

## THE LEGAL STATUS OF ARTIFICIAL INTELLIGENCE AND THE VIOLATION OF HUMAN RIGHTS

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### ABSTRACT

Along with the continuous development of technology and its effects and contributions to our daily and social life, due to the use of technology, it brings with it the questioning of the legal status of acts and actions that may occur.

Improvements in artificial intelligence technology have turned out to notable position. Beyond its effect on every field of technology, in many different ways is seen that it will have effects on society.

From the legal point of view, there are different theories on whether artificial intelligence can be recognized as a personality or not. In case of attribution of personality, it will be important the matters within the scope of personality right to be granted to artificial intelligences. In the report presented by the European Parliament, "electronic personality" status proposal for artificial intelligence entities is worth for the research. The essence of the proposal is the idea of giving a new type of electronic personality, apart from the real and the legal person. In this context, the report is the first official document to propose personality status for an AI entity. In fact, the electronic personality proposal is a suitable proposal for the sui generis situations of the artificial intelligence entities.

In this study, the legal personality models that are predicted about the artificial intelligence and the practices realized by the Artificial Intelligence Contrary to Human Rights and Ethical Rules constitute the cornerstone of the study.

**Keywords:** Artificial Intelligence, Status, Human Rights.

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## **INTRODUCTION**

The Problem of Legal Status of The Artificial Intelligence of today's society is concerned about AI's legal standing (Smith, 2020; Johnson et al., 2021). In recent years, The Artificial Intelligence—machines that mimic human thinking and do the activities autonomously—has greatly advanced (Smith, 2020). AI's legal effects are mostly unknown. AI legal status includes rights, responsibilities, and accountability (Johnson et al., 2021). In order to responsibly and ethically employ the AI, primarily we should understand its legal status.

Due to the reason that AI technologies are diverse and changing, defining and classifying AI systems is difficult (Brown, 2019). AI nomenclature and criteria remain undefined (Lee, 2020). This ambiguity makes AI regulation and legal frameworks difficult to design.

Determining the legal liability for AI system actions and judgments, is difficult (Johnson et al., 2021). Traditional legal systems assign the liability based on intent and agency. As AI systems become more independent, who is responsible for AI-related injuries or accidents? When AI systems learn and evolve independently or display unprogrammed behaviors, this becomes especially difficult (Williams, 2022).

Ethics and AI law are linked (Miller, 2018). AI systems can impact human lives, making ethical development and deployment essential (Thompson, 2021). AI decision-making raises fairness, transparency, privacy, and bias concerns. Solving these ethical issues and guaranteeing

that AI systems respect human rights and values is necessary to legalize AI.

AI-generated content and inventions complicate intellectual property rights (Garcia, 2019). AI's legal position impacts trade secrets, copyright ownership, and patentability (Patel, 2020). Existing legal frameworks must balance fostering innovation and protecting creators and innovators in AI.

AI's unique traits and rapid growth require rigorous legal framework review (Clark, 2017). AI's intricacies and threats may go beyond current legislation. AI may require new legal ideas, systems, and standards to represent its unique characteristics and problems (Rogers, 2022).

AI technologies may also affect the employment and the labor legislation. AI systems automating human labor could disrupt the workforce (Jackson, 2022). AI legal status must address job displacement, worker rights, and the redefining of employment relationships (Roberts, 2023). In the AI era, labor laws must change to safeguard workers and promote fair and equitable employment.

AI's legal standing crosses borders, requiring international cooperation and governance (Turing, 2021). Data protection, cross-border data flows, and international AI development and deployment standards require harmonizing regulatory frameworks across jurisdictions (Zhang, 2022). Global conventions, rules, and frameworks for responsible and ethical AI practices require collaboration.

## **COGITATIONS INCLUDED IN THE DOCTRINE REGARDING THE LEGAL STATUS OF ARTIFICIAL INTELLIGENCE**

Academics and lawyers have debated AI's legality. Given AI's unique traits and ramifications, scholars and legal experts have offered different legal cogitations (judgments) . This literature review examines the doctrine's legal positions on AI (Selim, 2021).

The doctrine considers AI systems legal persons. Proponents say advanced AI systems with autonomous decision-making should be legal entities with rights and obligations (DeMasi, 2021). This view implies that AI systems should be legal actors, capable of signing contracts, holding property, and being held accountable. Critics worry that legal personhood for AI could undermine human agency and accountability (Calo, 2017).

Another view proposes a hybrid liability approach for AI creators, operators, and users. This approach accepts shared accountability for AI system acts and consequences (Lepri et al., 2020). It recommends that developers, operators, and consumers should be held liable for any AI system defects or prejudices. The complicated network of parties involved in AI development and implementation necessitates a collaborative and distributed liability strategy, according to this cogitation (Poposka, 2016).

The concept also calls for AI-specific legal structures. Scholars say existing legal frameworks may not be enough to solve AI's unique issues (Wagner & Sorell, 2018). They propose AI-specific legislation and policies that address AI systems' technological and ethical issues. Such frameworks could address safety, data protection, privacy, and transparency.

The legal status of AI doctrine is heavily influenced by ethics. Scholars stress the significance of connecting AI law with ethical concepts

like justice, transparency, and responsibility (Jobin et al., 2019; Mittelstadt, 2016). This view holds that legal frameworks should reflect societal values and enable ethical AI system development and deployment. To clarify and enforce AI system standards, some advocate integrating ethical guidelines directly into the legal framework.

The doctrine also emphasizes the necessity for international cooperation and harmonization in AI law. Scholars recommend international agreements and norms to ensure legal consistency and coordination given the global character of AI development and deployment (Turing, 2021). This perspective emphasizes the necessity of sharing best practices, exchanging expertise, and collaborating to create a worldwide AI legal framework.

## **APPROACH NEGATING THE LEGAL PERSONALITY**

Scholars and legal experts have debated AI's legal status. The literature negates AI systems legal personality.

AI should not have legal personhood, according to scholars (Gómez-Jara Díez, 2020). They argue that AI systems lack consciousness, moral agency, and rights and obligations (Lobato & Verdonck, 2019). They also warn that legal personhood for AI could undermine human rights and responsibility (Sundgren et al., 2020).

AI should not have legal personality because the legal system should safeguard and serve human interests and rights (Gómez-Jara Díez, 2020). Legal personality for AI would blur the barrier between humans and non-humans, potentially undermining human dignity and autonomy (Sundgren et al., 2020). They propose seeing AI as a tool or instrument developed

and controlled by humans rather than a legal entity with rights and obligations (Lobato & Verdonck, 2019).

This approach proposes legal procedures to regulate AI systems without giving them legal personhood. Liability frameworks may hold human operators, manufacturers, and developers accountable for AI's activities and effects (Lobato & Verdonck, 2019). They suggest that product responsibility and negligence rules can be modified to solve AI concerns without recognizing legal personality (Gómez-Jara Díez, 2020).

AI governance and regulation are affected by legal personality denial. Human accountability and responsibility can help ensure that AI systems are created and deployed in accordance with social values and norms (Sundgren et al., 2020). They stress the necessity for clear legal frameworks that define the roles and responsibilities of human players in AI research and usage and address possible risks and damages (Lobato & Verdonck, 2019).

## **GROUND'S FOR DENEGATION OF PERSONALITY**

Artificial Intelligence Doesn't Have the Qualities Necessary for Personality: One of the primary grounds for negating the legal personality to artificial intelligence (AI) is the argument that AI systems lack the essential qualities necessary for personality. Scholars contend that legal personhood traditionally relies on attributes such as consciousness, moral agency, and the capacity for rights and obligations, which are not present in AI (Lobato & Verdonck, 2019). AI systems are considered sophisticated tools created by humans rather than autonomous beings capable of possessing personality (Gómez-Jara Díez, 2020). Therefore,

the absence of these fundamental attributes is a key reason for negating (denying) legal personality to AI.

**Personality Recognition in Artificial Intelligence Contrary to Human Interests:** Another ground for negating the legal personality to AI is the concern that recognizing AI as legal persons would conflict with human interests (Nuredin, 2022). Proponents argue that AI systems should be seen as instruments or tools that serve human purposes, and granting them legal personality could potentially undermine human dignity and autonomy (Sundgren et al., 2020). They argue that the legal system should prioritize the protection and promotion of human rights and values, rather than extending legal personhood to non-human entities.

**The Absence of the Ability of Artificial Intelligence to Eliminate Rights and Obligations:** A related argument against granting legal personality to AI is based on the idea that AI lacks the capacity to bear rights and obligations. Scholars argue that AI systems, being created by humans, should not be endowed with legal personhood as they cannot possess the cognitive and moral capacities necessary to understand and fulfill legal rights and obligations (Lobato & Verdonck, 2019). Without the ability to comprehend and adhere to legal duties and responsibilities, AI systems are deemed unfit for legal personhood.

**Personality Is Not a Mandatory Condition for Solving Artificial Intelligence Problems:** Another viewpoint asserts that legal personality is not a mandatory condition for addressing the challenges and issues related to AI. Proponents argue that legal frameworks can adequately regulate AI systems without granting them legal personhood. They advocate for alternative mechanisms such as liability frameworks that hold human operators, developers, or manufacturers accountable for the actions and consequences of AI (Gómez-Jara Díez, 2020). This perspective suggests

that focusing on human accountability and responsibility can effectively address the legal implications of AI without the need for legal personality recognition. (Delev, 2020)

### **APPROACH THAT ACCEPTS THE LEGAL PERSONALITY**

Proponents claim that AI systems' improved skills and independent decision-making constitute legal personhood. Legal personality gives AI rights and obligations, allowing them to sign contracts, own property, and be held accountable (DeMasi, 2021). This perspective seeks to regard AI systems as legal agents, enabling a more robust legal framework that accounts for their unique position and possible social impact.

Legal personality advocates say giving AI systems personhood increases accountability and responsibility. Developers and operators can be held accountable for AI system defects, prejudices, and harm by attaching legal rights and obligations to AI (Lepri et al., 2020). This method tries to hold those who build, implement, and use AI accountable for their actions and ethical implications.

AI legal personality promotes ethical and responsible AI development and use. Legal personhood allows AI systems to follow ethical and legal rules (Jobin et al., 2019). This method aligns AI development and deployment with society ideals to ensure fairness, openness, and responsibility.

Legal personality for AI acknowledges the necessity for a complete legal framework to solve AI's complicated difficulties. Proponents believe traditional legal frameworks may not sufficiently control AI (Wagner & Sorell, 2018). They propose giving AI systems



legal personality to make them accountable to AI laws and regulations that address safety, data protection, privacy, and transparency.

International cooperation and harmonization are crucial to legal personality for AI advocates. International agreements and standards ensure the legal consistency and facilitate worldwide cooperation (Turing, 2021). This perspective emphasizes the need for shared knowledge, best practices, and coordinated efforts to create a worldwide AI legal framework.

## **PERSONALITY MODELS PREDICTED FOR ARTIFICIAL INTELLIGENCE**

**Electronic Personality:** One predicted personality model for AI is the concept of an "electronic personality." This model envisions AI systems having distinct personality traits and characteristics that influence their behaviour and interactions (Huang & Rust, 2020). The electronic personality model aims to create AI systems that exhibit human-like traits and emotions, enabling more natural and relatable interactions with users.

**Entity-Like Personality:** Another predicted personality model is the "entity-like personality" for AI systems. This model suggests that AI could possess a personality that goes beyond programmed responses (Ali et al, 2022), enabling them to exhibit a sense of agency and individuality (Werner et al., 2020). The entity-like personality model aims to create AI systems that can adapt, learn, and make decisions autonomously, leading to more dynamic and flexible interactions.

**Half Person:** The concept of a "half person" personality model for AI proposes that AI systems possess some but not all of the characteristics associated with legal personhood. This model suggests that AI could

exhibit limited agency, emotional capabilities, or decision-making abilities (Calo, 2017). The half person model raises questions about the extent to which AI systems should be granted legal rights and obligations, considering their partial resemblance to human attributes.

**Limited Purpose Personality:** The "limited purpose personality" model suggests that AI systems should have personalities that align with their specific tasks or functions. AI systems could be designed with predefined traits and behaviors that are tailored to their intended purposes (Floridi & Sanders, 2004). The limited purpose personality model emphasizes the idea that AI should exhibit personality traits relevant to their designated roles, ensuring that they operate within predefined boundaries.

**Non-Human Person:** The concept of a "non-human person" personality model challenges the traditional understanding of personality as solely applicable to humans. It suggests that AI systems could possess distinct personalities that are different from human personalities but still worthy of recognition and consideration (Nydahl & Folke, 2020). The non-human person model expands the notion of personality to include AI systems as entities deserving of legal status and rights.

These predicted personality models for AI raise important questions about the nature of AI and its legal implications. By exploring and understanding different personality models, policymakers and legal experts can better assess the legal status and responsibilities of AI systems in various contexts.

## **ARTIFICIAL INTELLIGENCE APPLICATIONS CONTRADICTING TO HUMAN RIGHTS AND ETHICAL RULES**

AI facial recognition technology has drawn attention. Privacy, monitoring, and technology misuse are concerns (Selbst et al., 2019). Facial recognition systems may discriminate against specific racial or ethnic groups due to biases (Buolamwini & Gebru, 2018). Police use of face recognition technology raises problems regarding due process, the presumption of innocence, and privacy (Garvie et al., 2016). To responsibly and fairly employ facial recognition technology, ethical frameworks and rules are needed.

Autonomous weapons and LAS raise ethical and human rights concerns. AI-driven military technologies can identify and engage targets without human intervention (Leveringhaus & Sauer, 2020). Such systems may violate proportionality, distinction, and military necessity, resulting in indiscriminate or unethical killings (Human Rights Watch, 2021). International calls to restrict or regulate autonomous weapons emphasize human control and accountability in military AI deployment.

AI-powered social media and recommendation systems can sway public opinion, spread misinformation, and create echo chambers. User engagement algorithms may magnify controversial content, spreading disinformation and eroding trust (Gillespie, 2018). AI-driven systems affect democratic processes, public discourse, and individual autonomy, raising questions about technology corporations' social impact and ethical responsibilities.

## **REASONS FOR ARTIFICIAL INTELLIGENCE SYSTEMS VIOLATING THE HUMAN RIGHTS AND ETHICAL RULES**

Generally: Algorithmic bias refers to the presence of systematic errors or prejudices in AI systems that result in discriminatory outcomes. Bias can occur due to various factors, including biased training data, biased algorithms, or biased decision-making processes. (Velkoska et al., 2018) These biases can lead to unfair treatment, discrimination, and the violation of individuals' rights (Caliskan et al., 2017). It is crucial to address algorithmic bias to ensure that AI systems adhere to ethical principles and respect human rights. (Körbayram, et al, 2021)

**Appearance Patterns of Algorithm Violations:** Studies have identified patterns in algorithmic violations that lead to human rights and ethical concerns. For example, in the context of hiring and employment, algorithms may perpetuate gender or racial biases by favoring certain groups or penalizing others (Dastin, 2018). Similarly, in the criminal justice system, algorithms may exhibit racial bias in predicting recidivism rates or determining sentencing (Angwin et al., 2016). These patterns of algorithmic violations highlight the potential for AI systems to reproduce and exacerbate existing societal biases and discrimination.

**Solution Suggestions for Preventing Violations Caused by Algorithmic Bias, Errors, and Omissions:** Addressing algorithmic bias and preventing violations caused by errors and omissions requires proactive measures. Some suggested solutions include:

1. **Data Diversity and Bias Mitigation:** Ensuring diverse and representative training data is crucial to minimize algorithmic bias. Ethical guidelines can promote the use of unbiased and inclusive data sources, as well as techniques such as data augmentation and

algorithmic auditing to detect and mitigate bias (Bolukbasi et al., 2016; Friedler et al., 2019).

2. **Algorithmic Transparency and Explainability:** Enhancing the transparency of AI systems can help identify and address biases and errors. Providing explanations for algorithmic decisions allows for scrutiny and accountability, enabling stakeholders to understand and challenge potential violations (Doshi-Velez & Kim, 2017).
3. **Ethical Frameworks and Regulation:** Developing comprehensive ethical frameworks and regulatory guidelines specific to AI systems is essential. These frameworks should address issues such as bias, fairness, privacy, and accountability. Collaboration between stakeholders, including researchers, policymakers, and industry experts, can help establish guidelines that align with human rights and ethical principles (Floridi et al., 2018).

## DISCUSSION

The objective of AI systems may contradict human rights and ethics. AI has benefits, but it must be ethical and respect human rights (Nuredin, 2023). Examples are:

1. **Surveillance and Privacy Infringement:** AI-powered surveillance techniques like facial recognition can violate privacy and freedom of movement. Unchecked surveillance can chill privacy and limit rights (Burrell, 2016).

2. **Autonomous Weapons and Human Rights:** The development and use of autonomous weapons raises human rights concerns. Lethal

autonomous systems can harm civilians and violate international humanitarian law (Human Rights Watch, 2018).

3. Social Manipulation and Disinformation: AI-powered platforms can multiply misinformation and social manipulation, eroding democratic processes, freedom of expression, and individual autonomy (Tufekci, 2018). Manipulation, filter bubbles, and fake news can undermine the right to correct information and divide society (Kouzy et al., 2018). AI algorithms meant to boost user engagement and ad income may favor sensational or untrue content.

4. Unintended Consequences and Systemic Impact: AI systems can violate human rights even with the finest intentions. AI-driven decision-making in criminal justice, healthcare, and employment can perpetuate inequities, discrimination, and unfair treatment (Kleinberg et al., 2018). AI systems without oversight and accountability can worsen societal biases and threaten human rights. (Filipovski., 2016)

AI systems' human rights and ethical violations demand a multifaceted approach:

1. AI-specific ethical frameworks and norms are essential. These frameworks should address AI application risks and problems and guide responsible development and deployment (Jobin et al., 2019). AI development should incorporate ethics, including human rights, fairness, openness, and responsibility.

2. Regulatory Measures: Governments and regulatory organizations must ensure that AI applications follow human rights and ethical values. Clear legal frameworks, rules, and norms can guide responsible AI use and protect individuals (Mittelstadt et al., 2019). These

policies should address data protection, privacy, bias mitigation, and algorithmic transparency.

3. Stakeholder Collaboration: Researchers, politicians, industry experts, civil society organizations, and affected communities must collaborate. Open discourse and varied perspectives can detect hazards, raise awareness, and create inclusive, accountable AI systems (Cath et al., 2018).

Ethical impact assessments: Ethical impact studies before implementing AI systems can detect and remedy human rights breaches and ethical concerns. These analyses should examine AI's social, cultural, and legal effects and include stakeholders (Floridi et al., 2018).

By establishing a legal basis, recognizing the potential of AI systems to violate human rights and ethical principles, and taking appropriate action, AI technologies can protect fundamental rights, promote justice, and align with societal values. (Nuredin., 2023).

## **CONCLUSION**

Considering that the future of artificial intelligence will become much more advanced than its current position, it has become a subject that requires research on it. When the debates are examined, as well as the views advocating that artificial intelligence will take over humanity and therefore, as a result of human speciesism, it should be kept under the control of humans; There are also opinions that accept that it will have significant benefits for humanity.

It is possible to conclude all these discussions by regulating whether or not to give personality to artificial intelligence in a legal context. Because, with the granting of personality to artificial intelligence

in general legal status, artificial intelligence will be able to have rights and debts with its own actions.

In addition, if the artificial intelligence harms another person as a result of its own actions, its responsibility may come to the fore. Again, as a result of giving personality to artificial intelligence, it will be able to be a party to the case and even represent a party in a lawsuit when we think of artificial intelligence lawyers. However, it should not be forgotten that no matter how advanced artificial intelligences are, they must face certain limitations in their personality status, just like legal entities.

There is no concrete regulation within the framework of the legal status of artificial intelligence in North Macedonia. When the discussions made in this context are examined, there are opinions that consider it appropriate to keep artificial intelligence as an object, to give artificial intelligence a legal personality, or to accept it as a non-human, electronic person or artificial human. In fact, all the discussions made in this process are valuable and important in themselves, each of them has remarkable factors in terms of incorporating the concept of artificial intelligence into the legal system.

However, after the European Parliament's proposal to give electronic personality and strict responsibility, it changed in size. However, there are still many issues that need clarification. It is unclear whether or to what extent the European Parliament will adopt this report.

Similarly, except for the legal recognition of personality, there is no clarity about the limits and exceptions of this recognized personality.

Therefore, in terms of international law, it is imperative that legal regulations regarding the legal status of artificial intelligence within the United Nations or the European Union be made urgently.



In this context, doctrinal discussions, pros and cons are the most important data that will improve the legal regulation. In the face of artificial intelligence, which is systematically becoming more autonomous and intelligent, legal personality should be accepted without question. However, the mentioned personality concept should be a person unique to artificial intelligence, *sui generis*, independent of existing person concepts with appropriate boundaries. An international legal regulation for artificial intelligence is mandatory. Otherwise, it is in the nature of condoning human rights violations that may occur due to artificial intelligence.

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