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LEGAL SUPPORT FOR THE ASSESSMENT OF AN INDIVIDUAL'S UNDERSTANDING OF THE CONSEQUENCES OF HIS ACTIONS ON THE BASIS OF ARTIFICIAL INTELLIGENCE

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Abstract. *Currently, artificial intelligence technologies are intensively developing, due to the development of technologies of sustainable neural networks and cloud infrastructures computing, fuzzy systems technologies, entropy control, swarm intelligence, evolutionary computing, and more. At the same time, the problem of the almost complete absence of legal regulation and normative technical regulation of the fundamentals, conditions and features of development, commissioning, operation and activities, integration into other systems and control of the use of artificial intelligence technologies. This article is devoted to the study of the specifics of legal regulation use and development of artificial intelligence. Some approaches to the definition of artificial intelligence and the peculiarities of the legislative support of the corresponding sphere, which take place in the scientific literature, are considered, the author's concept of artificial intelligence is developed and presented through the disclosure of its main features. In particular, according to the proposed definition, artificial intelligence is an artificially complex cybernetic computer-software-hardware system with the properties of substantivizes, autonomy, as well as the ability to perceive and analyze data, self-study.*

Keywords*: computer law, information technology, artificial intelligence, digital economy, information law, informatics, post-industrial society, civil law, incapacity.*

SHAXS O'Z HARAKATINING OQIBATINI TUSHUNISHINI SUN'IY INTELLEKT ASOSIDA BAHOLASHNING YURIDIK TA'MINLANISHI

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Annotatsiya. *Maqolada sun'iy intellekt tizimlaridan foydalanish va rivojlantirishni huquqiy qo'llab-quvvatlashning asosiy mumkin bo'lgan yondashuvlari qayd etilgan, xususan, ular proaktiv universal-to'liq huquqiy tartibga solish va aniq yaratilgan sun'iy intellekt tizimlarini tartibga solishga qaratilgan huquqiy tartibga solishni o'z ichiga oladi. Sun'iy intellekt bilan bog'liq va ushbu sohada qonunchilikni qabul qilish uchun muhim bo'lgan asosiy xavf va noaniqliklar o'rganildi.*

Kalit so'zlar: *kompyuter huquqi, axborot texnologiyalari, sun'iy intellekt, raqamli iqtisodiyot, axborot huquqi, informatika, postindustrial jamiyat, fuqarolik huquqi, muomalaga layoqatsizlik.*

ПРАВОВОЕ ОБЕСПЕЧЕНИЕ ОЦЕНКИ ПОСЛЕДСТВИЙ ДЕЙСТВИЙ ЛИЦА, СВЯЗАННЫХ С ИСКУССТВЕННЫМ ИНТЕЛЛЕКТОМ

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Аннотация. *В статье отмечены основные возможные подходы к правовому обеспечению использования и развития систем искусственного интеллекта, в частности, к ним отнесены упреждающее универсально-тотальное правовое регулирование и правовое регулирование, направленное на регламентацию конкретных создаваемых систем искусственного интеллекта. Исследованы основные риски и неопределенности, связанныесискусственныминтеллектомиимеющиесущественноезначениедляпринятиязаконодательства в этой области. Сформулированы выводы относительно того, каким образом необходимо формировать законодательное обеспечение использования и развития искусственного интеллекта: последовательно, с учетом специфики конкретных сфер его применения, а также с обеспечением баланса интересов отдельных индивидов, общества и государства, касающихся надлежащего обеспечения безопасности и защиты отдельных прав и интересов, связанных с развитием инноваций на благо всего общества.*

Ключевые слова: *компьютерное право, информационные технологии, искусственный интеллект, цифровая экономика, информационное право, информатика, постиндустриальное общество, гражданское право, недееспособность.*

Introduction

Agreements are not always made between individuals as a result of face-to-face communication. It is no exaggeration to call the environment we live in today the age of engineering and technology, just as the XXI century is characterized by the introduction of innovations in all areas of scientific development. The fact that most of our actions at every step are related to different gadgets helps to save our time in a sense. Individuals enter into civil law relations through the Internet, concluding agreements and contracts online, and thus acquire civil rights and obligations.

Just as there are pros and cons to everything, there are also disadvantages to making deals in the virtual world. Scientists are doing a lot of research in this regard today. Various studies are being conducted on the civil-legal status of artificial intelligence and its role in civil law relations.

The technological paradigm of the digital economy has shaped new markets, new regulatory measures and subjects of control have emerged, including artificial intelligence (AI). Worldwide today is the problem of almost complete absence of normative legal regulation and normative technical regulation of the fundamentals, conditions and peculiarities of development, commissioning, functioning and activity, integration into other systems and control over the use of artificial intelligence technologies. Only individual states little by little begin to fill individual cavities with regulatory material. This, in general, is whitespace, the field, but the problem under consideration is not related to the framework of the nation-state. Therefore, standardization in this area must be implemented primarily at the global level.

It should be noted that the issues of legal support for the use and development of artificial intelligence have repeatedly become a subject of interest for researchers, both Uzbek and foreign. In particular, the general issues of creating and using artificial intelligence were studied by A. Oskamp and A. Lodder (2006), the issues of improving approaches to the definition of criminal and other liability in connection with the development innovations were studied by M. Gasson and B.-Ya. Koops (2013), D. Johnson (2014), G. Hallevy (2015). The problem of investigating artificial intelligence in terms of intellectual property law was addressed by Robert Yu (2017).

H. Saripan in her work considered prospects for endowing artificial intelligence with a certain degree of legal personality (2016). Some other issues of using systems of artificial intelligence from the point of view of the law were studied by R.J. Allen (2004), E. Nissan and A. Martino (2004). The use of artificial intelligence in jurisprudence, including for the performance of certain tasks of a lawyer, became the subject of study by V. Barfield (2005), J. Sartor (2009), K. Sunstein (2001) and K. Ashley (2017).

There is no well-established generally accepted definition of the concept of “artificial intelligence” today. According to our author’s definition, artificial intelligence is it is an artificial complex cybernetic computer-software-hardware system (electronic, including virtual, electronic-mechanical, bio-electronic-mechanical, or hybrid) with a cognitively functional architecture and its own or relevantly accessible (attached) computing power of the required capacities and speed, having:

- properties of substantiveness (including a certain subjectivity, including number as an intelligent agent) and, in general, autonomy, as well as elaborative (with a tendency to improve) operational;

- high-level capabilities to perceive (recognize, analyze and evaluate) and model the surrounding images and symbols, relationships, processes and environment (situation), self-referentially make and implement their decisions, analyze and understand their own behavior and experience, independently simulate and correct algorithms for yourself actions, reproduce (emulate) cognitive functions, including related to learning, interaction with the outside world and independent problem solving;

- the ability to self-referentially adapt their own behavior, autonomously deeply self-study (to solve problems of a certain class or more broadly); to carry out homologation of themselves and their subsystems, including developing homologated "languages" (protocols and methods) communication within oneself and with other types of artificial intelligence; to substantively perform certain anthropomorphic-emulating (conventionally attributed to the prerogative of a person (rational being)) cognitive (including cognitive-analytical and creative, as well as those associated with self-awareness) functions, take into account, accumulate and reproduce (emulate) experience (including human).

Artificial intelligence can be decentralized or centralized, it can have its infrastructure of actuators (executive devices).

We also note that the measures of integration, multifunctionality, the autonomy of artificial intelligence, as well as their purpose, can vary.

Even man-made robots are involved as a party to the legal service contract. The penetration of artificial intelligence into every field means that it needs to be studied in all its aspects. Defining the status, rights and responsibilities of artificial intelligence, as well as issues of responsibility is becoming a topical issue [2].

Artificial intelligence (AI) is the basis for mimicking human cognitive processes by creating and applying algorithms in a fast computing environment. Simply put, artificial intelligence is a technology that makes computers think like humans and find solutions. It should be noted that artificial intelligence is neither a format nor a function. Artificial intelligence is a system or technology that is able to mimic human behavior in performing certain tasks and is gradually perfected using the information obtained.

Today, the potential of artificial intelligence, the expediency of its use in the interests of the individual, society and the state are widely discussed by representatives of various sectors of society. There are many complex definitions of artificial intelligence, and it is worthwhile to simplify them as a program system consisting of certain algorithms designed to perform various logical, creative and other operations that the human mind can perform [3].

Public policy on the implementation of artificial intelligence has also changed for the better in recent years. The development of the "Strategy for the development of artificial intelligence in the Republic of Uzbekistan in 2021-2022" is a clear factor in our opinion.

Also, in accordance with the Strategy "Digital Uzbekistan - 2030" and to accelerate the introduction of artificial intelligence technologies and their widespread use in the country, to ensure access to digital data and their high quality, to create favorable conditions for training qualified personnel in this field. Resolution No. PP-4996 of February 17, 2018 "On measures to create conditions for the accelerated introduction of artificial intelligence technologies" and No. PP-5234 of August 26, 2021 "On measures to introduce a special regime for the use of artificial intelligence technologies" The decision was made. According to analytical data published by the Organization for Economic Cooperation and Development (OECD), the volume of research in the field of artificial intelligence in the country from 1996 to 2014 was three, and in 2020 more than thirty scientific researches were conducted in the field. By observing the trend in the application of artificial intelligence to various fields, we can assume that in the near future there will be no field in which it is not used. Of course, civil law relations are no exception.

Materials and methods

Numerous studies have been conducted in the fields of psychology and psychiatry to determine the mental state of individuals using artificial intelligence. J. McCarthy, a professor at Stanford University, wrote in the early 1950s that artificial intelligence would

be the easiest means to an end [4]. The methods of comparison, analysis-synthesis, deduction and induction were applied. Works of civil scientists such as H.R. Rakhmonkulov, I.B. Zokirov, O. Okyulov, D.M. Karakhodjaeva, N.F. Imomov, A. Atabekov, O. Yastrebov, K. Yeung, B.B. Shamsutdinov, J. McCarhy, C. Bassett, H. Kalanderian, H.A. Nasrallah, J. Sutton, G.S. Depp, E.E. Lee, C. Nebeker, X. Tu, H.C. Kim, M.D. Zhuravleva, I.V. Ponkin, A.I. Redkina were used.

Research results

Artificial intelligence has been used at various times to determine behavioral capacity, the first of which is ELIZA. It was founded by Joseph Weizenbaum, a professor at the Massachusetts Institute of Technology [5]. He was able to easily reverse the actions of a doctor who interviewed patients and determined that the person was mentally healthy or unhealthy based on questions [6]. It was then perfected in 2005 by George Bernard Shaw under the name Eliza Doolittle. The difference from the previous version was that this robot was able to detect the mood of people. 94 % did not err in diagnosing the individual and were therefore widely used in psychology [7].

At present, several psychology-related programs have been developed, including Woebot, BioBase, Youper, Replica, and Tess. Woebot, which won the Google Play Award in 2019, encourages the user to think through situations using tools inspired by cognitive behavioral therapy. The mood monitor then shows the positive changes made over days and weeks.

The BioBase program performs a number of functions, identifies times when stress is highest and offers deep breathing exercises. Helps determine the level of depression in a person. Youper, on the other hand, is a personalized emotional health assistant who can help treat stress, anxiety, and depression. The app uses several therapy modes to monitor and improve mental health through a series of short conversations.

Replica and Tess are artificial intelligence-based chatbots that provide emotional communication and virtual friendships to support people who are experiencing depression, anxiety, or difficult times [8]. The use of artificial intelligence in the appointment of experts in civil courts is already established in developed countries [9]. We all know that in order to download data from some sites, a person will have to prove that they are not a robot. At the same time, in a sense, his ability to behave is also checked [10].

Analysis of research results

One of the problems in practice is ordering something online. In this case, a person who does not have the full legal capacity or a person with a defect in legal capacity is ordering an expensive item, and in the middle is a contract of sale. The seller delivered the product to the buyer's place of residence, but a close relative of the buyer stated that the person who ordered it was in fact unfit or under the influence of alcohol or other toxic substances at the time of ordering so the deal between them was not valid. In turn, the supplier of the product demanded that the other party pay the costs incurred, but the party refused. The reason is that when a transaction is considered invalid, it has no consequences other than that it is not valid [11].

Back in 1992, L. Soulum formulated the following arguments proving the legal and factual unreasonableness, irrationality and impossibility of recognizing the "fundamental rights" of artificial intelligence (an object with artificial intelligence), leading and counterarguments to them:

1. Artificial intelligence (objects with artificial intelligence) and even objects with full-fledged artificial intelligence (cyber subjects) are not are human and cannot be positioned as similar or identical people. This is the most direct argument of all: it can be argued that only people can have constitutional rights. For example, the Fourteenth Amendment to the U.S. Constitution states: All persons born or naturalized in the United States, subject to such jurisdiction, are citizens of the United States." It can be argued that only people (individuals) can be born, and, therefore, artificial intelligence cannot claim the rights of citizens. The fact that even legal entities have certain rights (for example, the property of corporations is protected from seizure without just compensation), then there is that non-natural persons can have civil rights, can subjectively support the conclusion that artificial intelligence can also claim certain rights (Solum, 1992: 1258–1259) [12].

2. Artificial intelligence does not have certain critical components of human individuality (soul, consciousness, intentionality, feelings, interests). The argument that artificial intelligence does not

a have soul, from which it follows that they cannot claim the constitutional rights of individuals, regardless of the persuasiveness of this argument, in the field of legal controversy and political debate will fail because the assertion that artificial intelligence have no soul is based on controversial theological presumption, but political and legal decisions are usually made in accordance with the requirements of the presence of public interests and motives [13].

The requirement for a public motive would exclude the use of religious arguments about souls in a legal decision on the constitutional status of artificial intelligence. The lack of argument consciousness in artificial intelligence is difficult to assess since we ourselves do not have a proper understanding of what consciousness is. The legal argument could be that even if artificial intelligence can simulate human intelligence, it will not be self-aware, and therefore it cannot claim special fundamental rights. The key question here is: can artificial intelligence regard its life as a blessing? On the other hand, if consciousness is an attribute of intelligence, if all such attributes are products of processes, occurring in the brain, and if such processes can be modeled on a computer, then, perhaps, consciousness can be recreated artificially intelligence. In other words, if consciousness can be a product of neurons, then why can't it be a product of transistors? (Solum, 1992: 1262–1265). L. Soulum gives counter-arguments considering such positions as intentionality, feelings, interests, and free will (Solum, 1992: 1267-1276).

3. Artificial intelligence, as a man-made product, cannot be something more than just human property. But even in this case, Lawrence Soulum provides a number of counterarguments (Solum 1992: 1276-1279) [14].

Conclusion.

Based on the above, it is necessary to check with the help of artificial intelligence whether individuals have the ability to act in the process of entering into a civil relationship online. This method should be used by all online business representatives.

Alternatively, if we look at Norwegian law, the technology is embedded in every civil law relationship: every company that delivers orders has gadgets that can be used to determine if a person has a defect in his or her ability to behave. In short, it is determined whether a person has consumed alcohol, drugs or other toxic substances [15]. Artificial intelligence is central to the major digital transformation of the current industrial revolution and has the potential to have a significant impact on many areas of life.

At the same time, the legal status of artificial intelligence depends on the measure and the nature of the autonomy of artificial intelligence (artificial intelligence) from a person. We believe that the essential elements of such autonomy are:

- subjectivity (including - autonomy as an intelligence agent, independence, and self-reference in self-learning and in the development and decision making);
- cognitive and adaptive autonomy; - spatial and kinetic autonomy;
- the autonomy of software and energy management (including - independence in self-enable-disable-restart and the ability to prevent external shutdown);
- energy autonomy.

However, each of these positions in itself needs fundamental reflection and understanding in order to develop relevant sentences about improving legislation in this area.

For the circumstances described above, the legal support of artificial intelligence should be developed consistently (albeit intensively), taking into account the preliminary study of all the risks that can be assumed at the present stage of technology development, and the specifics of the use of artificial intelligence in various spheres of life. At the same time, it is essentially important, it is necessary to ensure a balance between the interests of society and individual individuals, including safety and the need to develop innovations in the public interest.

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