Potential Harms of AI Concerning with Media Trial

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Reference to this paper should be made as follows:

Received: 03.04.2025
Accepted on: 15.06.2025

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Vol. XVI, Sp.Issue July1 2025
Article No.21, Pg. 148-156

Similarity Check: 04%

Online available at https://anubooks.com/special-issues?url=-jgv-vol-xvi-special-issue-july-25

DOI: *https://doi.org/10.31995/jgv.2025.v16iSI7. 021*

Abstract

The advent of artificial intelligence (AI) initiate the era of new possibilities concurrently with many risks. As a prominent tool AI can do many things in single time. With the use of AI nowadays, work become significantly easy to do, AI provide simultaneously many option to single problem, make the thing more effective and efficient. Every coin has two sides in the same way AI also has pros and cons. For Example AI integration in media is not without its difficulties, though. With the help of AI technology, it become easier to create incredibly fake content that can stoke division and alter perceptions, the threat of deep fakes and spread of false information remain serious worries. Sometime AI become hazardous to whole community like absence of explain ability and transparency in AI, AI based social manipulation, social monitoring, insufficient data privacy, prejudice caused by AI, socio economic disparity stemming from AI, diminishing goodwill and ethics due to AI, elevated criminal behavior, broader economic and political instability.

With respect to Article 19(1) (a), every person has the right/ freedom to expression and speech. So anyone can easily misuse the AI for hi/her personal benefit and influence the whole group of people in wrong way.

Keywords

Artificial Intelligence (AI), Hazardous, Social Manipulation, Misuse.

https://doi.org/10.31995/jgv.2025.v16iSI7.021

1. Introduction

After the legislative, executive and judicial branches, the media is frequently referred to as the "fourth pillar of the democracy". It has the power to alter societal perception and plays a significant role in raising awareness among people. With respect to Article 19(1) (a), every person has the right of expression and speech.[1] **Media** characterized as the method of communication that affects a large group of audience. Media serves a vital role in the contemporary world as it is a fundamental source of information upon which public judgement, thought and perspective rely on.

Trial by Media is described as a practice in which the media initiates a separate scrutiny and forms a public opinion based against the defendant before the actual trial starts. Similarly, it fosters bias in the case, resulting in a transgression against the defendant, who should be viewed as innocent until proven guilty, but is now assumed guilty, infringing on his fundamental rights. The subject 'Trial by Media' has been discussed by civil rights advocated, constitutional attorneys, judges and academics almost daily in recent times. With the growth of the internet and social media users, the overall amount of attention in any crime or suspect or accused receives in the media has reached a concerning level.

Artificial Intelligence (AI) consists of a collection of technologies that allow computers to execute a range of sophisticated tasks such as the capability to observe, comprehend and interpret both spoken and written language, evaluate data, provide suggestions and additional functions. An AI system, as explained by the OECD's (Organisation for Economic Co-operation and Development) AI Experts Group (AIGO), is a machine- based system that can, for a given set of human – defined objectives, make predictions, recommendations or decisions influencing real or virtual environments.[2]

The details may differ among various AI methodologies, yet the fundamental concept centres on data. AI system enhance their capabilities by processing extensive datasets, uncovering patterns and connections that might elude human observation. This educational process typically employs algorithms, which consist of a series of rules or directives that steer the AI's analytical and decision making processes. Some of the technical terms used in AI terminology are-

1.https://indiankanoon.org/doc/1218090#:~:text=Freedom%20of%20Speech%20and%20Expression%20%2D%20Article%2019 (1)(a,representations%2C%20or%20any%20other%20means.

2. https://www.oecd.org/en/publications/artificial-intelligence-in-society_eedfee77-en.html

Deep learning- It represents a more advanced specialization within the field of artificial intelligence, employing artificial neural networks that consist of numerous layers to analyse data.[3] This approach simulates the architecture and operation of human brain.

Large Language Models (LLMs)-Envision engaging in dialogue with an intelligent computer capable of comprehending your word and providing coherent responses.[4] This is precisely the function of large language models (LLMs). These advanced systems possess the ability to produce text that resembles human writing and assist us in various tasks.

Datasets-Datasets consist of extensive collections of information utilized by AI systems for learning purposes.[5] These can encompass various forms of data, such as images, text passages, or numerical data from sensors. AI systems analyse these examples to identify patterns, enabling them to make decisions similarly to how humans learn through repeated exposure to examples.

Neural Networks- Neural networks function similarly to a collective of miniature brains within a computer system.[6] These computational models draw inspiration from the workings of the human brain and are specifically designed to identify patterns and address intricate challenges.

Structured Query Language (SQL) SQL is a programming language designed for interacting with databases, which are extensive repositories for storing information and data. It enables users to pose specific inquiries (queries) and receive prompt responses.[7]

In short "AI works to simulate human intelligence by using algorithms to analyse large amounts of data, identify data patterns and make decisions based on those patterns. By training on specific data, AI systems "learn" to identify relationships within the data, and can adapt as they are exposed to new information over time."[8]

3. https://www.ibm.com/think/topics/artificial-intelligence

4. https://www.cloudflare.com/learning/ai/what-is-large-language-model/

5. https://huggingface.co/docs/datasets/en/index

6. https://www.geeksforgeeks.org/neural-networks-a-beginners-guide/

7. https://www.geeksforgeeks.org/what-is-sql/

8.https://builtin.com/artificial intelligence#:~:text=AI%20works%20to%20simulate%20human,to%20new%20information%20over%20time.

https://doi.org/10.31995/jgv.2025.v16iSI7.021

AI can be categorized in various ways, based on its developmental stages or the functions it performs. For example- there are four widely acknowledged stages of AI development.

Reactive machines: This type of AI is limited in scope, responding solely to specific stimuli according to pre-established rules, lacks memory capabilities. An illustrate example of a reactive machine is IBM's Deep Blue, which defeated chess champion Garry Kasparov in 1997.

Limited memory: The majority of contemporary AI falls under the category of limited memory. This type of AI can utilize memory to enhance its performance over time by being trained with new data, often through artificial neural networks or other training methodologies. Example- Deep learning, a branch of machine learning

Theory of mind: Although theory of mind AI is not yet realized, research is actively exploring its potential. This concept refers to AI that can replicate human cognitive functions, possessing decision-making abilities comparable to those of humans, including the capacity of recognize and remember emotions and respond appropriately in social contexts.

Self- aware: This represents a more advanced stage than theory of mind AI, self-aware refers to a hypothetical machine that possesses awareness of its own existence and exhibits both intellectual and emotional capabilities akin to those of a human. Like theory of mind AI, self-aware AI has not yet been developed.

2. **Statement of Problem**

The swift progress of Artificial Intelligence (AI) has prompted the integration of this technology into media and journalism, raising important ethical and legal issues, especially concerning media trials situations in which AI-generated content affects public perceptions of legal cases prior to official verdicts. Although AI has the potential to enhance investigative journalism, streamline content creation, and facilitate access to information, it also introduces considerable risks. The challenges emerge when AI technologies, including deep fake videos, automated news reporting, biased algorithms, and bots that disseminate misinformation, contribute to media trials. In these instances, public opinion is shaped by potentially deceptive narratives before the judicial process concludes. This situation can result in biased legal outcomes, harm to reputations, the spread of misinformation, and infringements on the right to a fair trial.

3. **Literature Review**

Considering the highly sensationalized nature of news in India, the inappropriate application of AI in media trials could significantly undermine justice, privacy, and democratic principles. In this, it explores the current research on the possible detrimental effects of AI in media trials specific to India, emphasizing concerns regarding misinformation, bias, legal obstacles, and ethical dilemmas. During Prominent Cases India has experienced numerous prominent media trials where misinformation fuelled by artificial intelligence has significantly influenced public perception. Research indicates that:

The book titled *"Why A.I. is A Waste of Money* by Arijit Sengupta, it is mentioned that AI-generated deep fake videos and altered news segments have been utilized to sway narratives concerning legal matters, elections, and criminal inquiries.

The book titled "Artificial Intelligence in Media, Law and Marketing by Anvesha Sharma, Garmia Tiwari, Tilak Jha", explore the vibrant landscape of Artificial Intelligence (AI) and its significant influence on three essential societal pillars: media, law, and marketing, in this enlightening examination. Discover how AI is transforming these sectors by analysing the opportunities and challenges it presents. The book is organized into three sections, each focusing on a specific field (media, law, and marketing), and investigates the particular effects of AI through case studies, expert insights, and real-world examples.

The book titled "Artificial Intelligence and the Media (Reconsidering Rights and Responsibilities), edited by Taina Pihlajarinne and Anette Alen-Savikko , this timely publication offers an in-depth examination of the influence of law and regulation on the application of Artificial Intelligence (AI) within the media industry. In addition to enriching the broader discourse surrounding law and AI, the book delves into significant challenges at the crossroads of AI, media, and legal frameworks. The chapters provide a critical reassessment of diverse rights and obligations, focusing on the motivations for responsible AI usage in the sector. There are some famous cases like

- **Sushant Singh Rajput case (Rhea Chakraborty vs Union Of India And Anr)[9]**

A prominent instance is the Sushant Singh Rajput case (2020), where AI-driven bots magnified conspiracy theories, resulting in a media trial prior to the completion of official investigations.

9. AIRONLINE 2020 BOM 1252

https://doi.org/10.31995/jgv.2025.v16iSI7.021

• **Aryan Shah Rukh Khan v. Union Of India**[10]

The Aryan Khan drug case of 2021 serves as a pertinent example of the phenomenon, illustrating how media narratives driven by artificial intelligence significantly shaped public perception, despite the absence of substantial legal evidence.

4. Objective of Research

- To study consequence of public perception and rights to a fair trial
- To analyse the domination and fabrication of AI
- To examine ethical issues in AI Enhanced Reporting
- To investigate the role of AI in alternative fact and fake news.
- To examine the legal and regulatory structures essential for overseeing the application of AI in media trials
- To Evaluate the potential for AI's involvement in media trials

5. **Research Question**

- How AI generated content has the potential to propagate misleading narratives during media trials?
- What ethical challenges emerge from AI in the analysis of media trials and its impact on the fairness of judicial results?
- How AI algorithms reinforce bias in media trials and its implications for the impartiality of public trials and legal processes?
- How can AI-driven media trials facilitate the dissemination of misinformation, and its effect on public confidence in legal institutions?
- In what ways could media trials powered by artificial intelligence impact the conduct of legal professionals and shape their decision-making processes?

6. **Research Hypothesis**

- AI-generated digest and study of media trials are likely to exhibit a greater frequency of factual inaccuracies when compared to content produced by humans.
- Trials that utilize AI-generated content in the media are likely to lead to an increase in prejudgment within public opinion, as opposed to trials that are exclusively covered through conventional journalistic practices.
- Individuals who engage with AI-generated media coverage of trials are likely to express diminished trust in the judicial system compared to those who consume coverage produced by humans.

10. 2021 SCC OnLine Bom 4127

7. **Research Methodology**

The research design ought to employ a mixed-methods approach, integrating both qualitative (Engage in interviews with key stakeholders, including journalists, attorneys, ethicists, and AI developers) and quantitative (Create surveys aimed at evaluating public perceptions of AI-generated news) methodologies to effectively tackle the intricacies of the research issue.

8. Results

Although AI-generated content can effectively and rapidly disseminate information, its application in media trials poses significant risks if not adequately monitored and regulated. There is a potential for it to mislead the public, foster biased narratives, and sway legal outcomes in a manner that could compromise justice. It is essential to establish safeguards to identify and address the dangers of AI-generated misinformation, especially in sensitive situations such as media trials. The ethical dilemmas arising from the application of AI in media trials underscore the necessity for thorough evaluation and regulation. Although AI presents considerable benefits in information processing and improving efficiency, its implementation in media trials requires a cautious approach to uphold fairness, transparency, and justice. It is essential for legal systems, journalists, and policymakers to collaborate in establishing ethical standards and protective measures that address these challenges, ensuring that AI does not compromise the foundational principles of fairness and justice within the legal framework. Legal practitioners may experience pressure to align with public opinion, modify their tactics in response to media portrayals, or even manipulate media narratives. Such dynamics could compromise their impartiality and hinder their capacity to make decisions grounded solely in legal principles, ultimately undermining public trust in the justice system. To address these issues, it is crucial for legal professionals to prioritize legal integrity and withstand the inappropriate influence of AI-driven media reporting.

9. Significance of Research

The importance of investigating the possible risks associated with artificial intelligence in the context of media trials is complex, involving legal, ethical, societal, and technological issues. The utilization of AI technologies in media trials is on the rise, impacting both public perception and judicial results. As AI technology advances, it is imperative to engage in proactive research and discussions to reduce its risks and guarantee that it effectively benefits the public.

https://doi.org/10.31995/jgv.2025.v16iSI7.021

10. Limitation of Research

The rapid advancement of AI technology presents challenges for researchers, as studies often focus on theoretical models without empirical evidence. Misinformation can distort data, and legal diversity in AI, privacy, and media reporting regulations can complicate universally applicable research findings. AI systems' complexity and ethical concerns can hinder accurate prediction and isolation of harms. Media trials often involve subjective interpretations, and biases in researchers, media organizations, and public opinion can shape research outcomes and presentation.

11. Conclusion

In summary, although artificial intelligence presents considerable opportunities for technological advancement and process optimization, its use in media trials brings forth important ethical issues. It is crucial to develop explicit guidelines, uphold transparency, and guarantee accountability to reduce the possible negative impacts that AI may have in these situations.

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