

CONTEMPORARY CHALLENGES IN CRIMINAL LAW: BALANCING INDIVIDUAL RIGHTS, PUBLIC SAFETY, AND THE ADMINISTRATION OF JUSTICE

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ABSTRACT

Contemporary criminal law is being reshaped by normative, technological and administrative pressures. States must prevent violence, respond to cybercrime and manage uncertainty while preserving liberty, equality, privacy, dignity and fair hearings. This paper presents a critical meta-review of past work on that balance, with particular relevance to Switzerland and the wider European human-rights space. A PRISMA-informed, structured synthesis was used to read prior systematic reviews, meta-analyses, causal evaluations and primary legal instruments as a connected evidence base rather than as isolated policy literatures. Four patterns recur. First, procedural justice is not a soft alternative to security: meta-analytic evidence links fair treatment with legitimacy and cooperation, which are operational assets for public safety. Second, targeted place-based and focused-deterrence strategies can reduce crime, but average effects are modest and sensitive to design quality, context and implementation. Third, pretrial detention produces a recurrent rights safety paradox: it may incapacitate in the short term while worsening conviction, incarceration and future-crime outcomes through coercive and criminogenic pathways. Fourth, rehabilitation and restorative practices generally outperform purely punitive responses on recidivism, satisfaction and accountability, although selection bias, heterogeneous programme and weak implementation evidence limit causal certainty. Predictive policing, risk assessment and biometric identification remain the least mature fields: retrospective accuracy claims substantially exceed independent evidence of lawful, equitable and durable justice outcomes. It argues that legality, contestability, auditability and remedy are public-safety infrastructure. For Switzerland, the Criminal Procedure Code, the ECHR and European AI standards provide a baseline for rights-compatible innovation across democratic societies and institutions.

Keywords: *Criminal law¹; Individual rights²; Public safety³; Procedural justice⁴; Predictive policing⁵; Pretrial detention⁶; Meta-review⁷*

1. INTRODUCTION

1.1 Normative problem and relevance

Criminal law is conventionally described as the state's most coercive instrument, but the contemporary challenge is not simply whether coercion is justified. It is how coercion is authorized, targeted, explained and reviewed when states face terrorism, transnational organized crime, cybercrime, violence against women, disinformation, encrypted communications and rapidly changing forms of digital evidence. The same intervention can be defended as preventive by one institution and experienced as arbitrary by another. A surveillance search may preserve evidence, yet intrude upon privacy; pretrial detention may protect a victim, yet weaken the presumption of innocence; an algorithm may allocate police resources efficiently, yet reproduce the geography of prior over-policing. The problem is therefore a constitutional and administrative one: public safety cannot be evaluated independently of the legal process through which safety is produced [26], [30]. The administration of justice also includes the capacity to decide cases within a reasonable time, preserve reliable evidence, allocate scarce police and court resources, and protect victims without converting vulnerability into an automatic loss of procedural protection. These tasks are especially demanding when the state acts before guilt is established. Preventive logic may be necessary, but it must be bounded by reasons that can be communicated to the person affected and assessed by an independent decision-maker. The relevant balance is thus dynamic: the more intrusive the measure and the less certain the prediction, the stronger the justification, monitoring and remedial duties should be.

1.2 Convergence of old and new risks

The literature shows that the traditional opposition between rights and security is analytically incomplete. Rights affect compliance, legitimacy, information flow and cooperation, while security policies affect the credibility of the justice system. A population that perceives police and courts as neutral, respectful and willing to hear its voice is more likely to report crime and accept lawful decisions. Conversely, opaque enforcement, discriminatory classification and prolonged detention can reduce trust and generate avoidance, non-cooperation and secondary harms. Recent developments in artificial intelligence intensify this tension because technical performance is often presented as a substitute for legal judgment. Yet prediction is never neutral: it converts historical records, institutional choices and unequal exposure to enforcement into future-oriented classifications [9]–[15]. A Q1-level review must therefore connect doctrinal principles with causal and meta-analytic evidence, not merely list ethical objections or celebrate innovation. It must ask whether a measured reduction reflects genuine prevention, displacement, under-reporting or increased detection; whether a model's error is concentrated among already scrutinized communities; and whether the person affected can contest the chain of reasoning. This approach also resists a false binary between legal doctrine and social science. Doctrine identifies the conditions of legitimate state action, while empirical synthesis tests whether an intervention achieves its stated purpose and what collateral effects it creates. Their combination makes the review relevant to judges, prosecutors, police leaders, legislators, data authorities and communities.

1.3 Scope and contribution

This paper asks three questions. First, what does past empirical synthesis show about the relative effectiveness of coercive, preventive, rehabilitative and restorative strategies? Second, where do the strongest and weakest forms

of evidence appear when individual rights, public safety and administration of justice are considered together? Third, what principles can guide rights-compatible reform in Switzerland, a multilingual, federal European state whose criminal procedure is governed by legality, equality, dignity, expeditiousness and the duty to investigate both incriminating and exculpatory circumstances [30]? The contribution is a critical meta-review. It does not claim to generate a single pooled effect across incomparable interventions. Instead, it triangulates effect estimates reported by prior reviews, identifies recurring moderators and biases, and translates them into a governance model. The argument is that proportionality should be operationalized as a measurable design requirement: choose the least restrictive intervention capable of achieving a specified safety objective, test its distributional and procedural effects, disclose its limits, and provide effective review and remedy. The paper also distinguishes three kinds of success that are often collapsed in policy debate: instrumental success, meaning fewer harmful events; institutional success, meaning legitimate and timely decisions; and constitutional success, meaning that coercive power remains within law. An intervention should be adopted only when these dimensions can be evaluated together. This is particularly important for Switzerland because federal and cantonal variation can produce different data practices, languages of procedure and capacities to challenge an automated or expert-assisted decision.

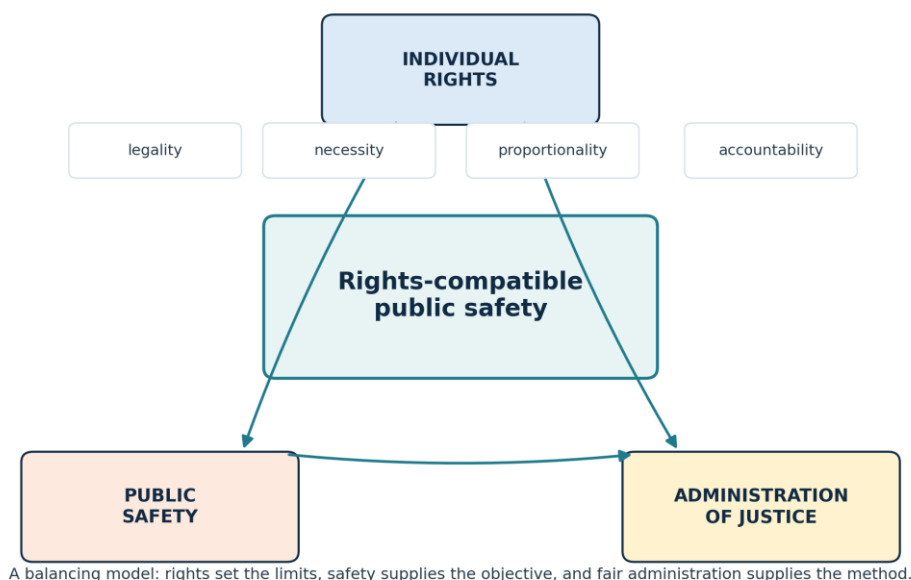


Figure 1: Normative balance model

Figure 1 places individual rights, public safety and the administration of justice at the same analytical level. The center is not a compromise in which each value loses equally; it is a rights-compatible form of public safety. Legality, necessity, proportionality and accountability operate as design tests that connect the three domains. The diagram also clarifies why a technically successful intervention can still fail constitutionally: it may improve a safety indicator while bypassing fair administration or imposing unjustified rights costs. In the Swiss and European setting, the model treats dignity, equality, privacy, defence and effective remedy as enabling conditions for durable security, not as after-the-fact objections.

2. SURVEY OF PAST WORK

2.1 Procedural justice and institutional legitimacy

The strongest cross-cutting evidence concerns procedural justice and legitimacy. Tyler's process-based account places perceived fairness of treatment, neutrality, voice and trustworthy motives at the center of legal acceptance [6]. The claim is not that fair process replaces effective enforcement; rather, lawful authority becomes more sustainable when people recognize the institution as entitled to decide. Mazerolle, Bennett, Davis, Sargeant and Manning's systematic review and meta-analysis of police-led legitimacy interventions found positive effects across the principal outcomes, including procedural justice, satisfaction, confidence and cooperation, while the direct legitimacy estimate was more variable [5]. Chan, Bradford and Stott's later synthesis of 123 studies and approximately 200,966 participants found a pooled correlation of 0.407 between procedural justice and legitimacy and 0.392 between social identity and legitimacy, with social identity operating as a mediator [4]. These are not trivial attitudinal results. Legitimacy can lower the enforcement costs of crime control by improving voluntary compliance, witness cooperation and information sharing. The limitation is that most studies measure perceptions through cross-sectional surveys or short interventions; they do not fully establish whether fair treatment reduces serious crime across long periods. Nevertheless, the evidence rejects a narrow model in which security is measured only by arrests or recorded offences. Institutional legitimacy is an outcome of justice and a condition of effective prevention. The practical implication is that police performance dashboards should include measures of explanation, respectful treatment, complaint resolution and willingness to cooperate alongside response time and recorded crime. Such measures cannot be reduced to public-relations indicators; they should be collected from affected groups and analysed over time.

2.2 Targeted prevention and proportional enforcement

Place-based prevention illustrates a more direct public-safety pathway. Hot-spots policing concentrates police resources at small areas with high concentrations of crime. The updated systematic review by Braga, Turchan, Papachristos and Hureau included 65 studies containing 78 tests; the synthesis reported small but statistically significant crime reductions and more evidence of diffusion of benefits than displacement into nearby areas [7]. Braga and Weisburd's alternative effect-size approach similarly reported an overall small effect, while warning that Cohen's *d* can understate or distort place-based count outcomes [25]. Focused deterrence provides a different mechanism: it combines targeted communication, credible sanctions and social or service interventions for groups, open-air markets or high-risk individuals. The updated review of 24 quasi-experimental evaluations found a moderate average crime-reduction effect, but the effects became smaller when research designs were more rigorous [8]. This pattern is important for criminal-law policy. Narrow targeting and problem specificity can improve proportionality, but police discretion can also intensify selective enforcement. The evidence supports targeted prevention only when the unit of intervention is defined, the threshold is public, the response is graduated and data are monitored for disparate impact. It does not justify generalized suspicion, permanent surveillance or a presumption that an identified location or group is intrinsically criminal. A proportional response also requires exit criteria. Once the defined problem falls below a threshold, enhanced patrol, data collection or focused sanctions should end or return to ordinary governance. Without temporal limits, exceptional prevention silently

becomes the baseline. This is a recurring administration risk because agencies tend to preserve systems that appear useful even when the original evaluation period, threat profile or data quality has changed.

2.3 Pretrial detention and equality before law

Pretrial detention is the clearest example of a rights–safety trade-off that can reverse itself. The legal rationale is familiar: detention may prevent flight, protect victims or witnesses, preserve evidence and prevent serious reoffending. The empirical question is whether those benefits outweigh the downstream effects of detention on adjudication, employment, family stability and future crime. St. Louis’s systematic review and meta-analysis assessed 143 effect sizes across 57 studies. Detained defendants faced substantially more severe outcomes, including higher odds of conviction and guilty pleas and a particularly strong association with incarceration; the review reported an odds ratio of 2.02 for conviction and 3.50 for the in-or-out incarceration decision [16]. The quasi-experimental literature points in the same direction. Dobbie, Goldin and Yang used judge leniency as an instrument and found that detention affects case outcomes and later employment, while Heaton, Mayson and Stevenson reported higher guilty-plea and carceral-sentence rates among detained misdemeanor defendants [17], [18]. Gupta, Hansman and Frenchman further connected money bail to wealth-based detention [19]. These findings do not imply that every detention decision is unlawful or that public-safety risks are imaginary. They demonstrate instead that detention is not a neutral holding condition. It changes bargaining power, access to counsel, employment and family life. A proportionate system must require an individualized, reviewable necessity finding, prompt judicial control and serious consideration of non-custodial conditions. The findings also make equality a practical issue rather than a purely formal one. A wealthy defendant may purchase release while a poorer defendant remains detained under the same nominal bail schedule. Detention then creates the very pressures that make a quick guilty plea attractive, while the state may misread the plea as evidence of culpability. Swiss policy should therefore examine whether the less financially dependent safeguards available under its federal system protect against comparable forms of status and resource inequality.

2.4 Punishment, rehabilitation and restorative justice

The punishment–rehabilitation literature also complicates intuitive security narratives. Lipsey and Cullen’s review of systematic reviews found a strikingly consistent contrast: supervision and sanctions produced modest reductions, sometimes no effect or increased reoffending, while well-designed rehabilitation treatments produced larger and more reliable reductions [20]. Beaudry and colleagues’ meta-analysis of 29 randomized prison trials found that psychological interventions were associated with reduced reoffending, with a pooled odds ratio of 0.72 and moderate heterogeneity [21]. Trood, Spivak and Ogloff found that problem-solving courts using judicial supervision were associated with lower arrest rates, but also that most assessed outcomes carried serious or critical risk of bias [22]. The lesson is conditional rather than celebratory. Treatment has public-safety value when it is matched to need, delivered with fidelity and connected to housing, health, education and employment. Coercive treatment without safeguards can become punishment by another name. Restorative justice adds victim voice and offender accountability. Latimer, Dowden and Muise synthesised 22 studies representing 35 treatment–comparison groups and found favourable effects on satisfaction, restitution compliance and recidivism, but highlighted self-selection and attrition [23]. Fulham and colleagues’ updated adult meta-analysis of 27 studies and 34 samples found small reductions in general recidivism, no reliable reduction in violent recidivism, and moderate

gains in victim and client satisfaction, procedural justice and accountability; effects were weaker in more rigorous studies [24]. Restorative justice is therefore a complement to, not a universal replacement for, adjudication, especially where power imbalance, coercion or victim safety is unresolved.

2.5 Data-driven policing, risk assessment and AI

Data-driven enforcement is the most rapidly expanding and least settled field. Meijer and Wessels found a mismatch between the attractive theoretical benefits of predictive policing and the thin, mixed empirical evidence from real-world implementation [9]. Lee, Bradford and Posch identified 161 publications on big-data predictive policing but only six studies with strong real-world evidence; most were retrospective tests of historical data [10]. Lum and Isaac explained why the feedback loop is structural: police records measure both crime and police attention, so repeatedly sending officers to a neighborhood can generate the data that justifies sending them back [11]. Technical performance also does not settle legal validity. Dressel and Farid found that a simple logistic model using two variables performed comparably to COMPAS in a recidivism prediction task [12]. Chouldechova showed that common fairness criteria cannot all be satisfied simultaneously where groups have different base rates [13]. Mayson's deeper critique is that prediction itself projects unequal past conditions into the future, whether the predictor is a judge or a machine [14]. Travaini and colleagues' review of machine-learning recidivism studies found good reported accuracy in a small set of replicable studies, but emphasized transparent models, meaningful performance metrics and high-quality datasets [15]. Taken together, this work supports narrow decision support, not automated culpability, detention or sentence severity.

2.6 Digital evidence and the Swiss-European setting

Biometric identification and digital evidence extend the same problem into criminal investigation. Facial recognition may produce investigative leads, but a match is not proof of identity, and an error can trigger a cascade from search to arrest, detention and stigma. The EU AI Act consequently treats several law-enforcement, migration and justice applications as high-risk, prohibits certain forms of criminal-risk assessment and requires attention to accuracy, transparency, human oversight and documentation [29]. The Council of Europe's Framework Convention frames the issue through human dignity, equality, privacy, accountability, risk management and procedural safeguards across the AI lifecycle [28]. Cybercrime creates a parallel administration challenge: evidence can be volatile, distributed across jurisdictions and difficult to authenticate. The Budapest Convention remains an important cooperation baseline, but cross-border access must still respect legality, necessity, chain of custody and defence disclosure [27]. For Switzerland, the Criminal Procedure Code is especially relevant because it combines expeditiousness with equal investigation of incriminating and exculpatory circumstances, lawful evidence, rights at first interview and judicially reviewable compulsory measures [30]. The survey therefore points to a common principle: innovation should be evaluated at the level of the whole justice pathway, not at the level of an isolated tool.

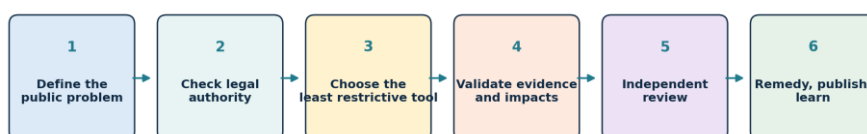


Figure 2: Justice-sensitive evidence lifecycle

Figure 2 converts the balance principle into an administrative sequence. A state first defines the public problem, then identifies legal authority, compares less restrictive options, validates evidence and distributional impacts, secures independent review, and finally provides remedy and institutional learning. The cycle is deliberately iterative: new data, errors or community feedback can require a power to be narrowed or stopped. This is particularly important for artificial intelligence and digital evidence, where systems change after deployment and where a single investigative lead may influence detention, charging or sentencing. The figure therefore treats documentation and review as part of operational capacity rather than paperwork.

3. METHODOLOGY

This paper adopts a PRISMA-informed critical meta-review of past work. The unit of analysis is a published systematic review, meta-analysis, empirical synthesis, foundational study or primary legal instrument that illuminates at least one side of the rights–safety–justice relationship. The analytic corpus contains 30 core sources published between 1950 and 2025, with empirical and review studies concentrated between 2005 and 2024. Sources were located through publicly indexable scholarly and institutional records associated with Scopus- and Web-of-Science-relevant journals, legal repositories and official instruments. Search concepts combined criminal law, criminal procedure, public safety, policing, legitimacy, pretrial detention, recidivism, restorative justice, rehabilitation, predictive policing, risk assessment, facial recognition, cybercrime, digital evidence, Switzerland and human rights. Priority was given to peer-reviewed meta-analyses, systematic reviews, quasi-experimental evaluations and authoritative legal texts. The selection rule was substantive relevance rather than a claim of exhaustive database enumeration; consequently, this manuscript is transparent that it is a structured critical synthesis, not a prospectively registered *de novo* clinical-style meta-analysis. That distinction protects readers from interpreting the paper’s synthesis as a substitute for a future database-registered review with dual screening and a complete supplementary dataset.

Evidence was extracted into a common framework with five fields: intervention or legal mechanism; protected or promoted public interest; rights implicated; design and outcome metric; and principal limitation. Quantitative results were retained in their native metrics, including correlations, odds ratios, relative incidence estimates and standardized effects. They were not mathematically pooled across domains because a reduction in crime, a change in legitimacy, a conviction odds ratio and a recidivism odds ratio do not share a defensible common estimand. Instead, the review performs a second-order synthesis of reported direction, magnitude, consistency and methodological credibility. Particular weight was assigned to randomized or quasi-experimental studies, independent evaluations, moderator analysis and explicit risk-of-bias assessment. Where a review reported weaker effects in more rigorous designs, that attenuation was treated as a substantive finding rather than a defect to be averaged away. The figures therefore distinguish reported effect estimates from author-coded evidence maturity and cross-domain compatibility. This preserves comparability without creating false precision.

Critical appraisal focused on four threats. First, selection and publication bias can inflate positive programme effects; this is especially important in criminal-justice meta-analysis, where unpublished null evaluations and proprietary data may be inaccessible [3]. Second, construct validity varies: recorded arrest, conviction, rearrest, self-reported offending, victim satisfaction and legitimacy are not interchangeable measures of public safety. Third, causal identification is threatened by self-selection, omitted variables, differential enforcement and

feedback loops. Fourth, external validity is limited by jurisdiction, legal culture, population and implementation fidelity. The synthesis also applies a rights lens: a statistically effective intervention may remain unlawful or illegitimate if it lacks legal authority, necessity, equality, explanation, defence access or remedy. Switzerland is used as a contextual application rather than as a claim that Swiss outcomes are represented in every included study. The review follows an ethics of non-exaggeration: numerical findings are reported with their original limitations, illustrative figures are labelled as author synthesis, and legal propositions are anchored to the cited instruments.

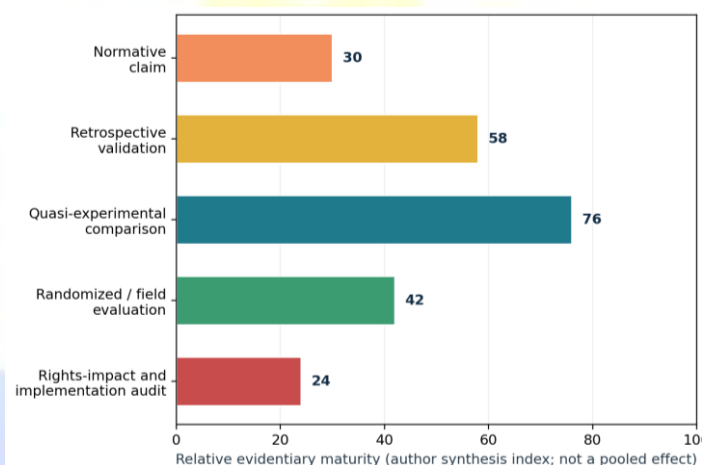


Figure 3: Evidence maturity in contemporary criminal-law interventions

Figure 3 is an author synthesis index, not a statistical estimate and not a ranking of moral worth. It visualizes a recurring pattern in the literature: normative claims and retrospective model tests are far more common than independent field evaluations and rights-impact audits. A high score requires causal identification, transparent implementation, subgroup analysis and a credible remedy pathway. The figure explains why apparent precision can be misleading. A prediction with high historical accuracy may still have low evidentiary maturity if it has not been tested in live settings, if police feedback changes the data, or if affected people cannot inspect or challenge the result.

4. CRITICAL ANALYSIS OF PAST WORK

4.1 Where the evidence is strongest

The past work is strongest where the intervention is specific, the outcome is observable and the comparison is credible. Hot-spots policing and focused deterrence show that concentrating resources can reduce selected crime problems, while rehabilitation and restorative interventions show that public safety can be pursued through treatment, accountability and reintegration rather than severity alone [7], [8], [20], [24]. Procedural-justice research adds a mechanism that punitive models routinely omit: the justice system must secure cooperation and legitimacy, not merely impose compliance [4], [5]. These findings challenge the assumption that individual rights are external constraints on an otherwise technical safety enterprise. Rights-sensitive process can be part of the causal pathway to safer communities. This does not erase hard cases or remove the need for incapacitation; it

changes the burden of justification. A state that can show a narrow, evidence-supported and reviewable route to prevention is stronger, not weaker, when its authority is contested.

4.2 Heterogeneous outcomes and construct validity

The first weakness is the field's dependence on heterogeneous outcomes. "Effectiveness" may mean fewer police-recorded incidents, lower rearrest, fewer convictions, victim satisfaction or a higher perception of fairness. These outcomes answer different questions and may move in opposite directions. A policing intervention can reduce calls for service because crime falls, because reporting declines or because trust deteriorates. A restorative programme can improve satisfaction without reliably reducing violent recidivism. A risk tool can predict rearrest while institutionalizing the enforcement patterns that generated its labels. Meta-analysis clarifies average direction and magnitude, but it cannot repair a poorly specified construct. Future reviews should use outcome families and causal diagrams before calculating pooled estimates.

4.3 Selection, implementation and causal bias

The second weakness is selection and implementation bias. Restorative participants may be more motivated; treatment courts may recruit people who can comply; police interventions may be implemented by unusually capable departments; and algorithmic studies often select clean historical data rather than operational cases. In the rehabilitation literature, positive averages become less certain when design quality rises [20], [21]. In predictive policing, 155 of 161 reviewed publications were retrospective or otherwise weaker for demonstrating field impact [10]. This is not a reason to reject evidence synthesis. It is a reason to treat implementation fidelity, missing data, subgroup effects and negative cases as first-class evidence. A Q1 review should ask not only "does it work?" but "for whom, under whose authority, through what mechanism, at what cost and with what remedy?"

4.4 Rights as measurable outcomes

The third weakness is a rights blind spot in outcome evaluation. Studies often record whether crime fell but not whether searches were lawful, whether counsel received the data, whether a person could challenge an automated classification, or whether errors were distributed unequally. Pretrial detention research is instructive because it exposes how a formally temporary measure can influence pleas, convictions, incarceration and later crime [16]–[19]. Algorithmic fairness debates similarly show that predictive parity, equal error rates and group calibration cannot all be achieved under unequal base rates [13], while Mayson explains why removing race from a model does not remove structural inequality [14]. The critical implication is that legality and equality should be pre-specified outcomes. A programme that reduces crime by degrading due process is not a successful balance; it is a transfer of harm from the measured outcome to the unmeasured person.

4.5 Institutional fragmentation and the justice chain

The fourth weakness is institutional fragmentation. Criminal law, police administration, forensic science, data protection and court procedure are frequently evaluated in separate literatures even though a decision travels across them. A facial-recognition lead can become a warrant application; a risk score can shape bail; a bail decision can alter plea bargaining; a conviction can trigger immigration or employment consequences. The EU AI Act and Council of Europe Framework Convention respond by extending obligations across an AI lifecycle rather than treating deployment as a one-time procurement choice [28], [29]. The Swiss approach can build on the same logic

through explicit legal authority, purpose limitation, record access, expert scrutiny, adversarial testing and judicial review [30]. Past work therefore supports a move from tool-centered evaluation to system-centered evaluation, where every transfer of information and every escalation of coercion is auditable.

4.6 Geographic and legal external validity

Finally, the literature is geographically uneven. Much of the quantitative evidence originates in the United States, the United Kingdom, Australia and other high-income settings. Legal categories, bail systems, policing histories and administrative capacity differ materially from Switzerland. Generalisation should therefore be based on mechanisms, not labels. The mechanism of procedural justice may travel because voice and respectful treatment are human experiences, but its institutional expression is culturally mediated. The mechanism of pretrial detention harm may travel, but its magnitude depends on bail law, time to trial and access to counsel. The mechanism of algorithmic feedback is likely to travel wherever enforcement data are used, yet its distributional effect requires Swiss subgroup and cantonal data. The critical research agenda is consequently comparative, multilingual and participatory.

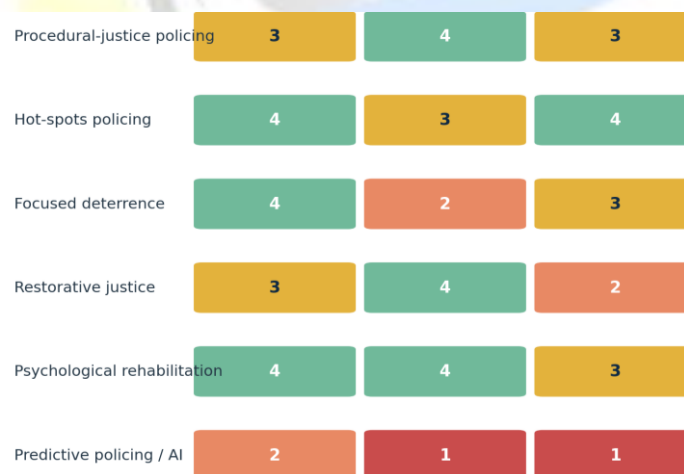


Figure 4: Cross-domain evidence map

Figure 4 compares six intervention families on three dimensions: public-safety evidence, rights compatibility and implementation confidence. Scores are transparent author coding of the conclusions and cautions in the cited literature; they are not a new pooled effect size. The map shows the paper's central asymmetry. Targeted policing, rehabilitation and procedural-justice interventions have comparatively strong safety or legitimacy evidence, but still require context and fidelity controls. Predictive policing and AI have weaker implementation confidence and higher rights concern because retrospective validation exceeds independent field evidence. Pretrial detention is not scored as a treatment to endorse; its high safety rationale must be tested against documented downstream harms.

5. DISCUSSION

The synthesis supports a balanced model with four propositions. First, safety policy should be problem-specific. Governments should define the harm, the time horizon and the outcome before selecting a power or technology. This favors focused prevention over generalized suspicion. Second, proportionality must be operational rather

than rhetorical. Authorities should compare detention, surveillance, treatment, diversion and restorative options according to expected benefit, rights intrusion and reversibility. Third, fair process is a capability. Voice, neutrality, explanation, counsel and review improve institutional legitimacy and may improve the information conditions on which effective enforcement depends [4], [5], [6]. Fourth, accountability must follow data and decisions through the whole justice chain.

For Switzerland, the legal baseline is unusually useful. The Swiss Criminal Procedure Code requires equal and fair treatment, the right to be heard, respect for human dignity in evidence gathering, expeditious proceedings and investigation of both incriminating and exculpatory circumstances. It also structures first-interview information, defence communication and compulsory measures [30]. These duties should be translated into technology governance requirements: a public register of justice-sector AI systems; documented purpose and data provenance; pre-deployment equality and accuracy testing in Switzerland's linguistic and demographic settings; human responsibility for every adverse decision; disclosure sufficient for defence challenge; independent audit; and a fast remedy when a tool contributes to an error. The European Convention's liberty, fair-trial and private-life guarantees remain the outer frame [26], while the AI Convention and EU AI Act offer convergent risk-management benchmarks for cross-border systems [28], [29].

The public-safety objection to rights safeguards should be answered empirically, not dismissed. Some interventions produce benefits, and victims require protection from intimidation, repeat harm and procedural delay. But urgency should trigger tighter review, not an exemption from review. Emergency powers need sunset clauses, records and retrospective judicial scrutiny. Pretrial detention should be individually reasoned and regularly revisited. Predictive systems should be limited to decision support and never determine guilt, sentence or detention alone. Digital evidence should be collected under clear authority, preserved with a verifiable chain of custody and disclosed in a form that permits meaningful contest. The central policy test is therefore not whether the state can act quickly, but whether it can act quickly without making the person unable to challenge the action.

Research should next build multilingual, cross-jurisdictional datasets linking intervention exposure to both safety and justice outcomes. Reviews should preregister protocols, include grey literature, report small-study effects, publish code and distinguish statistical from legal significance [1]–[3]. Primary studies should measure distributional impacts by age, gender, disability, migration status, language and socioeconomic position without treating protected attributes as mere controls. Swiss cantonal experimentation could use stepped-wedge or matched designs, independent oversight and community co-design. Such work would allow the country to contribute evidence rather than simply import models whose assumptions were formed elsewhere. It would also make participation substantive: affected communities, defence lawyers, victim-support organisations, data-protection specialists and frontline practitioners should help define acceptable outcomes before a pilot begins. Co-design cannot replace judicial independence, but it can reveal harms that administrative metrics overlook.

6. CONCLUSION

This critical meta-review finds that the contemporary criminal-law problem is not a choice between individual rights and public safety. It is the design of institutions capable of delivering safety through lawful, evidence-informed and contestable means. Procedural justice is associated with legitimacy and cooperation; targeted policing can generate modest crime reductions; rehabilitation and restorative justice can improve reintegration,

satisfaction and accountability; and pretrial detention can create downstream harms that undermine both equality and safety. Predictive policing, risk assessment, biometrics and digital evidence remain promising in narrow functions but immature as bases for coercive judgment. Their legitimacy depends on legal authority, data quality, transparent validation, human responsibility, defence access and remedy. Switzerland can operationalize this agenda through its Criminal Procedure Code, the European Convention on Human Rights and emerging European AI governance standards. The decisive shift is from asking whether a technology or sanction is effective in isolation to asking whether the entire justice pathway is necessary, proportionate, fair, auditable and safer than the available alternatives. Rights are not the cost of security; they are the conditions under which security remains legitimate and durable. In practical terms, the best balance is not the one that maximizes state power, but the one that maximizes justified protection per unit of coercion. That standard keeps the person, the victim and the public within the same account of justice. To sustain that balance, institutions must publish reasons, measure unequal effects, preserve a clear appeal route, and stop practices that cannot fairly meet their stated safety purpose.

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