

Gökçe –

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## LEGAL LIABILITY OF ARTIFICIAL INTELLIGENCE



Through the constant development of technology, many machines are automated, including the simplest devices that we use in our daily lives. Automated machines can learn, interpret, process the data they collect without any human interference and can solve the emerging problems. In this sense, artificial intelligence can be briefly defined as a computer or computer-controlled machine, performing various activities similar to intelligent creatures. However, who will be liable from the autonomous (without human intervention) activities of artificial intelligences?

It appears unlikely for artificial intelligence to be liable on their own, for the damages they caused and the crimes they committed. Thus, such actions must be attributed to persons who have a criminal and legal capacity and their limitations of liability resulting from the damages occurred should be determined.

As there are no laws under Turkish legislation that are specifically applicable to liabilities arising from the actions of artificial intelligence, legal experts are comparatively reviewing current legislation and artificial intelligence law and tend to establish the applicable law within this context. However, it would be beneficial to determine the legal status of artificial intelligence before defining the rules on liability. The determination of the legal status of artificial intelligence would undoubtedly serve as the basis for applicable law. There are distinct opinions in the doctrine on the status of artificial intelligence in relation to the legal order. Assessing artificial intelligence as an electronic person and as a property or product are the most conspicuous opinions. However, neither of these opinions can provide the necessary protection regarding liability resulting from the autonomous actions of artificial intelligence.

It should be noted that artificial intelligence is still considered as a property under current Turkish legal regulations. Where there is contractual relation between the user (administrator) of artificial intelligence and the aggrieved person, the use of artificial intelligence is within the scope of fulfillment of obligation. In that case, the liability of the user may arise from either violation of obligation or absolute liability from the actions of auxiliary persons. In case there is no legal relation between the user (administrator) of artificial intelligence and aggrieved person, the administrator can be held liable in accordance with liability of animal keepers or danger liability.

The recognition that artificial intelligence has an electronic personality and has its own unique legal status should also be evaluated. The concept of electronic person was first put forward in the report of European Parliament Committee of Legal Affairs dated 31 May 2016. In this context, it is foreseen that the concept of electronic person should be used to define complex autonomous robots. In the relevant report, it is stated that the electronic persons that can interact with third parties independently should have their own rights and obligations. Yet of course this does not mean that electronic persons are regarded as a real person in face of the legal order, since it is not possible to assess that the electronic persons are personalities entitled to fundamental human rights. Nevertheless, the concept of an electronic person and the regulations to be made accordingly are important in terms of drawing the boundaries of who (manufacturer, user, etc.) will be responsible for the actions of artificial intelligence.

Consequently, with the increase in the usage areas of artificial intelligence; it is seen that artificial intelligence legislation needs to be developed. As a matter of fact, none of the opinions that are put forward within the scope of the legal status of artificial intelligence can completely meet the needs. Regulations and studies in this area should be followed closely.

# Answers. Not theories.

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