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COMMITMENT OF CRIMINAL OFFENSES BY MISUSE OF ARTIFICIAL INTELLIGENCE

Abstract: The main problem discussed in this work is the relationship between modern information technologies and the execution of criminal acts. In particular, the tool of artificial intelligence represents today an increasingly common tool for the execution of certain sophisticated forms of criminal acts. A special problem is the fact that artificial intelligence puts the perpetrator of a criminal act in a significantly more favorable position, and gives him a significant advantage in relation to the victim, but also to the authorities that work to suppress this type of crime. Artificial intelligence has recently experienced its full progress, and therefore, it represents a good tool in the hands of crime. The aim of the work is to point out all the emerging forms of criminal acts committed with the help of artificial intelligence. Analytical and normative methods are used with a comparative approach. The results and conclusions should help in better recognition of this type of criminal acts and give certain recommendations for their better and better suppression.

Keywords: *cybercrime, artificial intelligence, misuse, fraud.*

INTRODUCTION

The rapid development of science and technology at the end of the 20th century had a significant impact on the life of practically every individual and the entire social sphere. The Declaration on Open Access from 2001, better known as the Budapest Declaration, also talks about this. It expresses the commitment to make a compromise between tradition and new modern technologies, which is best evidenced by the opening sentence of the initiative for its adoption, which reads "Tradition and new technologies are here to enable a great public good. Tradition implies the willingness of scientists and scholars to publish the results of their research in scientific journals without payment, for the sake of research and knowledge. This new technology is the Internet. This public good enables the worldwide electronic distribution of peer-reviewed literary journals and completely free and unlimited access to all scientists, scholars, professors, students and Removing obstacles to this literature will accelerate research, enrich knowledge, which is available to both the rich and the poor, and this makes this literature very useful, and lays the foundations for the unification of humanity in the common search for knowledge" (Milošević; Antonović, 2025: 161).

From the beginning of the 21st century, the information revolution took place, which directly contributed to the development of criminality, in terms of changing the way crimes are committed (e.g. smuggling of embryos and human organs, fraud committed with telephone card simulators - TKS, etc.), that is, planning or concealing criminal acts and their perpetrators, but also in terms of the emergence of some of the most sophisticated forms of so-called new criminality. A new generation of criminal acts, which are acts that are considered the result of abuse of information technology achievements, including abuse of ChatGPT, as a special information technology aspect of artificial intelligence. The above-mentioned criminal acts can generally be divided into those in which the computer is the object of the act of execution (*Computer Crime*) and those in which the computer is the means of execution (*Computer Related Crime*).

One more modality of abuse of the expansive development of information and communication technologies is especially noticeable, which in practice manifests itself as a kind of criminalization of artificial intelligence. The perpetrators of this abuse are constantly trying to turn it into an advanced means of execution, which is the case with some criminal offenses provided for in the current Criminal Code of the Republic of Serbia

("Unauthorized use of a computer or computer network", "Computer fraud"; etc.). In addition, artificial intelligence can also be a target of criminal activity, so in that sense it would represent a protected object in the case of criminal acts: "Damage to computer data and programs"; "Computer sabotage"; and "Making and Introducing Computer Viruses."

The development of the era of artificial intelligence is linked to the year 1956 during the "Dartmouth College" conference, which was held and organized under the auspices of the Defense Advanced Research Projects Agency (DARPA). This Agency works and operates within the framework of the US Department of Defense. It has funded research and competitions that have resulted in inventions such as driverless cars and the creation of advanced robotics. During 2015, the Agency developed the project "Communication with computers" with the aim of developing artificial intelligence that easily processes natural language and cooperates with people.

This Conference was attended by leading scientists from the field of information technologies. The goal of the Conference was to analyze and intensify efforts to develop a "thinking machine" better and more adequately. Artificial intelligence must have a multidisciplinary approach because it includes different knowledge that was created by the development of other disciplines that were created earlier. At the same time, one must take into account the importance of understanding intelligence itself, as an essential issue. Precisely, for the stated reason, experts from different fields - computer science, cognitive psychology and economics - first worked on the idea of artificial intelligence. The newly created computer program was able to demonstrate certain mathematical theorems, and as such it is considered a forerunner of artificial intelligence (Shaw et. al. 2019: 21).

The algorithm, which could solve less complex tasks, soon became the foundation for the further development of cognitive architectures. A little later, in 1959, thanks to John McCarthy, the programming language LISP is born. That language had a purpose in artificial intelligence programming, with application to the present day. In the period between 1964 and 1966, the ELIZA program was developed that dealt with natural language processing, which laid the foundations for the work of today's chat bots. So, for almost seventy years, they worked on the creation of artificial intelligence. VOI was created - the "holy grail" of artificial intelligence, which, due to its complexity, is limited to the field of computer processing, i.e. existing memory resources, which contributed to the state's retreat in financial and industrial terms.

During the eighties of the last century, special programs for neural networks were developed. With it, it became possible to detect handwriting on postal checks, which helped in the detection of bank fraud and abuse. The 1990s were the years of full expansion of artificial intelligence, which gained more and more momentum until today. There have been new discoveries in the mechanical industry and many other information technology areas. In 1997, the IBM company constructed the "Deep Blue" computer program, which became famous for its victory over chess grandmaster Garry Kasparov. By defeating the multiple chess champion, the machine proved that it can be superior to humans in all segments. During 2006, the so-called program was developed. of deep learning at the University of Toronto, which enabled the interconnection of neurons, in order to give faster and better results (Prlja; Gasmi; Korać, 2021: 59).

During 2011, IBM constructed the Watson system, which proved its superiority by the victory of two winners of "Jeopardy" quizzes, in which answers are given in an extremely short period of only three seconds, and each incorrect answer carries penalty points. Watson applied artificial intelligence methods, which enabled precise and accurate answers to all questions asked in plain language. In 2014, the Chinese organization "Baidu" constructed a "Deep Speech" system that surpassed the technology of Google and Microsoft and successfully transcribed 81 percent of the answers, which ensured the highest degree of accuracy of the given answers compared to other systems (Antonović, 2025: 163).

Google Deep Mind is an artificial intelligence program that was created in 2016, while Alpha Goo is an artificial intelligence program that was created in 2017. This program is characterized by combining an advanced search technique with deep neural networks. All these triumphs of artificial intelligence actually represented significant milestones in the development of intelligent machines with extraordinary powers and abilities.

REVENGE PORNOGRAPHY

Revenge pornography is an act that is mainly carried out by the misuse of modern information technology and artificial intelligence algorithms. It appears as the misuse of audio-visual content, photos or videos that have an explicit connotation. In practice, this phenomenon is connected with the phenomenon of "sexting", that is, sending e-mails and messages with sexual connotations. Messages sent in this way can be textual, audio-visual, in the form of drawings or any other content that clearly shows the sexual intent of

the sender. To send this type of message, the sender must have a "smart phone device" with a camera (Dodaj et al. 2024: 177).

Apart from the so-called smart phone devices, any form of modern communication can generally be used for sexting, and social networks and their reach, especially to younger Internet users, are especially suitable. The essential problem arises when explicit contents with sexual connotations are in the possession of persons for whom they were not intended. These contents can be found in their possession due to the existence of the ultimate and not very good intention, more precisely, they can be sent with the aim of compromising the person who is on them. Also, they can be addressed to the person who is on them, while making it known that they can be misused, if that person does not undertake, do or pay something so that the recording does not become public. Then we can talk about the existence of the criminal offense of blackmail.

The most common trigger for revenge pornography is a breakup or divorce between former partners or spouses. Most often, the separation of close people causes permanent damage to once very close and good relationships, and results in big fights and intolerance. The injured partner decides to take revenge by abusing the explicit contents, which were created by the will of the victim, in a way that makes them available to those persons for whom they were not intended. The essence of revenge pornography is that the real contents, which were created by the will of the injured party, end up in the possession of the person for whom they were not intended, or "sharing sexually explicit images (including photos) and, or videos, without consent, with the basic motivation related to revenge" (Davidson et. al. 2019: 45).

However, a strictly narrow view of the problem of revenge pornography points us to the motivation, which lies in revenge. Actually, revenge doesn't have to be the only motive. Motives can be extortion, bringing a person into a position of dependence, as well as an evil intention to expose a person to ridicule and ridicule. Therefore, the very term "revenge pornography" does not best reflect the action of this act, because it is limited only to acts motivated by revenge, while the execution of acts for some other motives, which are very common in practice, is excluded (Dimovski 2023: 157). Precisely, for the mentioned reason, as an alternative to "revenge pornography", the terms "pornography without consent", "involuntary pornography" and even "cyberrape" could be used. Revenge pornography would acquire a completely new connotation, such as "sexual abuse using photography", which is done by sharing explicit photos. For these acts, the motivation is not of crucial importance, but the assumption is made that the

motivation is in revenge, but it is not excluded that the motive was potentially in the personal entertainment of the perpetrator, for the sake of obtaining material benefit, spreading a negative image of the person found on the problematic content, personal pleasure and satisfaction, self-gratification, establishing dominance over the victim, blackmail and extortion.

Due to the increasing frequency of such acts, which are caused by the abuse of cyber space, high technology and artificial intelligence tools, the idea of criminalizing this type of behavior arose in the Republic of Serbia. That idea has already been outlined in the Draft Law on Amendments to the Criminal Code of the Republic of Serbia ("Official Gazette of the RS", no. 85/05, 88/05 - correction, 107/05 - correction, 72/09, 111/09, 121/12, 104/13, 108/14, 94/16 and 35/19), where Among other things, it is proposed to introduce the criminal offense of abuse of video, photo, portrait, audio recording or file with sexually explicit content.

The essential elements of the proposed incrimination are making sexually explicit content available to third parties, which can be found on various media, as well as making such content available to third parties without the knowledge and approval of the person on that content. These are two key elements, without which it would not be possible to talk about the existence of a possible criminal act.

DEEPFAKE

Unlike revenge pornography, where explicit recordings and photos are created at the will and with the consent of the victim, deepfake is a classic creation of artificial intelligence. It is created by the process of manipulation of audio-visual content using artificial intelligence tools, which changes photos or recordings, changes their essence, nature and character. We are talking about content that appears to be true, and it is difficult to suspect that it is fake and modified content. Sometimes even the persons who are in such modified photos and/or recordings cannot say with certainty whether it is authentic content, because they themselves do not recognize that it is a creation of artificial intelligence.

When creating deepfake content, authentic photos and/or recordings are used, which are then changed and modified using artificial intelligence tools and capabilities. In the past, such photo manipulation was called "photomontage", with the fact that the alteration of the photo carried out using artificial intelligence is at a qualitatively higher level, with a lower probability of being exposed as fake content.

The quality of these deepfake contents is indicated by the fact that the victim of one of these cases was not sure if she was actually on the video that was created in this way. Only during the year 2025, a large number of deepfake recordings were recorded in the world. For example, a student from Hong Kong downloaded randomly selected images of men and women from the Internet and then processed them using artificial intelligence, creating pornographic content from them (More details at: https://www.scmp.com/news/hong-kong/law-and-crime/article/3318232/hong-kong-look-laws-globally-best-way-handle-ai-porn-case-john-lee, visited 06/01/2026) Similar cases were also recorded in the USA and Australia, and pictures from the beach in bathing suits were especially targeted.

Attackers primarily target photos and videos that Internet users voluntarily upload and make publicly available. They download that content and then change it using artificial intelligence capabilities. Therefore, material with false content is created, created from original photos and recordings. On the part of the victim, there was no awareness or knowledge that their posted material had been downloaded and modified, and they themselves were surprised when they became familiar with the modified versions. In revenge pornography, the victim consciously participated in the creation of the explicit content, so it is authentic and true. Deepfake content is fake, while the victim has never participated in any explicit act, which is found on material created by processing using artificial intelligence tools.

Showing pornographic material and exploiting minors for pornography is a criminal offense that includes the production of child pornography with the aim of its further distribution through a computer system, offering or otherwise making available child pornography through a computer system, obtaining child pornography for oneself or another person through a computer system, and placing child pornography on a computer system or on a computer data medium. Therefore, in this criminal offense, the object of protection is a minor. What is common with revenge pornography is that in both cases, as a possession, personal dignity and intimacy are violated, up to a more severe violation of personal rights, especially the right to privacy, physical and psychological integrity, with the public objectification of the victim and presentation of her personal identity (Ivanović, 2021: 206). Also, the similarity between revenge pornography and the display of pornographic material and the exploitation of minors for pornography is intended to publicly distribute pornographic content via the Internet and social networks, which creates additional complications, especially in the removal of such content.

Unauthorized display of someone else's writings, portraits, photographs or phonograms of a personal nature, without the consent of the person whose consent must be sought by law, because it invades the privacy of those persons, in its nature and character is most similar to revenge pornography. Similarities can also be observed with the criminal offense of blackmail, because the public publication of explicit content is often conditioned by doing or not doing something, that is, by paying a certain fee so that the compromising content is not published publicly. The combination of revenge pornography and blackmail results in sextortion, that is, sexual blackmail, which can consist of either extorting money or forcing you to have sexual intercourse so that sexually explicit content is not made publicly available (Ray; Henry 2025: 141).

LEGAL AND ETHICAL RELATIONSHIP

On the international legal level, criminal acts arising from the abuse of artificial intelligence have already been criminalized in some countries. The USA was among the first to criminalize crimes resulting from the abuse of artificial intelligence, especially the act of sharing private sexual material in the form of photos or videos without the consent of the person on those materials, with the aim of shaming, public contempt and creating a feeling of anxiety. This incrimination was first introduced at the federal level, and then it was taken over by almost all federal states (Branch; Johnson; Solano, 2017: 130).

What is inherent in the laws of all federal states in the USA is the requirement that criminal liability can be established only if the materials (images and recordings) that are distributed have a pornographic character. In practice, this means that they contain pictures or recordings of intimate parts of the body or that they show the sexual act itself in which the victim is involved. Also, one of the requirements is that the face of the victim can be clearly seen on those pictures and videos, that is, that she has been identified. The definitions of revenge pornography differ from country to country, but for all of them it is characteristic that this work contains the publication and distribution of electronic or printed photographs, pictures or films, which clearly show the genitals, anus, female breasts, that is, show that face during the sexual act, which can cause anxiety and a sense of shame.

In Great Britain, in 2014, the Prosecutor's Office issued guidelines for the prosecution of crimes of revenge pornography. The condition for prosecution is the existence of diffusion of explicit content without the

consent of the person on that content (Bjarnodottir, 2016: 206). During 2015, the criminal legislation of Great Britain underwent certain changes, and with them came a new incrimination of publishing a private photo or film with sexual connotation, with the condition that the publication took place without the consent of the persons who are on those contents. These contents are made publicly available with the aim of causing harm and personal embarrassment to the person who is on them. Going further in the direction of amendments and additions, in 2021, incrimination will be introduced in the British legislation in case of public exposure and display of such content.

In Italy, in 2019, revenge pornography was criminalized in the form of "creating, stealing, sending, delivering, assigning, publishing or disseminating images or videos of sexual organs or other sexually explicit content, intended for private use, without the consent of the represented persons". The Italian legislator determined the sanction for such an act in the prison term of one to six years and a fine of up to 5,500 euros.

When we talk about the countries in the region, in Montenegro, the Criminal Code was amended in 2017, and on that occasion, the showing of pornographic material to children and the production and possession of child pornographic material were criminalized. Amendments to the Montenegrin Criminal Code were made in accordance with relevant international standards and for the adequate protection of children's rights. With the aim of protecting adults, the Criminal Code of Montenegro introduces the criminal offense of unauthorized wiretapping and recording, which occurs without knowledge, using special devices suitable for unauthorized wiretapping, recording and interception of conversations, recording of given statements, without announcing that the statement is being recorded.

The criminal offense of abusing someone else's video, photograph, portrait, audio-recording or file with sexually explicit content was introduced into the Montenegrin legislation in 2023 by amendments to the Criminal Code of Montenegro. Anyone who makes available to a third party a video or other recording, photograph, portrait, audio recording or file with sexually explicit content, without the consent of the person to whom the file refers, or without the consent of the person shown in the video, will be punished with up to two years in prison. The same punishment is provided for anyone who uses a computer system or otherwise creates a new or modifies an existing video or other video with sexually explicit content and uses it or makes it further available, as well as anyone who threatens another to make the video available to a third party. A person who, through

information and communication technologies or in another way, makes the recording available to a large number of people, will be punished with a prison sentence of up to three years.

In Croatia, since 2021, there has been a criminal offense of "abuse of a recording of sexually explicit content", which is a form of revenge pornography. It consists in abuse of trust, because the publication of such content is done without the consent of the person who is on the content itself. The prescribed punishment for this criminal offense is up to one year in prison, and in more serious cases or in the case of recidivism, the prison sentence can be imposed for up to three years (Maskalan, 2023: 19).

From the point of view of ethics, the issue of the use and abuse of artificial intelligence has not been fully addressed, that is, it can be said that the ethical regulation of the use and use of artificial intelligence tools is still relatively unaddressed. In the Republic of Serbia, a Conclusion was adopted on the adoption of ethical guidelines for the development, application and need for reliable and responsible artificial intelligence. According to Article 72 of the Stabilization and Association Agreement between the European Union and its members and the Republic of Serbia, our country is obliged to gradually harmonize existing laws with future laws, based on the acquis of European legislation. In this regard, in April 2021, the European Commission submitted a proposal for the regulatory framework of artificial intelligence, namely the Proposal for a Regulation of the European Parliament and the Council on establishing and harmonizing rules on artificial intelligence, as well as amending legislative acts in the European Union. In this way, the European Union implements a legislative policy that places the use and use of artificial intelligence in legal frameworks.

The Commissioner for Human Rights of the Council of Europe has also issued ten-point Recommendations on artificial intelligence and human rights that build on what the Council of Europe has already done in this area, notably through the European Ethical Charter on the Use of Artificial Intelligence in the Judiciary, the Guidelines on Artificial Intelligence and Data Protection, the Declaration of the Council of Ministers on the Manipulatory Possibilities of Algorithmic Processes, the Study on the Human Rights Dimensions of Automatic Data Processing Techniques and Possible Regulatory Implications, as well as the report of the Special Rapporteur of the United Nations on the promotion and protection of freedom of thought and expression, in which the implications of artificial intelligence technologies on human rights in the information society are discussed (Antonović; Dželebdžić 2026: 303).

The ultimate goal is to harmonize legislation in Serbia with European legislation. Therefore, it is insisted on harmonizing ethical norms concerning artificial intelligence. The guidelines adopted by the Government of Serbia stipulate that they are to be applied by all state bodies and organizations, bodies and organizations of provincial autonomy, bodies and organizations of local self-government units, institutions, public companies, special bodies through which the regulatory function is exercised and legal and natural persons entrusted with public powers, when they establish and use artificial intelligence systems in their work. It is recommended that these Guidelines be applied by other legal entities and individuals who develop and/or use artificial intelligence systems.

Obviously, there are possibilities of extensive application of the given guidelines in the matter of artificial intelligence. Persons who prepare artificial intelligence systems, primarily through their work and through relationships with other persons, persons who use artificial intelligence systems, while it can directly refer to system users who want to provide some specific services. Indirectly, they can refer to research groups for rare diseases, whose data are processed within the Strategy of the Republic of Serbia for raising the level of the nation's health. It can also refer to the general public, which is interested in technical and technological development and application of modern information technologies and artificial intelligence (Milosavljević 2022: 92). The guidelines specifically indicate the high risks, harmful impact, as well as the importance for all areas of society where artificial intelligence has its reach, its impact on man and his integrity.

CONSEQUENCES OF ABUSE

The misuse of artificial intelligence and the effects of content created by manipulation using artificial intelligence tools can have serious and far-reaching consequences on the victim's life. They are deep, long-lasting and multi-layered, because the action of this act violates very sensitive and important categories for every person, such as privacy, dignity and personal integrity. The most frequently identified consequences are mainly psychological and emotional, which can manifest as anxiety and panic attacks, depression and a sense of worthlessness, the existence of constant fear of further spreading explicit content, the development of feelings of shame, guilt and self-blame, sleep and concentration disorders, the existence of post-traumatic syndromes, and even the creation of suicidal intentions (Milojević, 2025: 393).

Victims of such crimes often voluntarily flee into some kind of isolation and withdraw from social life. They often face certain types of anxiety, mistrust, decide to end old friendships and acquaintances, and even family and emotional relationships, reduce their social contacts to the minimum possible. They feel that they are stigmatized by their environment and immediate environment, their social reputation and dignity are damaged, and many face social reproach and a feeling of rejection.

On the business and professional level, in the worst case, there may be a loss of job, which brings the victim to the existential edge and the question of existential survival. In the event that the victim has not yet established an employment relationship, but is in the process of education, he may face problems in the school or student population, may be exposed to a certain type of reproach and rejection, which may have very serious consequences for his educational process. There is a loss of motivation and desire to learn, and inevitably there is a lack of work results. Likewise, victims experience various forms of discrimination in society.

The victim is often faced with judicial and administrative proceedings, against his will, before the competent police, prosecution and judicial authorities, which can lead to additional stigmatization of the victim. Administrative and judicial procedures are difficult, slow and ineffective, often require a lot of time, money and require a kind of harassment. Every encounter with these procedures for the victim is a new stress and inconvenience, but also an additional cost and loss. So, here we are talking about a very important problem, the so-called secondary victimization, where unfortunately the victim can even become the culprit (Nikolić - Ristanović, 2003: 5).

With the abuse of artificial intelligence and cybercrimes, a special kind of problem arises, namely the difficulty of removing problematic content once it is posted on the Internet. Once posted, content can be difficult to remove. Even when they are removed, certain traces of those contents remain, and they can be reactivated after some time. It is about the so-called a digital trail by which it can be reset over a certain period of time. In fact, all of this points to the seriousness of posting content in the digital space and creates a responsibility to always take strict care of what and where it is posted.

CONCLUSION

In the paper itself, the initial hypothesis was confirmed that artificial intelligence, with all its possibilities and potentials, represents a very dangerous tool in the hands of modern criminals. In the paper, by applying the analytical and normative method, as well as the comparative law method, the conclusion was reached that artificial intelligence tools provide an enormous number of possibilities, especially in the creation of false content, and enable the perpetrators of these acts to create very credible content, which seems extremely authentic, which additionally creates confusion and enables additional abuses.

The paper specifically deals with two forms of criminal acts that are committed by abusing artificial intelligence, namely revenge pornography and deepfake, which experienced their full development with the development of artificial intelligence. Also, all potential forms of these crimes were pointed out, as well as the intentions of the legislators, both in the Republic of Serbia and in the world, to put these new forms of criminal acts within the legal framework and to foresee and introduce adequate sanctions for them.

In the comparative legal part, there is an overview of positive legal solutions in certain countries of the world, such as the USA, France, Germany, Italy, Montenegro and Croatia, as well as the legislation of the European Union, which adopted the Guidelines, with the aim of instructing the member states of the European Union on how to legally regulate this issue.

The victimological aspects of these crimes indicate very serious consequences for the victim, which can be both psychological and social. The victim faces serious problems caused by the effects of false content and untruths that are the result of artificial intelligence and its tools and capabilities. The paper details the consequences that can affect the victim, as well as the path the victim goes through after the crime, which often leads to "secondary victimization".

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