rule of law)
- Traditional legal modernity Vs Algorithmic models (Epistemic Comparisons)
- From what is justified to what is probable (Shift in Civilizational logic)

JUDICIAL AUTHORITY UNDER ALGORITHMIC GOVERNANCE

Food for thought

- What happens if courts defer to algorithmic expertise
- How can Courts Regulate AI
- Who controls the standard of rationality — judges or machines?
- Interpreters of law or arbiters of the boundaries of machine authority.

HISTORICAL PERSPECTIVE: COURTS AND TECHNOLOGICAL DISRUPTIONS

- How did courts deal with the Artificial over time?
- Framed another way how did courts survive Industrial capitalism, telegraph, radio, internet, mass surveillance etc.?
- Is AI qualitatively different?

CONCLUSION: THE FUTURE OF JURISPRUDENCE

Three possible futures:

- Judicial domestication of AI (Courts impose transparency and accountability standards)
- Technocratic displacement (Judicial authority erodes in favor of data governance)
- Hybrid constitutionalism (Human judgment remains final, but informed by algorithmic systems)

END

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- The question before us is not whether courts will use AI, it is whether the rule of law will remain interpretive or become predictive. The answer is upon all of us

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