

THE JUDICIARY AS A CONSTRUCTIVE INSTITUTION IN THE AGE OF AI: POWER, JUSTICE, AND THE CRISIS OF DEMOCRATIC REPRESENTATION

O JUDICIÁRIO COMO INSTITUIÇÃO CONSTRUTIVA NA ERA DA IA: PODER, JUSTIÇA E A CRISE DA REPRESENTAÇÃO DEMOCRÁTICA

Article received on: 6/24/2025

Article accepted on: 8/22/2025

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The authors declare that there is no conflict of interest

Abstract

This article aims to re-examine the role and power structure of the judiciary in the context of globalization and the rapid development of artificial intelligence (AI). Its primary objective is to clarify the functional transformations, legitimacy, and critical capacity of the judiciary—particularly judges—when confronted with data-driven power, the technocratization of justice, and the erosion of trust in the rule of law. Research methodology is based on humanistic philosophy and critical social theory. It uses an interdisciplinary approach that is connected to legal studies, political science, the sociology of law, and the philosophy of technology. The article, similarly, uses dialectics in a way that inverts and transposes the pairs: rule of law and technocracy, freedom and control, principles and rules, and legality and morality. The upshot is that the judiciary has moved from being a law-interpreting institution to a political and moral actor. It became a new centre of power in fragile representative institutions. Judges are increasingly acting as moral and social agents, moving beyond the purely neutral role of legal experts enforcing the law within the framework of a stable professional life with a stable income. However, it is also clear that its success can change the character of the judicial function in a way which may weaken democratic representation and allow for an unbounded extension of the scope of judicial action, if the fact that judicial action has a second face—the face of law enforcement—is not fully taken into account. The article emphasizes the need for restructuring the judiciary as an open, dialogical institution—closely linked to social life and subject to institutional and moral oversight—to ensure the safeguarding of justice, democracy, and humanity in the emerging global order.

Keywords: Judiciary. Artificial Intelligence (AI). Justice. Power. Democracy.

Resumo

Este artigo visa reexaminar o papel e a estrutura de poder do judiciário no contexto da globalização e do rápido desenvolvimento da inteligência artificial (IA). Seu objetivo principal é esclarecer as transformações funcionais, a legitimidade e a capacidade crítica do judiciário — em particular dos juízes — quando confrontado com o poder baseado em dados, a tecnocratização da justiça e a erosão da confiança no Estado de Direito. A metodologia de pesquisa baseia-se na filosofia humanística e na teoria social crítica. Utiliza uma abordagem interdisciplinar conectada aos estudos jurídicos, à ciência política, à sociologia do direito e à filosofia da tecnologia. O artigo, similarmente, utiliza a dialética de forma a inverte e transpõe os pares: Estado de Direito e tecnocracia, liberdade e controle, princípios e regras, e legalidade e moralidade. O resultado é que o judiciário deixou de ser uma instituição intérprete da lei para se tornar um ator político e moral. Tornou-se um novo centro de poder em instituições representativas frágeis. Os juízes estão cada vez mais atuando como agentes morais e sociais, indo além do papel puramente neutro de especialistas jurídicos que aplicam a lei no contexto de uma vida profissional estável com uma renda estável. No entanto, também é evidente que seu sucesso pode alterar o caráter da função judicial de forma a enfraquecer a representação democrática e permitir uma extensão ilimitada do escopo da ação judicial, se o fato de que a ação judicial tem uma segunda face — a face da aplicação da lei — não for plenamente levado em consideração. O artigo enfatiza a necessidade de reestruturar o judiciário como uma instituição aberta e dialógica — intimamente ligada à vida social e sujeita à supervisão institucional e moral — para garantir a salvaguarda da justiça, da democracia e da humanidade na ordem global emergente.



Palavras-chave: Judiciário. Inteligência Artificial (IA). Justiça. Poder. Democracia.

1 INTRODUCTION

In our time of global interaction with the quick rise of AI, the courts—long seen as the most steady part of how laws are made—face big questions about what they do, if they are fair, and how they are run. Judges are no longer just those who interpret and apply the law, but are increasingly becoming builders of new social, political, and moral rules. This transformation now raises many theoretical and practical questions: Is judicial power beyond the boundaries of traditional legal and democratic representation? Is justice being technocratized by data and algorithms, artificial intelligence (AI)? Moreover, can judges today still fulfill their role as pillars of the democratic rule of law, or must they perform it as a profession, earning an income? This article approaches these issues through the lens of humanistic and critical social philosophy in an interdisciplinary framework. It employs a dialectical method that reverses and transforms opposing concepts—freedom and control, justice and technocracy, rules and principles, legality and morality. This article examines the role of the judiciary in the modern power structure and reevaluates the legitimacy of law, institutional stability, and the significant capacity of judges as moral and social agents in the era of AI-driven global governance.

2 LITERATURE REVIEW

The judiciary – and, in particular, the role of judges in modern rule of law systems – has increasingly attracted interdisciplinary scholarly attention in the context of globalization, the digital revolution, and artificial intelligence (AI). For decades, legal and political theorists have debated the functions, objects, limits, and legitimacy of the judiciary within a democratic framework. However, we face tough questions about the nature of power, justice, and trust only with AI and machine learning tools woven into government and courts (Yeung, 2018). Courts have traditionally been seen as fair institutions that follow clear rules of law and serve to guarantee justice in a system of democracy (Dworkin, 1986). Bellamy (2007) and Waldron (2006) have warned that courts are in a precarious position, caught between the power of the courts and the will of the people. When courts get too involved in public policy and social life, some worry that

courts will be seen as too powerful. They argue that judicial power gradually escapes political control, creating an accountability gap in the modern power structure.

From the perspective of critical social philosophy—especially within the Frankfurt School and post-structuralist traditions—thinkers such as Fraser (2009), Honneth (2014), and Supiot (2017) view the rule of law not merely as a system of rules, but as an embodiment of ethical, social, and economic structures. In this era of AI and increasingly global life, some critics argue that our rules are at risk of becoming spaces where technology prevails. Laws will be out of touch with how people really live. Judges will be technical agents. They will not share the same feel of home or the same beliefs as the ones they judge. As judges get more and more power, while elected bodies continue to lose their grip on the reins of power, we see the start of a fresh sort of hold on things. Machines and high tech now make rules. Research by Latour (2009) and Luhmann (2004) emphasizes that law is a complex social communication system that cannot be reduced to a rigid set of rules encoded by technology.

Recently, there has been an increase in studies about how artificial intelligence is changing the way courts hold power. Eubanks (2018) and Zuboff (2019) warn that data-based judging and behavioral scoring systems erode judges' ability to make moral judgments, leading to what they call an optimized justice that is not based on the people voting on issues, but on automating the decision-making process. These studies highlight a dual risk: on the one hand, legal practice becomes technocratic; on the other, judicial power is elevated into a super-normative institution beyond democratic oversight (Kumm, 2009). International studies have provided multidimensional analyses of the relationship between the judiciary, technology, and democracy. However, there remains a lack of integrated, critical philosophical approaches—particularly analyses that examine judges' professional roles and reflexive capacities as intermediaries between law, technology, and morality. The content of this article fills in that gap by repositioning the judiciary as an interdisciplinary space of dialogue, where judges are not merely rule appliers but creators of justice amid the existential tensions of modern society.

3 RESEARCH METHODOLOGY

This article is written from the perspective of what is now known as humanistic philosophy and critical social theory. It examines the role of power, justice, and

legitimacy in the modern rule of law. It focuses on the judge as a legal agent, as a moral and political actor, in postmodern societies where there is an increasing influence of technology and globalization. An interdisciplinary research approach connects knowledge from law, political science, sociology of law, and philosophy of technology, thereby clarifying the relationship between legal institutions and contemporary forms of power. Notably, the article adopts a dialectical method that inverts and transforms opposing pairs—such as the rule of law and technocracy, law and justice, and freedom and control—to critique and reconstruct traditional understandings of the judiciary in the age of AI. From this approach, I clearly see the ongoing institutional paradoxes. At the same time, I recognize the potential for restructuring the judiciary – not as a rigid, technocratic tool, but as a living space for social dialogue, adapted to new historical and technological conditions.

4 DISCUSSION

4.1 Judiciary, power, and political order in the context of globalization and Artificial Intelligence (AI)

In the era of globalization and the powerful rise of Artificial Intelligence (AI), not only individuals, markets, or traditional state institutions are undergoing restructuring, but even the legal system—long considered the most stable pillar of the rule of law—is being fundamentally redefined (Supiot, 2017). AI should not be seen simply as a technical instrument; it embodies a new form of power rooted in data-driven logic, algorithmic governance, and predictive control (Zuboff, 2019). However, although the judiciary was always assumed to be a neutral machine ruled only by legal texts, over time it has become increasingly an arena of power, where judgments are no longer merely a simple application of law but acts of producing new social, political, and ethical relations (Latour, 2009).

This reversal of the judiciary's signals a change from a legal subjection to a normative construction (Habermas, 1996). Because 'complex cases' or 'cases when a text of the law is not able to answer the case itself, judges are, in these circumstances, not only constrained to follow the legal argument but also to find solutions based on interdisciplinary knowledge, in other words: to make use of ethical norms and social

principles (Dworkin, 1977). Therefore, judging is not just about decoding the law, but about creating law in the name of justice. Judicial power becomes thus shifted from legal authority to politicized authority while still being morally and legally legitimate by the ideal of protecting human rights and the common good (Stone Sweet, 2000). This transformation puts forward a central contradiction between freedom and control. In the context of AI, judicial freedom is not merely a technical issue (strong, weak, or limited) but carries profound political significance. Strong judicial freedom removes judges from the mere letter of the law, allowing room for their creativity but, at the same time, giving way to any whim, particularly when economic interests weaken the legal-ethical norms and the influence of the tech companies (Cohen, 2019). Judges are no longer outside of technology in a context where life is more algorithmic and data-driven. However, they are drawn into a technocratic power network—where rulings become tools of digital social governance rather than acts of independent legal judgment (Pasquale, 2015).

Modern legal norms—which once served as barriers limiting state power—are now reversed into foundations for establishing social obligations and redistributing resources (Fraser, 2009). Within this order, the courts safeguard persons and shape public policies, including in the fields of education, health, budget, and welfare. The idea of core social rights is a negation of formal individual freedom, which is often used for market purposes (Ferrera, 2005). When the executive and the legislature postpone the realisation of those rights for budgetary and/or political reasons, the courts are the new hope for justice, pronouncing rulings with a reconstructive social effect (Scheppelle, 2004). This change has made courts more than passive interpreters of the law. They are also active political players who are directly involved in the making of the public space and social relations (Teubner, 1993). Judicial decisions on the rights of vulnerable groups - on issues of race, gender, and disability, on land, on education, even on legalising certain conduct - have become political acts under the guise of legal reasoning in the name of justice (Benhabib, 2002).

When the democratic institutions become incapacitated or captured, the courts are a rescue mechanism for democracy in despair (Tate & Vallinder, 1995). This, however, results in a fundamental paradox: if the judges - the non-elected persons - become the most important political actors in the pursuit of social policy, does that mean that there is a trade-off between democratic principles and the enforcement of human rights? When in the name of the people becomes the foundation of power, the question Who watches the

watchers? Becomes the starting point for the crisis of democratic theory in the AI era (Berman, 2011). In essence, the emergence of the judiciary as a new power centre reflects a dual crisis: a crisis of legitimacy in representative systems and a crisis in the capacity to control power, faced with forces that go beyond the traditional bounds of the state, in terms of economic and technological forces (Fukuyama, 2014). Trade agreements constrain states and are subject to the dominance of transnational tech firms and global financial flows, and have lost their margin of democratic action. In turn, the judiciary - by virtue of its independence, its capacity for rational reasoning, and its human rights basis - emerges as an institution that can think about order differently (Kelsen, 2005). This is necessary to ensure that the convergence of freedom, justice, and democracy—the three pillars of humanity—is not lost in the emerging global order being programmed by AI and new forms of non-traditional power.

4.2 Judicial power in democratic order: from legal adjudication to social construction in the age of AI

The Globalization of Artificial Intelligence (AI) does not only imply a historic change in the relations of production and the structure of information, but also breaks the institutional bases of the liberal and democratic order that have been deemed the pillars of the modern world (Yeung, 2018). The judiciary, conceived as an intermediary entity to defend justice through the interpretation and application of the law, is increasingly caught up in the struggle for power and moral issues that affect the life of society. Once they are seen as a technocratic space of rules, the courts are now a secondary political space of value, norms, and interests (Habermas, 1996). Judges are no longer simply those who read the law but more and more people who make sound choices, plan society, and even speak to wider truths that lie outside the way things are usually done (Derrida, 1992).

In the old way of deep democracy, power is made through voting, where the vote chooses people—who are the people of all sorts of classes, views, and social lives—to make laws. These policies are shaped through negotiation, competition, and consensus—a process tied to lived reality, where law reflects the dynamic balance between power and responsibility (Rawls, 2001). In contrast, the judiciary does not operate via a representative mechanism: judges are not elected, politically accountable, and often act within a technocratic space—where legal concepts are mobilized to address profoundly

political and moral issues without being subject to democratic debate (Bourdieu, 1987). This mode of operation leads to an inversion of roles: from being objective adjudicators, the judiciary is gradually transforming into a distributive agent—not only of symbolic power but also of access to resources, property, and public services (Scheppelle, 2005). In a world of globalization with digital, private, and distributed features, this power can become an expression of techno-financial and professional interest groups that are not accountable within the democratic rules of the game (Zuboff, 2019). When the law does not represent any lived experience and remains disconnected from the history, space, and culture of the communities, the power of the law can become a top-down machine of social transformation under the pretext of abstract, universal norms not related to concrete materialities (Fraser, 2009).

This entails a philosophical crisis of representation and ethics: who can determine the general will of society? Who can write norms of morality in the age of algorithms, data, and automation that have reconfigured the regimes of knowledge, power, and ownership? When legal authority—especially constitutional power—is no longer merely about procedural protection but becomes a space of value determination, the fundamental question is no longer Is the court right or wrong? However, instead, who does the court represent, and what does it restructure? (Cohen, 2012). For example, a court may rule that a person may only speak after the prosecutor, which makes it pointless for the person to go to court after many years have passed. This is not merely an act of law, but also a form of how the power of symbols functions, particularly when the belief of the people in the law has been lost through thefts, wrongs, and the unfair acts of giving justice (Komesar, 2001). Two models of judicial power are used in theory. The proceduralist model says that the courts should only see that the democratic process is fair, and that they should see that the rules of the game are fair. The model says that judges should not judge policy content. They are just keepers of the order of the court. They should not concern themselves with what is right or wrong, nor should they consider what is unjust (Waldron, 2006). There is another view in the rest of the law. It says that judges should think about what the law is about. What are our rights? What is fair? How much should we treat people with respect?

They can even think about taking away the votes of those who were picked (Dworkin, 1977). So the judge is not a simple person watching something. They are an agent of morality who say what is right and wrong in a post-political way (Rosanvallon,

2011). However, both models have problems in countries that have not gone all the way through democratization or have long histories of inequality. The law can be just a symbolic text that is not put into action with public policy. It can also not be realized in just ways or with fair access to resources (UNDP, 2021). In other words, the court may activate rights that are not used, such as the right to education, health, or housing. However, working through a technocratic system in this case means that rights are only opened up to a select few who learn the law's specialized language (Santos, 2002). This results in the judicialization of political life, but it does not lead to liberation.

In the age of data, where power is no longer just the capacity to coerce but also the ability to analyze behavior, predict choices, and control information, the judiciary is also drawn into the process of re-capitalizing power—where access to justice depends on technological, financial, and legal knowledge resources (Citron & Pasquale, 2014). Rather than liberating people from injustice, legal power risks becoming a tool to legitimize inequality, where the wealthy can purchase fairness through the services of lawyers, experts, and digitalized case management (Eubanks, 2018). In response to this situation, it is essential to reposition the judiciary as an interdisciplinary dialogical space. Law cannot claim to be the one true thing but must work as an open thing that works with politics, ethics, tech, and knowledge in steering the social-political realities (Narongach, R., & Nantakat, B., 2025). Law must be what is alive in history as norms are not fixed terms but norms of debate, of change, of social work (Latour, 2010). Only where it is fixed in social life can legal values have this force and this capacity to change.

4.3 The complex relationship between trust, power, and justice in the context of AI globalization

In this new world, where data replaces old memories, computers take over human choice, and tech know-how replaces community politics, the core job of democracy is no longer to make sure voting is fair. It must restore the ability for each person to think big, to speak and act as a society (Zuboff, 2). People's wish to keep their proper role means the courts cannot now act as a surrogate for the will of the people. On the contrary, it must become a co-creative institution—where judges help restore social judgment rather than strip it away in the name of so-called normative truths (Habermas, 1996). In a world being restructured by technology and data, legal power can retain its legitimacy only if it acts

as an instrument for expanding democracy—not just procedurally, but substantively, not only at the institutional level but also in terms of citizens' capabilities (Cohen, 2019). Only in this way can justice avoid becoming a privilege of the brainy few and instead become the foundation for a fair, free, and sustainable community in the future post-AI world. AI globalization is not only an expansion of the technical, but also a fundamental reshaping of power, knowledge, and justice in the modern world (König & Rasch, 2021). This process radically transforms the institutions' operation modes—from production and distribution to legal and judicial systems—institutions are considered the stable foundations of social order. In this change, law is no longer a dispassionate go-between that controls social deals; instead, it is more and more pulled into a heartless machine logic, inhumanity, and sometimes even into the power of machines (Yeung, 2018).

Artificial intelligence—with its superior data-processing capabilities—penetrates public institutions, ranging from administration to justice, and from state governance to criminal adjudication (Eubanks, 2018). However, this digitization of power has a clear, but impossible, trade-off. The more efficient it becomes in terms of technical finesse, the more it slips out of lived experience and concrete human worth, upon which original justice was founded (Morozov, 2013). When it is algorithmic and not human judgment, truth itself becomes a valid set of data rather than a lived experience of human consciousness. In this context, voices of resistance—from the excluded, the codable citizens, the claims for justice that defy monetization—are no longer mere expressions of political discontent. They are extreme warnings against letting power take over in its new form, where justice is compromised by bias and law courts operate like inhuman, empty machines that do not see the world (Benjamin, 2019).

Within this set-up, the judges are on the other side from before. From protectors of the law, they gradually become architects of a new social order—but under conditions of moral ambiguity and uncertain legitimacy (Supiot, 2017). A procedural error—such as the order of speaking in a trial—can dismantle an entire year-long adjudication process. In such cases, the law no longer guarantees justice but becomes a legal mask, concealing deep social irrationalities. This represents a new form of despotism—a micro-despotism—where judicial decisions, though made in the name of law and legitimized by data, are disconnected from any ethical, historical, or cultural community. Power in this kind no longer needs violence and open rule; it acts without noise in unmarked systems

and in the language of rules. It renders injustice invisible, yet it remains legally permissible (Foucault, 1977).

This needs to be thought through more. Law no longer is a closed space of rules; it must be a space. It must be a thing of life history where norms are put into action and made through social life, civic critique, and the moral work of institutions (Habermas, 1996). Therefore, there is no power based solely on formal logic, which must be grounded in discussions that encompass law, morals, politics, and machines to create a power that makes sense to many others. Here, reversal allows us to show that the tension between rule and change, between wide and special, between law and right, gives new life to the rule of law as a thing that keeps on going and does not stop (Douzinas, 2000). Principles are no longer absolute commands but moral possibilities tested within specific contexts—at once epistemic, political, and anthropological possibilities.

Thus, change in law should not be seen as a break from tradition but as an evolutionary adaptation of institutions—to preserve their capacity to respond to economic, social, and technological upheavals. However, for such a change to be humanely legitimate, it cannot emerge from algorithmic pressures or decrees of global power centers. It must arise from a historical negotiation between community, law, and internal standards of justice. Only then can trust in the judiciary be restored—not as a fixed symbol, but as a living institution capable of learning, adapting, and co-creating with society. In the AI era, justice must no longer be the product of isolated technocratic minds but the outcome of democratic reason—reason rooted in human history, critical capacity, and the aspiration to live together in a more just order.

4.4. Rules, principles, and institutional instability in the rule of law in the age of AI globalization

In modern legal structures, legal rules—characterized by their formal and closed nature—are viewed as neutral tools for distinguishing between legal and illegal behavior, right and wrong. However, this closure itself contains a paradox: the more clarity the legal system tries to impose, the more vulnerable it becomes to fracture when confronted with the complex, contradictory, and rapidly changing realities of society (Luhmann, 2004). Legal rules cannot be applied as absolute commands in judges' professional space. Judicial practice—especially in cases involving moral conflicts, judges' hts, or the

impacts of new technologies—often exceeds the boundaries of technical rules, requiring the presence of principles (Dworkin, 1977). However, it is precisely here that institutional instability emerges: the confusion between *principles* and *rules*, between open-ended guidance and closed imperatives, leads to an erosion of the rule of law from within.

Unlike rules, principles are not merely neutral legal concepts but historical products of power, economic, and moral relations. A principle does not form through total agreement but through fights about meaning and worth in which social actors try to make their stands and goals into what will be seen as universal or fair (Habermas, 1996). In the professional world of judges, this is the starting point for decisions that go beyond the law but remain legitimate—where judgments are grounded in moral awareness or based on intrinsic justice rather than mere formal compliance. However, as AI globalization expands the legal space into data, algorithms, and digital behavior domains, principles—if not subjected to philosophical reflection—risk being distorted. A principle may be *downgraded* into a rigid rule (e.g., ethical standards encoded into risk scores), or conversely, a technical rule may be *upgraded* into a supreme principle, legitimizing unlimited judicial or technological intervention into social life (Yeung, 2018). Both scenarios lead to legal disorientation, where citizens, lawyers, and even judges no longer know whether they are acting under the law or the will of some anonymous power.

In judicial practice, this manifests as moralizing the law without an accompanying democratic foundation. For example, even though no rule of law, the defendant's right to speak last in court is a normative principle that is invoked based on moral feeling or professional tradition (Supi, 2017). As an alternative, arguments based on other principles of law (for example, legal certainty, predictability, or public accountability) are dismissed. The result is an institutional space full of paradoxes where the interpretive power of judges becomes uncontrollable yet remains legitimized through legal symbols (Foucault, 1977). Here, the reverse-methodological approach reveals that when courts attempt to become guardians of norms by going beyond the law in the name of justice, they may inadvertently create a new form of power—the power of organized uncertainty. This is no longer direct coercive power, but one that operates through intentional ambiguity, rendering citizens unable to predict their lawful behavior and gradually retreating from the political arena (Benjamin, 2019).

This condition undermines the structure of the rule of law and the foundation of the entire liberal political economy. Markets can only function when property rights,

contracts, and legal responsibility are predictable; democracy only operates when decisions of power are openly debated and held accountable to voters—not determined by algorithms or the professional reasoning of a judicial elite (Cohen, 019). Under such conditions, the judicial profession becomes a distinctive vocation—not only because of its formal independence and authority, but also because of its mediating position between opposing value systems, including technocracy and humanism, legal logic, and social and moral needs (Supiot, 2017). However, this one trait also puts judges in a professional gray space, where even the ability to interpret is a fake guise of clout, and even the pay, which should reflect fairness, is a veil, covered over with fake names, fake places, or fake accounting, rather than skill.

From the perspective of social philosophy, this represents a deep institutional crisis in the AI era: when law is no longer constructed from human lived experience but technocratized by data and functional optimization, the entire anthropological foundation of the rule of law is replaced by a dehumanized rationality (Eubanks, 2018). Jurisprudence has become a place to reaffirm the power structure rather than an arena for justice (Habermas, 1996). This leads to the question of whether law *remains law*. *The real question is: Who is the last law of man?* (Habermas, 1996). Is it a person in their dignity and responsibility, or a system of numbers and optimization? Suppose humans are no longer the ultimate reference point of law. In that case, not only the rule of law but also democracy and humanity itself will gradually disappear into the machine that legitimizes depoliticization (Zuboff, 2019).

5 RESULTS

This paper has achieved important results in re-analyzing the judiciary's role in globalization and the rise of judicial intelligence (AI). Through a critical human and social, philosophical approach, the study has shown that the judiciary is no longer merely an institution for interpreting legal rules but is becoming a new center of political–moral power, where judges act as creators of justice. The paper also highlights the contradictions between freedom and control, as well as between the rule of law and technocracy. It examines the dangers of a technologically inclined judge disregarding human judgment. These examples illustrate the challenges of applying our knowledge of power, the depth of trust that can be achieved, and the implications of our statements about justice in the

AI world. They also make us want a new way to watch over AI, talk about it in many ways, and make sure everyone in the justice world can talk and help decide. The article contributes to the theoretical foundation for repositioning the judiciary as a living institution capable of co-creating with society by multiple professional fields to maintain justice, democracy, and humanity in the new global order.

6 CONCLUSION

In the context of globalization and the rapid development of artificial intelligence (AI), the judiciary is undergoing a profound transformation of its function and power structure. This paper has demonstrated that judges are no longer just judges of law, but are also becoming the makers of a new, political-moral order, marking a significant shift in the way power is utilized in the modern State. The growing power of the judiciary, the declining role of elected institutions, and the rise of data power pose significant challenges to democratic principles and the legitimacy of law. The main point is that if we want to keep a way of ruling that is for all in the age of AI, then we must change the way we run the courts so that they are not closed, rule-bound groups of experts. Instead, they should be open conversations where judges follow not only rules but also moral and social norms. Law, therefore, should be understood as a living historical process tied to concrete life experiences—not as an automated system. Only by repositioning the judiciary as a critical and co-creative institution can modern society overcome the crisis of trust, restore justice, and ensure that power—whether traditional or technological—is always subject to ethical and political oversight within the community.

7 VALUE, LIMITATIONS, AND FUTURE RESEARCH

Theoretically, the article deepens our understanding of the relationship between the judiciary, power, and justice in the context of globalization and artificial intelligence, particularly from the perspective of human and critical social philosophy. Approaching the judiciary as a moral-political institution rather than merely a technocratic legal tool offers a fresh perspective on legitimacy and the role of judges in shaping society. The paper opens up the possibility of developing critical judicial models that can engage in dialogue with technology and specific social values, thereby improving the quality of

legal reform and restoring public trust in the context of AI globalization. This paper has its shortcomings. There are two main reasons why I disagree. First, I do not have enough proof or data to show how courts are really using AI. Second, I do not look into how AI makes Harper's slp groups worse off. Moreover, the information presented is still anecdotal and qualitative in nature. To understand how AI impacts judicial power in specific instances, future research should conduct further studies based on real-world case studies. They should develop models that evaluate the effect of AI on judicial power in particular situations. In this way, the models could propose fit ways for the courts to check acts, which fit with the rules of the people in the digital world.

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