Force Majeure In Artificial Intelligence Systems

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ABSTRACT

This scientific article analyzes the civil law features of force majeure circumstances arising in artificial intelligence systems. Proposals have been developed on the procedure for determining liability for damage caused by artificial intelligence systems and on the grounds for excluding liability in the event of force majeure circumstances.

| Keywords: | artificial intelligence systems, artificial intelligence owner, person causing damage, software errors, civil liability, force majeure. |

Introduction

In today's conditions of rapid development of science and information and communication technologies, as in the developed countries of the world, in the Republic of Uzbekistan, state and community management, economy, industry, social protection, education, medicine, employment, agriculture, defense, security, tourism and other special attention is being paid to the wider use of modern information technologies and artificial intelligence capabilities in the fields. Decision No. PQ-358 of the President of the Republic of Uzbekistan dated 14.10.2024 "On approval of the strategy for the development of artificial intelligence technologies until 2030" is an important legal document, as it aims to create favorable conditions for the introduction of artificial intelligence technologies in the social sphere and economic sectors[1].

In this strategy, it is emphasized that "artificial intelligence is a set of technological solutions that allow imitating human knowledge and skills (including independent learning and searching for solutions) and obtain results comparable to the results of human mental activity in the performance of specific tasks." it is envisaged to develop the normative legal framework based on international experience and to improve the national legislation.

The use of artificial intelligence systems in social and economic sectors creates great opportunities for humanity. However, along with new opportunities, they also create some problems. Such problems are directly explained by the unique characteristics of artificial intelligence systems, including the fact that these systems become more powerful and complex with the further development of technologies, capable of self-learning, autonomous, intelligent action, and even independent decision-making.

In particular, the issue of the legal status of artificial intelligence systems is extremely controversial, and this also creates some problems in the legal regulation of relations related to their activity. It should be noted that some researchers are of the opinion that the legal status of artificial intelligence systems should be determined based on their goals and capabilities.

P. N. Biryukov said that until recently, the issue of determining responsibility for the actions of the car was clearly and unilaterally resolved. Any machine is like a tool in the hands of its controller, and from this, if we talk about

artificial intelligence directly, the concept of artificial intelligence is considered as a tool (AI-as-tool). According to him, the system does not have its own will, decisions are made by people, and accordingly, its owner or developer is responsible for the results of such a system [2]. According to P.M. Morkhat, depending on the functional purpose and capabilities of artificial intelligence, it can have the status of a human tool or "electronic person", and in some cases, it can have the status of a full legal entity in the future [3]. Other researchers believe that if the more rapid development of artificial intelligence allows it to be recognized as a robot similar to an intelligent person, then it is necessary to make appropriate changes in the legislation [4].In the resolution adopted by the European Parliament in 2017 on "Civil Law Norms on Robotics", in addition to other types of liability, robots are proposed to be given the special legal status of "electronic person" and, although this document does not specify, but independently responsible for the damage caused by robots. is intended to receive [5]. Also, in the resolution adopted by the European Parliament in 2020 on "Civil liability arising from the use of artificial intelligence technology", it is clear that artificial intelligence systems do not have the status of a legal entity and human consciousness, artificial intelligence is shown as a human assistant, technically controlled by artificial intelligence systems. It is emphasized that there is a person who somehow permanently interferes with the functioning of the system, despite the fact that actions and processes may be the direct or indirect cause of the damage caused [6].

These comments about AI systems mean that as technology becomes more sophisticated, it will become almost impossible to observe or see any human intervention in the processes controlled by AI systems. That is, the more complex and independent artificial intelligence systems are, the more difficult it is to attribute the consequences of the actions of these systems to humans. However, artificial intelligence systems do not fully or partially have the status of a legal entity (they cannot have rights and obligations and cannot be responsible for their actions), the owners of these systems (manufacturers, operators, etc.) requires to be responsible. This shows that artificial intelligence systems are a source of excessive risk. For example, who is to blame for a traffic accident involving an "autonomous car" controlled by artificial intelligence - the owner of the car or the company that manufactures it, or the pedestrian who violated the traffic rules? That is, who is responsible for the damage caused by this traffic accident and who should be compensated? In particular, when this road traffic accident occurs as a result of sudden force majeure (force majeure), each of the procedures for determining responsibility for the damage, including determining the responsible persons among the participants in the process and dividing the responsibility between them issues of determining the degree of guilt of the participant are of great importance. In particular, taking into account that artificial intelligence systems are a source of excessive risk and the effects of sudden insurmountable forces on the processes controlled by them are constantly maintained, force majeure in determining liability for damage caused by artificial intelligence systems as a result of such external influences The problem of determining whether it exists or not is extremely urgent. Because, all over the world, including the Anglo-Saxon, Romano-German and Islamic legal systems, force majeure exists as a scientific category, a segment of legislation, and a category of judicial practice. Based on protection is successfully performing its function. Based on the above, this article aimed to research the civil-legal features of the force majeure situation arising in artificial intelligence systems from a scientific, theoretical and practical point of view.

It is known that floods, fires, earthquakes, epidemics, military actions, revolutions, mass disorder, strikes (zabastovka), terrorist acts, man-made disasters, international sanctions, adoption of regulatory legal documents by state bodies are usually included in laws or contracts. As a result, situations such as the impossibility of fulfilling obligations are indicated as force majeure. According to the current approaches to force majeure cases developed in international practice, force majeure cases generally include

declared or undeclared wars, civil war, riots and revolutions, acts of piracy and various sabotage, natural disasters, hurricanes, tornadoes, tsunamis, fires, floods, earthquakes, vandalism, explosions, fires, boycotts, strikes [7] According to the general rule, a force majeure situation is a situation that is not dependent on the will and actions of the participants of legal relations and has led to an innocent violation of obligations and damage as a result of an extraordinary and unavoidable event, the consequences of which cannot be predicted in advance, prevented or eliminated under certain conditions. [8]. It should be noted that the development of technologies and legal sciences used in artificial intelligence systems in recent years is changing perceptions of force majeure cases. This can be directly explained by the expansion of human possibilities to prevent and influence natural phenomena, that is, the possibility of predicting the occurrence of catastrophic natural or man-made phenomena in advance has been created, and as a result, the range of phenomena that cannot be controlled by human will is decreasing. Usually, since the processes controlled by artificial intelligence systems are managed directly without the physical presence of a person, in addition to catastrophic natural events, some technological failures that occur in the system, including software errors or other technical errors, are the basis for confirming the existence of force majeure in determining liability for damages. Problems, if such failures are inevitable and their occurrence does not depend on the will of people, as a case of force majeure can be used. In this case, in order to consider the event that occurred in artificial intelligence systems as a force majeure situation, it is necessary to prove that it was not possible to foresee it and that the situation directly affected the processes.

Especially, while the relationship between artificial intelligence systems and people is developing day by day, sometimes the risk of these systems causing material damage to people remains, and such damage is caused by various random events or technological failures in artificial intelligence systems, that is, software errors. Taking into account the possibility that the issue of full compensation for the damage caused should be fairly resolved, including the damage It is important that the person who delivered it, or the victim, or third parties pay it. According to the theory of civil law, any damage caused as a constituent element of a civil offense should be fully compensated by the person causing the damage. This theory is reflected in Article 985 of the Civil Code of the Republic of Uzbekistan, according to which "damage caused to the person or property of a citizen due to illegal action (inaction), as well as damage caused to a legal entity, including lost profit, shall be fully compensated by the person who caused the damage. must be covered. In law, the obligation to pay damages may be imposed on a non-injurer. Laws or contracts may stipulate the obligation to compensate victims in addition to damages. The person who caused the damage is exempted from paying the damage if he proves that the damage was not caused by his fault. The law may provide for payment of damages even if the person who caused the damage was not at fault. Damage caused by legal actions must be paid in cases provided by law. If the damage was caused with the request or consent of the victim, and the actions of the person who caused the damage did not violate the moral principles of the society, payment of the damage can be refused" [9].

Despite the fact that artificial intelligence systems of various complexity are currently being created using the achievements of science, the control over the system processes is not absolute, and therefore, due to technological failures, programming errors, or sudden accidental events in these systems, people will be harmed. Force majeure in artificial intelligence systems as a basis for exclusion of liability The following conclusions can be drawn about the civil-legal features of the situation:

Firstly, if the owners of these systems (manufacturers, operators, etc.) cannot prove that the damage caused by artificial intelligence systems was caused by an insurmountable force (state of force majeure) or intentional actions of the victim, they must pay, or the obligation to pay this damage is artificial intelligence. Charging the systems to persons who own them on any other legal basis;

Secondly, if the damage caused by artificial intelligence systems was caused by an insurmountable force (force majeure) or due to the intentional actions of the victim, then in order to impose liability on the owners of artificial intelligence systems, it is not required that they be at fault, i.e. liability, including for accidental damage, in cases of no fault of the artificial intelligence systems that are the source of the risk
to be;

Third, the limit of liability of artificial intelligence systems extends to the limit of the scope of the force that caused the force majeure situation, and therefore liability for damage caused by artificial intelligence systems is considered increased liability;

Fourthly, if there are sufficient grounds that the situation caused by artificial intelligence systems is a force majeure situation, the evidence collected to confirm it should be submitted to the court and a request made by the interested party to declare it as a force majeure situation;

Fifth, if the damage caused by the artificial intelligence systems was caused only by the intentional actions of the victim or force majeure (force majeure), these circumstances should be accepted as a basis for excluding the liability of the owners of the artificial intelligence system.

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