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Determination of Legal Identity of AI

Abstract

In Roman law, the terms 'person' and 'personality' refer to other entities or groups with legal rights and responsibilities who could stand up for their rights through representation. There is no issue of individuality under Greek and British law after 1846 because animals and trees can have rights and duties. Slaves were not regarded as "persons" in ancient times since they could not exercise rights and responsibilities. According to Hindu law, a spiritual "sanyasi" who has given up the world loses all property rights. Therefore, everything and human have separate identities and different rights. Technological changes are currently changing people's perspectives on values, conduct, and goals. Artificial intelligence, also known as machine intelligence or deep learning, is a type of technology that is slowly infiltrating all aspects of society, from some of the most critical to the mundane. Artificial intelligence (AI) is a science and a collection of computing technologies influenced by how people use their neurological networks to perceive, remember, think, and act. These new technologies assist a variety of industries, but there is concern that they may be misapplied or used in unexpected and potentially dangerous ways. In this situation, any necessary innovation must be both socially desirable and defensible. The purpose of this research paper is to determine the legal identity of Artificial Intelligence. As stated above, it is pertinent to do so due to the increase in digital revolutions and increase in the need for artificial intelligence. This paper will provide insight to the readers about the validity of AI to spread awareness among them. The research paper presents an introduction to defining the meaning of AI and its aspects. It is followed by the legal system which identified the rights and duties of artificial intelligence. The next section presents the benefits of artificial intelligence for a better future ahead. The last section deals with the challenges posed by artificial intelligence which can create obstructions in the legal identity of AI.

Introduction

Interaction, increased understanding, external data, main objective action, and innovation are the five characteristics of an intelligent being. In the course of constructing artificial intelligence systems, extremely special skills, specialised skills, and expertise equipment are designed. Understanding, Thinking, Conflict Resolution, Vision, Training, Organizing, and the Capacity to Move Objects are some of the characteristics that computers can be programmed for. AI research revolves around knowledge engineering and machine learning. A robot needs to have correct information about the nation for it to behave and respond as if it were a human. It is primarily to access characteristics, groups, entities, and their relationships to perform requirements engineering AI. Incorporating logic, problem-solving ability, and good judgement into a machine is a time-consuming task. With statistical regression models and classifications, machine learning and training require a lot of monitoring. Computer vision is the ability to evaluate visual information with a few sub-problems including expression, item, and movement identification, whereas machine awareness is the ability to use sensory information to understand diverse parts of the world[1].

Artificial intelligence (AI) is the capacity of a machine or a computer-controlled robot to accomplish tasks that humans do. The phrase is widely used to refer to a project aimed at creating systems that have human-like cognitive abilities, including the reasoning ability, discern meaning, generalise, and learning from previous experiences. Humans and the judicial framework acknowledge non-human entities including limited liability organisations and their different identities. The concept of "legal fiction" has created their identity. In India, it has been used to grant rights such as river protection. Artificial intelligence (AI) has reignited a discussion over legal persons. Advocates for intellectual property and economic development have long pushed for legal recognition of AI breakthroughs. This is not the same as the dispute over AI's legal status as a separate entity. Until recently, the widespread consensus was that the argument was premature since artificial intelligence, while impressive, was not yet advanced enough to be compared to humans. AI has created never-before-heard sounds (Google's Nsynth), mind-blowing artwork (the Next Rembrandt), pioneered medication research (Atomwise), and outperformed humans (Google's AutoML) in the last few years. The acknowledgement of AI inventions isn't the only pressing issue. It asks for a discussion on

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[1] **Pallavi Gupta, 2019. Artificial Intelligence: Legal Challenge in India.**
https://www.researchgate.net/publication/335967041_Artificial_Intelligence_Legal_Challenge_in_India

whether AI should be acknowledged as a distinct entity out of its creator, as well as the new paradigm needed to distinguish AI's rights and obligations from those of its originator[2].

Legal system

Rights and duties

Rights and responsibilities can be defined in terms of AI, even though there are no set requirements as to how many legal rights and responsibilities a legal person must possess. It is typically a right to possess property as well as the ability to claim damages, which AI currently lacks. A human being's constitutional personhood is typically acknowledged as a natural phenomenon including such emotions, aspirations, and awareness. The opposition of AI being granted legal personality argues that if AI exhibits conduct that could have been proof of the attributes described, it just indicates that autonomous machines mimic human behaviour. Simultaneously, it suggests that we must examine how the responsibility to protect AI's rights affects the freedom of other legal entities. The privileges of new legal entities impose a responsibility to obey the rights of previously established legal people. Because each is distinct from the other, AI cannot have the same rights or liabilities as a natural or legal person. One point of worry is an AI's capacity to perform and be constrained by contracts. While self-enforcing agreements have been acknowledged by international law, more complete legislation is needed. Just a "legal person" can enter into a legitimate contract under Indian law. Until now, the conventional norm seems to be that an AI cannot be considered a legal person. As a result, agreements made by an AI of its own free will may not be considered legitimate in India. As a result, actions must be taken to assure the development of technical standards to effectively control agreements entered into by AI.

Benefits of AI to the legal profession

Artificial intelligence and law are primarily concerned with the use of techniques to make laws more rational, accessible, and likely[3]. We've witnessed AI being implemented in most organisations around the world, including small and midsize enterprises. As a result, AI and its applications have become familiar to the Indian legal profession. In this chapter, the article will

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[2] **Roman Dremliuga, Pavel Kuznetcov, Alexey Yu. Mamychev, 2019. Criteria for Recognition of AI as a Legal   Person.** https://www.researchgate.net/publication/335305860_Criteria_for_Recognition_of_AI_as_a_Legal_Person

[3] **Magnusson Sjöberg, C., 2020. The Digital Person—A New Legal Entity? On the Role of Law in an AI-Based Society. In** *Legal Tech and the New Sharing Economy* **(pp. 81-91). Springer, Singapore.**

look at the advantages of artificial intelligence (AI) to the legal profession in The country and seek to prove its significance in the Indian legal industry. There are numerous advantages to having AI help legal professionals, including but not limited to:

TIME-SAVING: With over 3.75 million cases waiting, the Indian legal system is finding it increasingly difficult to handle disputes. It takes a long time and a lot of effort to get a case from start to finish. A research process, research, investigative journalism, contract drafting, and contract interpretation have all gotten easier with the use of artificial intelligence. The term "discovery" refers to the process through which the prosecution must disclose all of the testimony and facts they have regarding the issue to the defence. This is difficult to complete since there is so much documentation and proof in certain circumstances that it would be a waste of time and money. Additionally, going over all of the documentation is a time-consuming operation; nevertheless, with the help of AI, this process can then be completed by digitising all of the data to be given over. Here, AI assists in sorting through terabytes of data by simply entering in a few phrases. Likewise, proper research in M&A used to be a time-consuming procedure, but thanks to AI, it is now relatively simple to conduct thorough research if one understands what they are searching for by simply typing in a few words. Case filing is also feasible using internet sites. This makes e-filing more convenient and eliminates the need for a lot of manual effort.

INCREASED CONCENTRATION ON HARD WORK: With AI executing the menial work, lawyers may devote more time to the nuances of a case, whereas the programme handles the mundane jobs.

COST EFFECTIVE: Previously, activities such as proper documentation required a lot of people, resulting in higher salaries and thus more economic ability being used up. Thanks to AI, such monotonous and simple chores are becoming more efficient and speedier. As a result, it lowers costs.

BETTER SKILL DEVELOPMENT: Indian lawyers have spent a significant amount of time learning the subtleties of the law. However, this used to be a time-consuming and complicated process that required a great deal of effort. However, because AI is smart, it has created smart work, and now even new lawyers can quickly grasp the complexities of the law.

PREDICTIONS BASED ON AN ALGORITHM: When a lawyer is contacted by a person, he or she is almost always presented with a case or a portion of a case that is quite frequent. The lawyer can then utilise AI to set the AI's mechanism to account and the algorithm to work.

AGREEMENT RESEARCH AND WRITING: Contract analysis and formulating used to be a time-consuming process that took a lot of time and effort. Nevertheless, new AI algorithms have made it easier to understand contract needs and anticipate a contract design.

ARTIFICIAL INTELLIGENCE IN STRATEGIC PLANNING: Artificial Intelligence combines a variety of intellectual tasks to perform one of its functions, which is strategic planning. Nevertheless, in the following paragraph, India is unlikely to embrace this AI function in the coming years. Because India is indeed a developing nation, adopting this step would result in an employment problem. India cannot depend on Artificial Intelligence to resolve the variety of issues that arise in any given scenario. Particularly since the decision would have a significant impact on the lives of those engaged in the issue, and any "mishap in the process" would've been extremely unfair.

ARTIFICIAL INTELLIGENCE IN RESEARCH WORK: Whenever defending their argument in identical circumstances, lawyers usually cite a variety of prior judgements as precedents. This necessitates a significant amount of legal study and man-hours; a judge, lawyer, and legal scholars devote a significant amount of time and resources to research work. Nevertheless, with the help of AI software's unique and smart algorithms, completing this difficult and demanding work has become much easier. A few resources are ready to aid lawyers in locating pertinent case laws and regulations to progress with their lawsuits.

USING EFFECTIVE METHODS TO CONSTRUCT AGREEMENTS: Another advantage of AI technologies is that they can use efficient techniques to build agreements. These devices serve as a self-service resource for clients, allowing them to design and create agreements as needed. Simply add a few terms of the contract, and the structure will generate a typical shape understanding that is ready to use.

Challenges

LEGAL IDENTITY: Another question that emerges while discussing AI is whether or not it is a human. Does it have its own set of rights and responsibilities? In India, no legal structure has adequately addressed this issue. To prevent such problems, the author proposes that more complicated AI-driven software/robots be granted the legal persona of a legal entity that has its own set of duties and responsibilities. However, such an advanced AI system is not expected to emerge in India at this time, as the country's technology sector is still developing.

LACK OF DATA PRIVACY IN AI SOFTWARE: Because AI software is entirely data-driven, the data input should be accurate and thorough to produce highly appropriate results. Nevertheless, data privacy is a major concern with everything online. Even the internet video conferencing systems that are being used to maintain the administration of justice throughout this critical time of epidemic are vulnerable to data privacy violations[4].

LAW OF COMPETITION: As previously mentioned, AI requires data to learn. In terms of competition laws, the issue may stem from the fact that AI learns and reacts using a variety of data sources, including real-time web information on rivals' programs. This would be a chance for machines to identify, analyze, and act on this data, putting one organisation in the same or stronger situation than its competitors, improving pricing structures or offering better products and deal terms, and so forth. This can be cause for concern, several of those responses could be classified as focused practises, anti-competitive arrangements, or other similar activities.

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[4] **Rowena Rodrigues, 2020.** Legal and human rights issues of AI: Gaps, challenges and vulnerabilities. https://www.sciencedirect.com/science/article/pii/S2666659620300056

Conclusion and Recommendations

Artificial intelligence (AI) technology is advancing at a breakneck pace. As a result, artificial intelligence is being used in a wide range of fields and is having a growing impact on current societal operations. Artificial intelligence's activities have the potential to harm people. The incidence of such harm in practice has spurred experts to explore classifying artificial intelligence as a legal person with culpability, with the former being interpreted as having powers and responsibilities. The inability to respond to difficulties that arise as a result of AI's use leads us to acknowledge the limitations in our judicial system's ability to adapt to AI. Because artificial intelligence (AI) relates refers to a computer's ability machine potential to mimic each intelligent human behaviour. To ensure the incorporation of AI, a neutral approach would've been required, one that efficiently manages AI system operation while simultaneously maximising its benefits[5].

Contract drafting that is both efficient and strong- Although AI technology is still in its infancy in India, there are several chances for private businesses to engage in and benefit from its growth. Agreements between both the AI customer and the AI creator are critical in defining the culpability of participants in the lack of a procedural structure. At the absolute least, the sides must make clear the extent of services that are provided, the AI technology guarantees, and the range of responsibility (containing restrictions and exemptions) during contract negotiations.

Efficient IT Law- Who is to accuse in the absence of personal involvement if an information security policy is breached since India's data security law is frighteningly poor to keep up with the rate of AI development. In general, the sole bit of legislation that 'contacts' on this topic is the Information Technology Act of 2000. It emphasises the necessity for India to enact adequate data protection laws. Furthermore, the authorities should put in place necessary protections, such as prior notification of extracting information to particular users, i.e., the source of information.

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[5] **Karolina Ziemianin, 2021. Civil legal personality of artificial intelligence. Future or utopia?**

https://policyreview.info/articles/analysis/civil-legal-personality-artificial-intelligence-future-or-utopia

Parallel Approach- There is no denying that artificial intelligence is the way of the future, but to replace "human errors" with advanced devices and powerful AI, we must go slowly and carefully up with the simultaneous needs of updating the nation's laws and literary structure.