RESEARCH ARTICLE   **Open Access**

LEGAL CAPACITY OF ARTIFICIAL INTELLIGENCE: IS IT POSSIBLE? LEGAL AND MORAL-ETHICAL ASPECT

Iroda Umarova
Lecturer At The Department "Theory Of Law And State", Tashkent State University Of Law, Uzbekistan

Abstract
This article will discuss the possibility of endowing artificial intelligence with legal capacity in general and the legal regulation of legal relations related to the creation of IP objects with artificial intelligence in the territory of the Republic of Uzbekistan.

Keywords Artificial intelligence, legal capacity, moral-ethical aspect of AI, legal relations.

INTRODUCTION

This article will discuss the possibility of endowing artificial intelligence with legal capacity in general and the legal regulation of legal relations related to the creation of IP objects with artificial intelligence in the territory of the Republic of Uzbekistan.

Theoretical base of artificial intelligence

Artificial intelligence (AI) has a long history that began long before our time. Early ideas about AI can be found in ancient myths and legends, such as the Golem story from the Jewish Kabalistic tradition. In the early 1950s, various terms such as cybernetics, automata theory, and complex information processing were used to describe the field of "thinking machines," indicating the diversity of conceptual approaches at the time. John McCarthy, then a young Assistant Professor of Mathematics at Dartmouth College, played a pivotal role in shaping the direction of the field. In 1955, he organized a group to clarify and develop ideas about thinking machines. McCarthy chose the name "Artificial Intelligence" for the new field, partly for its neutrality and to avoid narrow focuses associated with other terms like automata theory and cybernetics. McCarthy's decision to use the term "artificial intelligence" aimed to steer clear of the influence of figures like Norbert Wiener, who was associated with cybernetics, and to avoid potential conflicts or constraints on the direction of the field (Kline, Ronald R., 2011). He sought funding for a summer seminar at Dartmouth to further develop ideas in AI, approaching institutions like the Rockefeller Foundation for support.

On September 2, 1955, McCarthy, along with Marvin Minsky, Nathaniel Rochester, and Claude Shannon, formally proposed the project, marking a significant milestone in the history of AI and the introduction of the term "artificial intelligence." This proposal laid the groundwork for the development and expansion of AI as a distinct field of study (1955).

However, full-scale scientific research and development of AI began in the 20th century. The concept of "artificial intelligence" was first introduced in 1956 at a conference at Dartmouth College (Moor, J., 2006). Since then, researchers and engineers have begun to create computer programs and systems capable of performing tasks

requiring intellectual ability. Breakthroughs in AI development occurred in the 21st century, when new technologies, such as deep learning and neural networks, emerged that allowed systems to learn from and learn from large amounts of data. Today, artificial intelligence is used in various fields such as medicine, finance, transportation, manufacturing, and many others. Artificial intelligence continues to evolve, and its potential for changing the world is becoming increasingly apparent.

Legal capacity of AI

The question of whether artificial intelligence can be endowed with legal capacity has given rise to much debate and reflection in the fields of law, ethics and technology. There is currently no consensus on this. Some proponents of the idea of conferring legal capacity on artificial intelligence argue that the development of AI abilities may result in it being able to make its own decisions over time and possibly have some social and legal responsibilities. Others argue that artificial intelligence by its nature will always depend on its creators and will not have its own will, consciousness or emotions, making it incapable of conferring legal personality. To date, laws do not provide legal status for artificial intelligence, and the issue of AI's legal capacity continues to be the subject of in-depth discussions and research.

Here some of scientists who advocated the idea of endowing artificial intelligence with legal capacity. Nick Bostrom has extensively explored the implications of AI and the potential need for legal frameworks around AI systems. His book "Superintelligence: Paths, Dangers, Strategies" delves into the challenges and possibilities presented by advanced artificial intelligence, including legal and ethical considerations [4]. Another computer scientist at the University of California, Berkeley, Russell has advocated for aligning AI systems with human values and has emphasized the importance of designing AI systems that prioritize safety and ethical considerations (Russell S., Norvig P., 2022].

To date, the idea of conferring legal personality on artificial intelligence has elicited different views among scholars, philosophers and legal and ethical experts. Some scholars support this idea based on different arguments. Some argue that with the development of AI, his abilities can become sufficiently advanced to allow him to make autonomous decisions and take responsibility for his actions. Such scientists highlight the potential benefits of such an approach, including the possibility of establishing systems capable of making complex decisions in areas where independent assessments and action are required. It should be noted, however, that such views are not the only ones on the issue.

Marta Halina is a philosopher and ethicist whose work focuses on the ethics of artificial intelligence and machine learning. She has written about the moral and legal implications of AI decision-making and has explored the idea of granting legal personhood or rights to AI entities (2019). Wendell Wallach has written extensively on the ethical and governance challenges posed by emerging technologies, including artificial intelligence and robotics. Wallach has explored the idea of granting legal personhood to certain advanced AI systems as a means of clarifying responsibility and accountability (2013).

Ryan Calo is a professor of law at the University of Washington School of Law, where he co-directs the school's Tech Policy Lab. His research focuses on the intersection of law and emerging technologies, including AI and robotics. Calo has discussed the potential legal status of AI systems and the implications of granting them legal personhood or rights.

Evan Selinger is a professor of philosophy at the Rochester Institute of Technology. He has written about the ethical and social dimensions of technology, including AI and automation. Selinger has explored the idea of extending legal personhood to AI entities and has raised questions about the implications of such a move for human society.

Kate Darling has discussed the legal and moral considerations surrounding the treatment of robots and AI systems, including the possibility of granting them legal personhood or rights (2023).

In the current realities of the active development of

artificial intelligence raises the question of the need to determine its status, create a full-fledged legal regulation of AI activities, determine responsibility for actions performed with the help of AI, it also requires attention to the moral and ethical issues of giving artificial intelligence legal capacity.

In connection with the progressive development of technology in the scientific community, the possibility of granting artificial intelligence legal personality is discussed, that is, it is actually proposed to give artificial intelligence the opportunity to be a subject of legal relations and to confer rights and obligations. This raises an enormous number of legal and moral questions.

In determining the status of artificial intelligence, it should be noted that there is no global consensus on this issue, and the approach to artificial intelligence status varies from jurisdiction to jurisdiction. In a number of countries, artificial intelligence is partially endowed with legal personality, for example, in 2017, a robot produced by the Hong Kong Company «Hanson Robotics» became the world's first machine to obtain citizenship (Saudi Arabia), Japan provided chat-bot Shibuya Mirai is resident, and in South Africa, there is a precedent of granting a patent to artificial intelligence. In the Uzbekistan, while there is some ambiguity regarding the conferral of legal personality on artificial intelligence, it tends to be more in favor of not giving artificial intelligence that opportunity.

At present, the legislation of the Republic of Uzbekistan does not contain legal norms regulating the activities of artificial intelligence. However, the first steps towards this regulation have already been taken in the legislation.

Thus, the concept of artificial intelligence is enshrined in the Decree of the President of the Republic of Uzbekistan «On measures to create conditions for accelerated implementation of artificial intelligence technologies» (2021). Under this Decree, artificial intelligence is a complex of technological solutions that allow to simulate the cognitive functions of a person (including self-learning and search for solutions without a predetermined algorithm) and to obtain results when performing specific tasks, comparable, at least, with the results of human intellectual activity. The complex of technological solutions includes information and communication infrastructure, software (including the use of machine learning methods), processes and services for data processing and solution search.

But the legal capacity of artificial intelligence (AI) is a complex and evolving area of law. The legal community and policymakers are actively grappling with questions surrounding the rights, responsibilities, and liabilities associated with AI systems.

Determining who is responsible for the actions of AI systems is a significant challenge. Is it the AI developers, the owners of the AI, or the AI itself? Legal frameworks need to evolve to address this question and establish liability standards.

As AI systems become more sophisticated, they may operate with a level of autonomy that raises questions about accountability. Determining when an AI's actions are attributable to a human decision-maker is an important legal consideration.

The concept of legal personhood traditionally applies to individuals and, in some cases, corporations. The idea of granting legal personhood to AI has been discussed, but it raises significant ethical and legal challenges.

As AI systems engage in transactions and contracts, questions arise about the legal validity and enforceability of agreements involving AI. Clear guidelines are needed to address how AI can be a party to a contract.

Issues related to AI-generated content and inventions challenge traditional intellectual property frameworks. Determining ownership and rights in AI-generated work is a legal consideration.

AI often relies on vast amounts of data. Legal frameworks need to ensure that the use of data by AI systems complies with privacy laws and safeguards against unauthorized access and breaches.

Governments around the world are exploring and implementing regulatory frameworks for AI. These

may include guidelines for ethical AI use, safety standards, and other measures to ensure responsible AI development and deployment.

While not strictly legal, ethical considerations play a significant role in shaping the legal landscape for AI. Ensuring that AI systems adhere to ethical standards is a key concern for policymakers and legal experts.

Granting legal personhood or citizenship to robots raises questions about their rights and responsibilities. If robots have certain legal rights, should they also be held accountable for their actions, and to what extent? As AI systems become more autonomous, ethical and legal concerns arise about the decision-making capabilities of machines. Determining when a machine is acting independently and who is responsible for its actions becomes a critical issue. The widespread adoption of AI and automation technologies can lead to job displacement. This raises ethical questions about the societal impact of AI on employment and the responsibility of developers and policymakers to address potential negative consequences.

AI often involves the collection and analysis of vast amounts of data. This raises ethical questions about privacy, consent, and the responsible use of personal information. Legal frameworks, such as data protection laws, aim to address these concerns.

Ethical considerations extend to the security of AI systems. Ensuring the security of AI technologies is crucial to prevent malicious use. Legal frameworks may establish standards for AI security and hold individuals or entities accountable for security breaches.

There is a growing demand for transparency in AI decision-making processes. Ethical guidelines and potential legal requirements may emerge to ensure that AI systems are explainable, allowing users and stakeholders to understand how decisions are reached.

Given the global nature of AI development and deployment, ethical and legal standards need to be considered on an international scale. Collaboration between countries is crucial to establishing common principles and guidelines for responsible AI use.

As technology continues to advance, these ethical and legal questions will likely evolve, and regulatory frameworks may develop to address the challenges associated with AI in society. Ongoing discussions among policymakers, industry stakeholders, and ethicists aim to strike a balance between technological innovation and the ethical considerations of AI adoption.

CONCLUSION

Summarizing the above, we can determine that at the moment, from the point of view of jurisprudence, we cannot endow artificial intelligence with legal personality. Numerous studies have shown that artificial intelligence fulfills the wishes of the developer or the user.

REFERENCES

1. Kline, Ronald R., Cybernetics, Automata Studies and the Dartmouth Conference on Artificial Intelligence, IEEE Annals of the History of Computing, October–December, 2011, IEEE Computer Society, (citing letters, from Rockefeller Foundation Archives, Dartmouth file6, 17, 1955 etc.

2. McCarthy, J., Minsky, M., Rochester, N., Shannon, C.E., A Proposal for the Dartmouth Summer Research Project on Artificial Intelligence, 1955

3. Nilsson, N., The Quest for Artificial Intelligence, Cambridge University Press, 2010

4. McCorduck, P., Machines Who Think, A.K. Peters, Ltd, Second Edition, 2004.

5. Moor, J., "The Dartmouth College Artificial Intelligence Conference: The Next Fifty years", AI Magazine, Vol 27, No. 4, pp. 87–89, 2006.

6. Russell S., Novig P. "Artificial Intelligence: A Modern Approach", 4th edition, 2022.

7. The Limits of Machine Intelligence (2019). Halina M., Shevlin H., Vold K. and Crosby M. Science & Society, EMBO Reports, e49177.

8. Умарова, И. 2023. Феминизм: история борьбы за равные права и актуальность движения в современном мире. Общество и инновации. 4, 7/S (авг. 2023), 189–193.

9. Toward a Feminist Cyberlaw A-ha, in: Feminist Cyberlaw (Meg Leta Jones and Amanda Levendowski, eds.), University of California Press (2023).