

Toward Legal Recognition of Artificial Intelligence Proposals for Limited Subject-of-law Status

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Abstract

This paper explores the challenge of legally recognizing Artificial Intelligence (AI) as subjects of law with limited rights. The rapid evolution of AI technology has outpaced the development of legal systems, resulting in ambiguities in liability, ownership, and agency, as well as ethical and practical challenges. To address these issues, this study employs a multidisciplinary approach, including comparative legal analysis, review of case law and academic literature, and consideration of ethical, technical, and practical aspects of AI. The proposed solutions involve the establishment of an AI-specific legal framework that recognizes AI as a subject of law with limited rights and the introduction of ethical guidelines for AI development and use. However, the implementation of these solutions faces potential objections and requires careful planning, stakeholder engagement, and adaptability. This research underscores the importance of integrating AI into our legal system and invites further exploration and dialogue.

Keywords: Artificial Intelligence, Legal Recognition, Subjects of Law, Limited Rights, Legal Framework, Ethical Guidelines, Liability, Ownership, Agency, Comparative Legal Analysis, Case Law, Implementation.

I. Introduction

In the wake of the Fourth Industrial Revolution, Artificial Intelligence (AI) has emerged as a disruptive force, transforming every aspect of society, from healthcare and transportation to law and governance (Schwab, 2016). Yet, despite these profound changes, one area remains largely untouched: the legal recognition of AI. At present, AI lacks legal recognition as a subject of law with limited rights



[1]. This leaves a gray area in terms of accountability, responsibility, and rights, creating numerous legal and ethical dilemmas (Susskind, 2020). For instance, who is to be held accountable when an autonomous vehicle, guided by AI, is involved in an accident? Who owns the creative works produced by AI? Is it ethical to 'terminate' AI, and under what circumstances?

The gap between the rapid advancement of AI and the slow pace of legal reform has led to an increasingly urgent call for the recognition of AI as a subject of law (Bryson, Diamantis, & Grant, 2017). This recognition, however, should be with limited rights, given the distinct nature of AI and the potential risks associated with granting full legal personhood to non-human entities (Bryson et al., 2017). In this paper, we aim to address this critical issue by proposing solutions for the legal recognition of AI as subjects of law with limited rights. We will examine the current legal landscape, identify the challenges arising from the lack of legal recognition for AI, and suggest practical, ethically-sound approaches for legal reform. By doing so, we hope to contribute to the ongoing debate and stimulate further discussion on this important topic [2].

II. Methods

To address the complex issue of recognizing AI as a subject of law with limited rights, we employed a multidisciplinary approach, combining comparative legal analysis, review of case law and academic literature, and exploration of the ethical, technical, and practical aspects of AI. Our comparative legal analysis involved examining various jurisdictions with diverse legal traditions and levels of AI integration. We scrutinized the United States, European Union, and Asian countries such as China and Japan, providing a broad spectrum of legal perspectives (Kerr, 2018). This method allowed us to identify different legal frameworks dealing with AI and to pinpoint effective practices and regulatory gaps



in each system. In parallel, we conducted an exhaustive review of relevant case law and academic literature. Case law review was crucial in understanding how courts are currently handling AI-related disputes and the legal reasoning employed in such cases [3].

Meanwhile, the academic literature review encompassed a wide array of subjects, including law, computer science, ethics, and philosophy, to gain a comprehensive understanding of the implications of AI legal recognition [4]. Finally, ethical, technical, and practical aspects of AI were taken into consideration. From the ethical perspective, we explored the potential consequences of granting AI legal rights, focusing on human rights, dignity, and potential risks to society (Bryson, 2016). The technical perspective involved assessing the capabilities and limitations of current AI systems in relation to potential legal rights and responsibilities (Russell & Norvig, 2016). The practical perspective was centered on the implementation of legal changes, considering the challenges and strategies for integrating AI into the legal system (Dignum, 2017). By utilizing this holistic and multi-faceted approach, we aimed to develop well-rounded, informed, and practical solutions for the legal recognition of AI as a subject of law with limited rights [5].

III. Results

Our analysis revealed a number of challenges arising from the lack of legal recognition for AI, as well as promising avenues for addressing these challenges. From a legal standpoint, the current lack of recognition for AI as a subject of law creates ambiguity in terms of liability, ownership, and agency [6]. In cases of AI malfunctions or decisions that cause harm, it is often unclear who should bear legal responsibility – the AI developers, the users, or the AI itself (Calo, 2016). Similarly, ownership issues arise in the context of intellectual property rights for



AI-generated works, as existing laws do not account for non-human creators (Abbott, 2016). Finally, without legal recognition, AI cannot be considered a legal agent capable of entering into contracts or other legal agreements, limiting its potential applications [7].

Ethically, the lack of legal recognition for AI raises questions about the treatment of increasingly autonomous and sophisticated AI systems. Without legal rights, AI could be subjected to misuse or harmful actions without any legal recourse (Gunkel, 2018). On the other hand, granting legal rights to AI could lead to unintended consequences, such as diminishing human rights or enabling the misuse of AI (Etzioni & Etzioni, 2017). Practically, the lack of a legal framework for AI hampers its integration into various sectors. Without clear regulations, businesses may be hesitant to adopt AI solutions due to potential legal risks (Buiten, 2019). Furthermore, the absence of AI-specific laws means that disputes involving AI are often resolved based on laws that were not designed with AI in mind, leading to inconsistent and unpredictable outcomes [8].

To address these issues, we propose a two-pronged approach. Firstly, the establishment of an AI-specific legal framework that recognizes AI as a subject of law with limited rights. This would provide clarity on liability, ownership, and agency issues, and would enable the legal system to better manage disputes involving AI (Bryson et al., 2017). Secondly, the introduction of ethical guidelines for AI development and use, which would ensure the responsible and ethical treatment of AI while mitigating potential risks associated with granting legal rights to AI (Ryan & Stahl, 2020). These proposed solutions provide a balanced and pragmatic approach to the legal recognition of AI, offering a starting point for further discussion and refinement [9].

IV. Discussion

The results of our analysis and proposed solutions carry significant implications for the fields of law, ethics, and technology. They invite a deeper exploration of the potential obstacles and counterarguments that might arise and necessitate detailed implementation strategies. The legal recognition of AI as subjects of law with limited rights could significantly clarify liability, ownership, and agency issues [10]. This would not only help address current disputes involving AI but also provide clearer guidance for future AI developments (Calo, 2016). Ethically, by setting boundaries for the rights and treatment of AI, we could prevent misuse and harmful actions while avoiding the potential pitfalls of granting full legal personhood to AI [11].

There are, however, potential objections and counterarguments to our proposed solutions. Some may argue that recognizing AI as legal subjects could lead to a slippery slope, eventually culminating in AI gaining full legal personhood and potentially threatening human rights (Etzioni & Etzioni, 2017). Others may contend that current AI systems are not sufficiently advanced to warrant legal recognition, or that it is unnecessary given existing legal frameworks (Kerr, 2018). In terms of implementation, we suggest a gradual, step-by-step approach. Beginning with the establishment of a regulatory body to oversee the development of the AI-specific legal framework and ethical guidelines [12]. This body would consist of legal experts, AI developers, ethicists, and other relevant stakeholders, ensuring a broad range of perspectives and expertise (Dignum, 2017). The legal framework and guidelines would then be refined and adjusted over time in response to advancements in AI technology and feedback from their practical application [13]



This study has highlighted several areas for future research and legal reform. These include further exploration of the ethical implications of AI legal recognition, the development of more detailed liability and ownership rules for AI, and the adaptation of contract law to accommodate AI as legal agents [14]. Furthermore, ongoing research is needed to monitor the practical impact of the proposed solutions and to make necessary adjustments in response to evolving technology and societal needs. The legal recognition of AI as subjects of law with limited rights presents a complex but necessary challenge for the legal system. Our proposed solutions offer a promising starting point, but continued dialogue, research, and legal reform will be crucial to their successful implementation and refinement [15].

Conclusion

The rapid advancement of Artificial Intelligence (AI) has outpaced the evolution of our legal systems, resulting in a pressing need to address the legal recognition of AI as subjects of law with limited rights. This paper has sought to illuminate this complex issue and to contribute to the ongoing discourse surrounding AI and law. Our analysis has revealed significant legal, ethical, and practical challenges stemming from the current lack of legal recognition for AI. These include ambiguities in liability, ownership, and agency, ethical dilemmas surrounding the treatment and rights of AI, and practical hurdles hindering AI integration into various sectors.

To address these challenges, we have proposed a two-pronged approach: the establishment of an AI-specific legal framework that recognizes AI as a subject of law with limited rights, and the introduction of ethical guidelines for AI development and use. These solutions aim to provide clarity on legal issues, ensure the ethical treatment of AI, and facilitate AI's integration into society, while also

mitigating potential risks. However, these proposed solutions are not without potential objections and challenges, highlighting the need for a nuanced and balanced approach. The implementation of these solutions would require careful planning, stakeholder engagement, and a readiness to adjust and refine in response to changing circumstances.

The task of legally recognizing AI is not only a legal necessity but also an ethical and societal imperative. The decisions we make today will significantly shape the future of AI and its role in our society. As such, we must continue to engage in thoughtful and inclusive discussions, conduct rigorous research, and strive for legal reforms that are both innovative and grounded in our shared values. This research underscores the importance of bridging the gap between AI and law. We hope it will encourage further exploration, stimulate dialogue, and ultimately contribute to the development of a legal system that can effectively navigate the challenges and harness the opportunities presented by AI.

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