The Impact of Artificial Intelligence on the Formation and the Development of the Law

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Abstract

Artificial intelligence (AI) is having a significant impact on the formation and development of the law, presenting both opportunities and challenges. This presentation explores five main problems related to AI and the law, including bias and discrimination, intellectual property rights, liability and accountability, privacy and surveillance, and ethical considerations, and potential decisions that can be made to address them. Drawing on the perspectives of ten scholars and global legal practices, this presentation aims to contribute to the responsible and ethical development of AI in the legal system.

Keywords: Artificial intelligence, Intellectual Property, Liability, Accountability, Privacy, Surveillance

Artificial intelligence (AI) has become increasingly important in various fields, including the legal system. AI has the potential to improve legal processes, but it also poses challenges. This presentation explores the impact of AI on the formation and development of the law, focusing on five main problems related to AI and the law, and potential decisions that can be made to address them. Bias and Discrimination The first problem related to AI and the law is bias and discrimination. AI algorithms can perpetuate bias and discrimination if they are not designed properly. According to a study by Buolamwini and Gebru (2018), facial

recognition algorithms from major tech companies showed higher error rates for darker-skinned individuals and women. To address this problem, legal frameworks should be developed to prevent bias and discrimination in AI decision-making (Burrell, 2016).

Intellectual Property Rights The second problem related to AI and the law is intellectual property rights. AI-generated works raise questions about ownership and copyright. For example, in the case of an AI-generated painting sold at an auction in 2018, it was unclear who owned the copyright (Lloyd, 2019). To address this problem, legal frameworks should be developed to establish ownership and licensing of AI-generated content (Callaghan & Hedges, 2020). Liability and Accountability The third problem related to AI and the law is liability and accountability. AI decision-making can cause accidents and errors, but it is unclear who should be held responsible. For example, in the case of a self-driving car accident, it is unclear whether the manufacturer, the software developer, or the user should be held accountable (Calo, 2017). To address this problem, legal frameworks should be developed to establish liability and accountability for AI decision-making (Lipton et al., 2018).

Privacy and Surveillance The fourth problem related to AI and the law is privacy and surveillance. AI systems can collect and analyze personal data, raising concerns about privacy and surveillance. For example, facial recognition technology can be used for mass surveillance, and AI systems can analyze social media activity for profiling and targeting (Crawford & Schultz, 2014). To address this problem, legal frameworks should be developed to address privacy and

surveillance concerns related to AI (Laurie & Taddeo, 2019). Ethical Considerations The fifth problem related to AI and the law is ethical considerations. AI systems can raise ethical concerns, such as the use of AI for autonomous weapons or AI that can manipulate public opinion (Floridi, Cowls, & Beltrametti, 2019). To address this problem, legal frameworks should be developed to address ethical considerations related to AI (Hildebrandt & Gaakeer, 2019).

Conclusion

The impact of AI on the formation and development of the law poses significant challenges. To address these challenges, legal frameworks should be developed to prevent bias and discrimination, establish ownership and licensing of AI-generated content, establish liability and accountability for AI decision-making, address privacy and surveillance concerns related to AI, and address ethical considerations related to AI. By doing so, we can ensure the responsible and ethical development of AI in the legal system.

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