

# The Use of Artificial Intelligence to Reveal Negative Impact of a Products Legally as an Understood Side

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**Abstract**—The convenience that can be provided by technological developments in various fields through the use of devices with artificial intelligence has authorized the technology to act outside human orders. The impact of the use of authorization by devices using artificial intelligence generally has a positive effect, but it does not rule out the possibility of having a negative impact that results in violation of the law. In this case there needs to be legal responsibility for the use of the device with the intended artificial intelligence. The purpose of this study is to determine the legal subject that must be held responsible for the negative impact of the use of devices with artificial intelligence. The research method used is normative juridical research with a concept approach. The results of the study are knowledge of legal subjects related to the use of devices that use artificial intelligence that has a negative legal impact. The conclusion of the study is that legal subjects are responsible in all aspects of related law.

**Keywords:** *concept, accountability, law, artificial intelligence*

## I. INTRODUCTION

At first the development of technology in various fields aimed at facilitating or helping human tasks, in this case technology made a positive contribution in human life. In reality, like a coin with two different sides, technology can also make a negative (detrimental) contribution to human life. This can be caused by various things, one of them because the technology is "broken". The problem is; what if the negative contribution of technology to human life is caused because it is indeed technology, of its own volition to do so. A few years back, maybe something "strange" if we think that technology (machinery) has its own will. But now this is no longer something foreign. Unconsciously, technology (machinery) that has the ability to "think" itself is now already in our homes, for example; mobile device with a camera that uses artificial intelligence technology.

The development of artificial intelligence technology can be said to be very fast than expected. This can be seen from the opinion of James Canton in his book entitled *The Extreme Future 10 Main Trends that Reshaped the World 20 Years Ahead* which he wrote in 2006 which did not predict the development of artificial intelligence technology at all. According to James Canton, the 10 extreme future trends are; (1) strange sciences, (2) the future of individuals, (3) economic innovation, (4) labour, (5) securing the future, (6) the future of

the US - China, (7) globalization, (8) fuels the future, (9) longevity medicine, and (10) climate change. James Canton in his book does not discuss the problem of "artificial intelligence" specifically [1].

According to the online version of the Big Indonesian Dictionary; Artificial intelligence is "computer programs in imitating human intelligence, such as making decisions, providing basic reasoning, and other human characteristics" [2]. "Artificial intelligence (AI) is one part of computer science that makes machines (computers) can do work as and as well as humans do." According to some artificial intelligence experts are defined as follows [3]: According to H.A.Simon [1987]: "Artificial intelligence (Artificial Intelligence / AI) is an area of research, applications and instructions related to computer programming to do things that in human view are intelligent" [4]. Meanwhile, according to Rich and Knight [1991]: "Artificial intelligence (artificial intelligence) is a study of how to make computers do things that at this time can be done better by humans" [4]. The purpose of using artificial intelligence according to Winston and Prendergast are [4]:

- The main purpose of using artificial intelligence is to be able to make machines smarter. In this case we have to interpret it that machines that use AI are smarter than machines that do not use AI.
- The scientific purpose of using artificial intelligence is to be able to understand what intelligence is.
- The entrepreneurial goal of using artificial intelligence is to be able to make machines more useful. In this case we also have to interpret it that machines that use AI are more useful than machines that do not use AI.

Broadly speaking, intelligence can be divided into 4 (four) categories, namely [5]; (1) acting humanly, (2) thinking humanly, (3) thinking rationally, and (4) acting rationally. Viewed from a legal point of view, the ability of artificial intelligence to act like humans, think like humans, think rationally, and act rationally whether it can place artificial intelligence as a legal subject? If at present the legal subjects are humans and legal entities, whether in the future (in the not too distant future), machines that use artificial intelligence technology can become legal subjects?

In the automotive world, especially cars, the use of artificial intelligence is now becoming a reality even though it is still limited. As an example; Wuling Indonesian Command (WIND) on Almaz vehicles already allows cars with their drivers to communicate using voice (Indonesian) to perform various tasks such as; open the window, turn on the air conditioner, open the sunroof, and so on [6]. Here are some news titles in the mass media related to the use of artificial intelligence in a car:

- Rely on Artificial Intelligence, the Toyota LQ Concept Car will be at the Tokyo Motor Show 2019 [7].
- Artificial Intelligence Owned Line Is Pinned On Toyota-Made Cars [8].
- Volvo Embeds Artificial Intelligence Systems for Autonomous Cars [9].
- NeuV, Electric Cars with Artificial Intelligence Technology [10].
- Strengthen Autonomous Cars, Hyundai Hand in Hand with Netradyne [11].

It is not impossible if in the next few years there are already cars that operate without the need for a driver. The problem is; what if a car that uses artificial intelligence technology (without using a driver) violates the law? Who should be held legally responsible? Thinking related to this is the background of this research.

## II. RESEARCH METHOD

Research methods are specific and systematic steps taken by researchers in conducting their research [12]. This research is a normative juridical research [13] or doctrinal law research [14], namely; "Legal research is carried out by examining mere library materials or secondary data" [15]. Normative juridical research uses pragmatic truth theory, namely; "A theory is correct, if the theory functions satisfactorily" [16]. The research problem approach is the conceptual approach [17]. "The concept seems as a guide to enter the field of research" [18]. In this case the concept can be said as a bridge connecting the abstract world of theory with the real world of reality [19]. Exposure to this research is deduction [18], which is drawing general conclusions into a specific situation that is specific.

## III. DISCUSSION

In essence, this research is related to intelligence as a legal subject. Researchers in their research will interpret the subject of law according to the perspective of civil law. In civil law only lawful legal subjects can take legal action. The subject is the main actor of an event. The legal subject comes from the word *rechtsubject* (Dutch) or the word *legal persons* (English) which can be interpreted as supporting rights and obligations. In general, the legal subject is human (*natuurlijke persoon*) or legal entity / company (*rechtspersoon*) [20]. A company as a *rechtspersoon* can be likened to a person (*persoon*) formed by legal force (*recht*) [21]. In carrying out these rights and obligations, a legal entity is represented by its management.

Humans (*natuurlijkpersoon*) with legal entities (*rechtspersoon*) differ in terms of exercising their legal rights and obligations. Humans as legal subjects carry out their rights and obligations by themselves or through their representatives. While legal entities as legal subjects cannot exercise their own rights and obligations, but must be represented. An organization can be categorized as a legal entity if it can meet several conditions as follows [22]: (1) Owning one's own assets. (2) Has its own goals that are not contrary to law. (3) Having self interest in legal traffic. (4) Having a legal entity management. (5) Registered as a legal entity. The existence of a legal entity in a legal system can be explained by using several theories as follows [23]:

- Fiction Theory. According to the thought of this fictional theory, law is merely made by the state. In this case it is the state that enlivens the legal entity so that it can become a legal subject.
- Organ Theory. Based on this theory, legal entities are exactly like humans in legal association. Legal entities shape their wills and desires by means of the organs of the legal entity.
- Common Wealth Theory. Adherents of the joint wealth theory argue that basically a legal entity is a representation of all the rights and obligations of its members together. Individuals who collectively unite in the unity eventually form another individual who stands alone, namely a legal entity.
- Theory of Wealth Aims. According to the purpose of wealth theory, only humans can be called the subjects of law. Even so the theory of wealth aims also argues that there is wealth that is not part of individual wealth, but wealth that is bound to certain goals. That is what came to be called a legal entity.
- Juridical Wealth Theory. According to the theory of juridical wealth a legal entity is a juridical reality, a legal entity equal to humans is limited to the legal field only because it is a fact created by law.

The purpose of the legal entity ultimately gives rise to the rights and obligations of the legal entity in the association of law with other related parties. Legal entities also have their own interests separate from the interests of the individual management and members of the intended legal entity. Basically the interests of the legal entity are the subjective rights of the intended legal entity. The subjective rights of legal entities are the basis of the birth of legal events carried out by the said legal entity. If a legal entity organ carries out legal action on behalf of a legal entity, then the legal entity must be responsible for the legal consequences caused by the legal action of the intended legal entity.

To protect legal organs from arbitrary actions taken by the law (statutory regulations) to them, legal entity legal liability is required based on its mistakes which in the civil law system are referred to as *schuld aansprakelijkheid* or liability base on fault in the legal system common law [24]. Such accountability is also referred to as traditional accountability. In this case the legal liability concerned is equal to the proven error. This is in

accordance with the provisions of Article 1365 of the Civil Code; "Every act violates the law and brings harm to others, obliging the person who caused the loss due to his mistake to replace the loss". Based on the sound of the article, it is clearly explained that the legal liability does not exceed the mistakes made.

The main weakness of the traditional accountability idea is that there is an element of "caution" that must be proven in relation to the intended error. Thus, if indeed an error has occurred which results in a loss, but it can also be proven that the party committing the error has carried out the principle of "caution", then the party making the error cannot be held liable for legal liability. This is certainly very detrimental. In connection with this, there arises the idea of absolute liability, which despite taking precautionary measures but still causing harm to other parties, the party causing the loss must still be legally responsible [24].

About how artificial intelligence can become a legal subject, it can be approached by using anchovies. Artificial intelligence is something that is not real. Nevertheless artificial intelligence can become a subject of law if it is required by law. Because the law was made by the state, if the state wanted it, artificial intelligence could be the subject of law.

Unlike humans as legal subjects who can carry out their legal rights and obligations directly, artificial intelligence can only carry out their rights and obligations by being represented by other legal subjects that are valid for it. Different from a legal entity (a company) as a legal subject that has a Statute / Bylaws that can be a clue as to who is legal according to the law can represent the legal entity, artificial intelligence requires certain mechanisms in order to determine who its representatives are as legal subjects who can exercise rights and its obligations.

The intended mechanism can actually use the existing mechanism, namely; mechanical registration of intellectual property. It is understood that whoever or legal entity creates artificial intelligence will protect his work (artificial intelligence) through the mechanism of registration (registration) of intellectual property. This is done because artificial intelligence has economic value which is prone to be misused by irresponsible parties. Because artificial intelligence has a "value" so that it can be categorized as "wealth". This logic places artificial intelligence as a wealth separated from the owner (creator) of artificial intelligence.

Recognition that artificial intelligence is wealth separate from individual wealth, giving way to the use of wealth theory aims to provide legality to artificial intelligence to become a legal subject (even if the legal subject is not real). Artificial intelligence is certainly created for a specific purpose. By referring to several examples of artificial intelligence specifically made to be integrated into the car, it can be understood that the purpose of the creation of artificial intelligence is (one of them) to improve driving comfort.

After artificial intelligence is legally recognized as a legal subject that can carry the rights and obligations, then the artificial intelligence can also be subject to an obligation to be responsible. The legal liability of artificial intelligence cannot

be carried out directly by itself, but must be represented by its registered representative (registered) in the system of recording intellectual property protection as the owner of artificial intelligence. Liability for artificial intelligence law can also be asked to other parties who actually benefit from the use of artificial intelligence. In this case it is possible that there are several parties that are legally valid to represent artificial intelligence carrying out their legal responsibilities. Because the magnitude of the legal responsibility of the artificial intelligence representative is correlated with the magnitude of the benefits (benefits) obtained by each party, the amount of legal responsibility of each party is proportional to the benefits (benefits) it receives and joint responsibilities.

To reduce the risk of using artificial intelligence in daily life, certification is needed for the use of artificial intelligence. The certification process certainly requires certain standards which to a certain extent can provide a "sense of security" both to the maker, even to the users of artificial intelligence. The standards in question are a compromise between the minimum limits of ability required by the need to use artificial intelligence. With these standards can also protect and accommodate the interests of third parties, including the interests of the government. In this case the government's interest is to uphold the law and the welfare of the whole community. Meanwhile the "guarantee" mechanism is also needed as a means of transforming responsibility in terms of the use of artificial intelligence. When the guarantee period is still valid, the responsibility of the maker of artificial intelligence is absolute, meanwhile when the guarantee period is over, the responsibility of the maker of artificial intelligence is traditional. Thus it is expected that there is a balance of the burden of responsibility in the use of artificial intelligence.

As understood together that the use of artificial intelligence in everyday life in addition to bringing benefits certainly has the potential to cause risks. Nevertheless the development of artificial intelligence is a necessity that should not be avoided, but should be addressed wisely. The application and law enforcement of the commercial use of artificial intelligence is one form of this wise attitude.

#### IV. CONCLUSION

Artificial intelligence can be the subject of civil law by using fictional theories and / or wealth theories aimed at. The implementation of the rights and obligations of artificial intelligence are carried out by their representatives, namely; a person who is recorded in the system of recording intellectual property protection as the owner of artificial intelligence and or a party who benefits from the use (utilization) of artificial intelligence in a proportionate and joint responsibility.

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