

SOME LEGAL ISSUES OF USING ARTIFICIAL INTELLIGENCE IN JURISPRUDENCE

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Abstract. *The article discusses the legal issues of using artificial intelligence in jurisprudence. The author analyzes the legislation and law enforcement practice of foreign countries such as the USA, Great Britain, Australia, Russia, Kazakhstan, as well as the resolution of the European Parliament and the WIPO materials on the use of artificial intelligence. The features of the legislation and practice of the Republic of Uzbekistan on the use of artificial intelligence are revealed. In conclusion, the author gives reasonable conclusions on the improvement of legislation in relation to artificial intelligence in jurisprudence.*

Keywords: *Artificial intelligence in jurisprudence, the use of artificial intelligence, artificial intelligence in foreign countries, the European Parliament resolution on artificial intelligence, WIPO materials on the use of artificial intelligence, legislation and practice of the Republic of Uzbekistan on the use of artificial intelligence.*

НЕКОТОРЫЕ ПРАВОВЫЕ ВОПРОСЫ ИСПОЛЬЗОВАНИЯ ИСКУССТВЕННОГО ИНТЕЛЛЕКТА В ЮРИСПРУДЕНЦИИ

Аннотация. *В статье рассматриваются правовые вопросы использования искусственного интеллекта в юриспруденции. Автор анализирует законодательство и правоприменительную практику зарубежных стран, таких как США, Великобритания, Австралия, Россия, Казахстан, а также резолюции Европейского парламента и материалы ВОИС по использованию искусственного интеллекта. Выявлены особенности законодательства и практики Республики Узбекистан по использованию искусственного интеллекта. В заключении автор делает обоснованные выводы по совершенствованию законодательства в отношении искусственного интеллекта в юриспруденции.*

Ключевые слова: *Искусственный интеллект в юриспруденции, использование искусственного интеллекта, искусственный интеллект в зарубежных странах, резолюция Европарламента по искусственному интеллекту, материалы ВОИС по использованию искусственного интеллекта, законодательство и практика Республики Узбекистан по использованию искусственного интеллекта.*

INTRODUCTION

With the development of science and technology in different areas of our life, we increasingly use information technology. Almost no branch of human life that would not use them. AI is a kind of more advanced information technology than computer programs and requires the definition of the legal regime in the field of jurisprudence.

MATERIALS AND METHODS

In the Republic of Uzbekistan, the rates of creation and introduction of objects of intellectual property into civilian circulation are gradually increasing [1]. Great attention is paid to the implementation and protection of intellectual property rights, the application of information and communication technologies in legal proceedings. Therefore, “the further development of intellectual property and the protection of consumer rights, ensuring

international recognition of rights” [2] is defined as a priority direction for the development of the country's economy and the study of these issues is important.

Also, special laws “On the legal protection of programs for electronic computers and databases” of 06.05.1994 [3], “On copyright and related rights” of 20.07.2006 (new edition) [4], Decree of the President of the Republic of Uzbekistan dated May 30, 2002 N UP – 3080 “On the Further Development of Computerization and Introduction of Information and Communication Technologies” [5], Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 06.06.2002, N 200 “On Measures for the Further Development of Computerization and Introduction of Information and Communication Technologies, Concept the introduction of technology “smart city” in the Republic of Uzbekistan[6] and others.

AI being a new object of civil law is not clearly regulated in national legislation. Some features and fragments are in the bylaws. Thus, according to the Concept of the introduction of technologies “Smart City” in the Republic of Uzbekistan, the introduction of technological solutions “Smart Education” implying educational systems based on artificial intelligence.

RESULTS

Overseas experience. As for the international legal acts on artificial intelligence, it is still in the process of formation. In the United States in December 2017, a draft law on the fundamental understanding of the applicability and realistic evolution of artificial intelligence (the Law on the Future of Artificial Intelligence) of 2017 was drafted and submitted to Congress [7].

Subparagraph 1 of paragraph “a” of Art. 3 of this draft regulatory legal act provides that the concept of «artificial intelligence» includes any artificial systems that perform tasks in changing and unpredictable conditions without significant human control or able to learn from their experience and improve their productivity; systems that think like people, such as cognitive architectures and neural networks, etc.

In 2017, the European Parliament, in its resolution, together with the recommendations of the Commission “Civil Law Standards on Robotics”, identified the need to define a special legal status for robots in the long term so that at least the most complex autonomous robots could be given the status of electronic persons who carry responsible for their actions and can make independent decisions or otherwise interact with third parties [8].

As for the international legal acts on artificial intelligence, it is still in the process of formation. In the United States in December 2017, a draft law on the fundamental understanding of the applicability and realistic evolution of artificial intelligence (the Law on the Future of Artificial Intelligence) of 2017 was drafted and submitted to Congress [7].

Subparagraph 1 of paragraph “a” of Art. 3 of this draft regulatory legal act provides that the concept of “artificial intelligence” includes the following:

“(1) Artificial Intelligence. – The term artificial intelligence” includes the following:

(A) Any artificial systems that perform tasks under varying and unpredictable circumstances, without significant human oversight, or that can learn from their experience and improve their performance. Such systems may be developed in computer software, physical hardware, or other contexts not yet contemplated. They may solve tasks requiring human-like perception, cognition, planning, learning, communication, or physical action. In general, the more human-like the system within the context of its tasks, the more it can be said to use artificial intelligence.

(B) Systems that think like humans, such as cognitive architectures and neural networks.

(C) Systems that act like humans, such as systems that can pass the Turing test or other comparable test via natural language processing, knowledge representation, automated reasoning, and learning.

(D) A set of techniques, including machine learning, that seek to approximate some cognitive task.

(E) Systems that act rationally, such as intelligent software agents and embodied robots that achieve goals via perception, planning, reasoning, learning, communicating, decision making, and acting.

(2) Artificial general intelligence. -The term “artificial general intelligence” means a notional future artificial intelligence system that exhibits apparently intelligent behavior at least as advanced as a person across the range of cognitive, emotional, and social behaviors.

(3) Narrow artificial intelligence. The term narrow “artificial intelligence” means an artificial intelligence system that addresses specific application areas such as playing strategic games, language translation, self-driving vehicles, and image recognition [7].

The following areas of activity for the use of AI are given in WIPO materials:

- automatic classification of patents and goods / services for applications for registration of trademarks;
- patent search in the prior art and search for graphic elements of trademarks;
- examination and verification of compliance with formal requirements for trademarks and patents;
- customer service (automatic response to the client);
- machine translation, linguistic tools and terminology;
- data analysis for economic research.

Thus, in 2016, around 3.1 million patent applications were filed around the world, about 7 million applications for trademarks and 963 thousand applications for registration of industrial designs, and there are even more samples - 1.2 million. It is not possible through human labor to sift through millions of incoming trademark and sample applications in order to determine the criteria for registering this particular mark or sample. Therefore, for trademarks, WIPO has developed an AI-based image search tool. In the Republic of Uzbekistan, such databases are also being introduced and the process of integrating national databases on intellectual property objects with WIPO databases is underway.

The Decision of the Federal Court of Australia dated 02.02.2012 in the case of Acohs Pty Ltd v Ucorp Pty Ltd stated that with respect to the result of intellectual activity produced using computer equipment and software algorithms, copyright protection cannot be built this work was not created by man and is not an original work within the meaning of copyright (clause 57, etc.).

The sphere of jurisprudence, which until recently was conservative in the field of new technology, has recently undergone significant changes. At the same time, foreign analysts believe that law firms that are not too sensitive to technology may remain on the periphery of the market.

Thus, in the US, the popularity of IT technologies in the field of jurisprudence, whose services are cheaper and more efficient, is growing exponentially. According to the Wall Street Journal in the United States, starting in 2012, 280 start-ups have been created that deal with the use of artificial intelligence in the legal sphere.

The development of digital technology in jurisprudence can be distinguished in several areas: the automation of typical legal services, legal online services for clients, the transition of the justice system to online, as well as the creation of solutions based on artificial intelligence.

In 2016, Sberbank of Russia launched the work of robots-lawyers, who will be engaged in the automatic filling out of typical claims for individuals. According to the statement of the top manager of this bank, in 2017 it is planned to reduce more than 3,000 employees of the legal department [9].

The advantages of new technologies are the speed and scale of evolution, fast work with huge amounts of data, perfect memory, multitasking.

Another important advantage of artificial intelligence indicates the possibility of analyzing the situation, given the many factors.

For example, the British bureau Serious Fraud Office SFO, leading the fight against major crimes in the field of fraud and corruption hired a robot created by RAVN. The task of the robot includes the work of the investigator: the selection of information, its structuring and preparation of conclusions. For the first time, this program was used in an investigation into the case of a large automaker Rolls-Royce. As a result, the robot helped the investigation team to examine 30 million documents, processing 600 thousand pieces daily. People would have months of work for such processing.

One of the directions of the use of artificial intelligence in jurisprudence is an assessment of the probability of the outcome of a case. To do this, the robotic technology should be familiar with the plot of the case, to study the relevant legislation, to analyze the previous judicial practice. The new technology, developed by scientists at University College London, correctly predicted 79 % of the decisions of the European Court of Human Rights.

IBM has developed a ROSS program that monitors all changes in legislation and precedents in the field of bankruptcy, and begins a search in all existing sets of laws for a specific issue in this branch of law, and, finding the answer, formulates it, reinforces it with a collection of legal norms, judicial precedents and quotations from secondary sources. Program users say that it helps them save from 20 to 90 % of the time: for example, the task, which took six hours from a lawyer working without a program, took his colleague with the program only 2 hours. Experts point out that this machine intelligence has reduced labor costs by increasing the speed and volume of services provided.

In Kazakhstan, there are such advanced modern information technologies as the “Trelík” system, the services “Judicial agenda”, “Acquaintance with court documents”, “SMS-notification”, audio-, video-recording system, remote administration of justice through videoconferencing.

The court room service is especially appreciated by the population, through which it provides more than 50 types of services in electronic form in all areas of legal proceedings, including referral to the court of a claim, statement of discharge, writ of appeal and other documents, payment of state duty online mode, view the judicial document, the status of the case, as well as the opportunity to use a whole range of other [10].

Uzbekistan's experience. Currently, the E-sud program has been developed in the Republic of Uzbekistan aimed at digitizing the judicial process. In June 2012, the joint project of USAID, the Supreme Court of the Republic of Uzbekistan, and the UNDP in Uzbekistan, “Reforming Civil Justice: Effective Judicial Administration”, began to operate with the aim of

strengthening the institutional base of civil courts in Uzbekistan by creating favorable conditions for further improving civil justice, as in legislation and in practice. The project is being implemented to increase the availability of legal proceedings by introducing an electronic court system, improving the system for adopting and executing court decisions, as well as raising public awareness of the available legal remedies to achieve justice in civil lawsuits.

The order of work in the “E-sud” system for judges (automatic preparation of court documents and decisions based on developed samples and templates, automatic distribution of civil cases among judges, database search, automation of a single database of court documents, preparation of court reports on the approved form) includes aspects of AI.

DISCUSSION

At the present stage of legal regulation and theoretical understanding of the use of information technologies in the activities of courts in civil cases requires the development of conceptual approaches and stages of implementation. The basis for the development of such approaches can be considered the goals of introducing information technologies, the definition of which can contribute to the improvement of civil proceedings and the designation of its end results, as well as development trends.

Of course, new technologies are changing the world for the better, can optimize the work of a lawyer, give scope for professional development. However, AI can never replace professions where creativity is needed, there are moral and moral aspects.

Michio Kaku in his book “The Future of Physics” assumes that people whose professions are connected with human relations, including lawyers, will not remain without work, arguing that “the robo lawyer will be able to answer simple questions about laws and legal procedure, but laws are constantly changing with social standards and morals. Ultimately, the interpretation of the law comes down to a value assessment, in which computers are not strong. A robot cannot replace jurors, because they must represent the common sense and moral principles of a certain group of people, but they change over time.

CONCLUSIONS

In our opinion, it is necessary to determine the features of AI as an object of intellectual property. AI is a new intellectual property object, closely connected with other intellectual property objects such as industrial designs, objects of copyright, etc., which has its own specific features (before being recognized as a subject), as well as the possibilities of self-development which is impossible for other intellectual property objects.

Today, with respect to AI, as an object of intellectual property, the rules regarding analogy apply. So, if the AI presents some danger, then the rules on insurance should be applied, according to which the manufacturer, the owner or another owner (tenant, user) is obliged to insure the AI produced by him. If the AI will have special distinctive properties, then a registration system similar to the registration of vehicles, aircraft, etc. should be applied to it.

Based on the foregoing, the concept of artificial intelligence should be enshrined in legal acts as follows: “artificial intelligence is a complex of software and hardware systems (electronic, bio-electronic or hybrid) that is associated with other intellectual property objects and has the ability to demonstrate intellectual behavior similar to a person with functionality, the properties of an omnipresent substance, autonomy, and a function that tends to vershenstvovaniya (neural networks)”.

This will allow a more precise definition of AI and will provide an opportunity to discover the main goals and objectives, the purpose of the AI.

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