

# Criminal Responsibility for Artificial Intelligence-Related Crimes under International Criminal Law: A Comparative Study of the Legal Systems of Iran and Iraq

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## 1. Round 1

### 1.1. Reviewer 1

Reviewer:

The paragraph stating that “International criminal law has consequently developed doctrines of direct perpetration, indirect perpetration, co-perpetration, ordering, inducing, aiding and abetting, superior responsibility, and participation in collective criminal activity” should be revised to anchor these modes of liability in specific legal provisions. The article currently discusses them largely in abstract terms, but a doctrinal study should engage directly with Articles 25, 28, and 30 of the Rome Statute. The authors should explain how direct and indirect perpetration relate to Article 25(3)(a), how ordering and inducing relate to Article 25(3)(b), how aiding and abetting relate to Article 25(3)(c), and how command and superior responsibility operate under Article 28. This statutory grounding is necessary to determine whether the proposed application of these doctrines to AI systems is interpretative, analogical, or potentially inconsistent with the principle of legality.

The sentence “The central challenge arises from the apparent tension between technological autonomy and the principle of personal culpability” correctly identifies the core issue, but the manuscript uses “autonomy” without establishing a sufficiently precise analytical meaning. Technical autonomy may refer to the absence of real-time human control, the ability to select among preprogrammed alternatives, adaptive learning, unsupervised operation, or the capacity to redefine operational strategies. These forms of autonomy have different implications for responsibility. The authors should create a graduated account of autonomy and explain how increasing autonomy affects foreseeability, causal attribution, effective control, and the reasonableness of human reliance. Otherwise, the manuscript risks treating highly automated but deterministic systems and adaptive machine-learning systems as legally equivalent.

The discussion of the principle of legality should be expanded beyond the statement that “Technology-neutral interpretation is consistent with legality when the prohibited conduct and mental element remain within the established meaning of the offence.” The authors should identify the boundary between permissible technology-neutral interpretation and impermissible analogy. For example, treating an AI-controlled weapon as a means of committing an attack may be consistent with existing law, whereas treating a developer as a perpetrator solely because the system was later misused may extend liability beyond foreseeable statutory language. The revised article should examine strict construction, foreseeability, accessibility, and the prohibition of analogy in relation not only to substantive crimes but also to modes of liability and omission-based duties.

The sentence “The preferable approach is a hybrid model in which artificial intelligence is recognized as a legally relevant causal and operational entity without being treated as the primary bearer of criminal blame” introduces a central normative proposal, but the legal content of this hybrid model remains underdeveloped. The manuscript should specify whether the model requires new criminal offences, regulatory duties, evidentiary presumptions, administrative sanctions, product-safety obligations, or corporate compliance requirements. It should also explain how the model differs from existing approaches that treat AI as an instrument while imposing liability on human actors. A stronger normative framework should identify the conditions under which deactivation, confiscation, mandatory redesign, suspension, or prohibition may be ordered and whether these measures are directed at the system, its owner, its operator, or the responsible legal person.

Authors revised the manuscript and uploaded the document.

## 1.2. Reviewer 2

Reviewer:

The paragraph discussing the “responsibility gap” should more critically examine whether the gap is genuinely legal or primarily evidentiary. The sentence “The responsibility gap does not necessarily mean that no person should be held liable” is important, but the article should distinguish among a doctrinal gap, in which existing legal rules fail to cover conduct; an evidentiary gap, in which the relevant facts or mental states cannot be proven; and an enforcement gap, in which jurisdictional or institutional barriers prevent prosecution. In many AI cases, existing principles may theoretically establish liability, while opaque algorithms, fragmented corporate structures, classified systems, or inaccessible data make proof difficult. This distinction should be maintained throughout the article because different gaps require different reforms.

The paragraph beginning with “A second problem concerns the legal status of artificial intelligence itself” devotes substantial attention to possible AI personhood, yet the manuscript does not establish why independent AI criminal responsibility is necessary for the comparative analysis of Iran and Iraq. The discussion should be shortened or more directly connected to the principal research question. The authors should explain whether either Iranian or Iraqi law contains doctrinal foundations that could support nonhuman criminal personality, and whether legal-person liability in those systems offers a meaningful analogy. Without such comparative grounding, the personhood discussion remains largely theoretical and occupies space that could be used for a more detailed examination of domestic criminal statutes and modes of liability.

The sentence “The objective of this article is to determine how criminal responsibility should be attributed when artificial intelligence is used to commit, facilitate, organize, or contribute to conduct falling within international criminal law” is appropriate, but the methodology described immediately afterward is insufficiently detailed. The manuscript should specify the sources, inclusion criteria, and comparative method used to evaluate Iranian and Iraqi law. It should identify the relevant criminal codes, cybercrime statutes, military criminal laws, constitutional provisions, procedural rules, and legislation governing legal persons or electronic evidence. The authors should also explain whether the comparison is functional, doctrinal, contextual, or problem-oriented. A comparative legal study cannot rely only on general descriptions of the two systems; it must demonstrate how legal provisions were selected, interpreted, and compared.

The sentence “A legally useful definition of artificial intelligence must focus less on the technical architecture of a particular system and more on the characteristics that influence the attribution of responsibility” is persuasive, but the manuscript should still engage with at least one recognized institutional definition of AI. An entirely functional definition may be analytically useful, yet legislative reform requires conceptual boundaries. The authors should clarify whether expert systems, rule-based

automation, machine learning, generative AI, autonomous robotics, and algorithmic decision-support systems all fall within the proposed definition. The revised discussion should also distinguish between an AI system that recommends an action and one that executes it, because this distinction directly affects the identification of the relevant human act.

The paragraph stating that “When AI is used as an instrument of crime, attribution is comparatively straightforward” is too categorical. Even intentional use may involve difficult attribution questions where users issue general prompts, models generate unforeseen operational details, outputs are modified by other actors, or the system is embedded in a wider organizational process. The authors should qualify this assertion and distinguish simple instrumental use from delegated operational decision-making. The revised analysis should examine the degree to which the user must control the system’s purpose, parameters, and outputs before the conduct can be attributed as direct or indirect perpetration. This is especially important because the article later recognizes that AI may select victims, timing, and methods independently.

Authors revised the manuscript and uploaded the document.

## 2. Revised

Editor’s decision: Accepted.

Editor in Chief’s decision: Accepted.