THE ROLE OF ARTIFICIAL INTELLIGENCE AS LEGAL PERSONALITY AND SOME ISSUES ON THIS FIELD: ON THE EXAMPLE OF CRIMINALISTICS, INVESTIGATION AND FORENSIC EXAMINATION.

Alijonov Mukhammadyusuf Jurabek Ugli
Tashkent State University of Law
alijonovmuhammadyusuf2001@gmail.com

ABSTRACT

Today, the rapid development of digital technologies, the penetration of artificial intelligence into our lives from day to day, makes the legal regulation of social relations associated with it an urgent issue. Currently, the question of the legal status of artificial intelligence, its importance in the legal field, especially responsibility for it, is the subject of sharp debate among scientists. In this article, we will outline our thoughts on the importance of artificial intelligence in the fields of Criminalistics, forensic science and investigation.

Keywords: artificial intelligence, information technology, crime, investigation, legal personality, criminalistics, forensic examination,

I. INTRODUCTION

Currently, artificial intelligence technologies are used to make decisions of various importance faster in business, medicine, transport, management and other fields of activity. So, in criminalistics and forensic expertise, special expert systems, image recognition systems, image processing, machine learning, etc. are being developed and tested.

The fusion of AI technologies, big data and the Internet of Things has become a kind of trigger for the processes of qualitative change in public relations. This led to the need to take measures to create and regulate conditions for their development, implementation and use. In many countries, including Uzbekistan, state programs

have been created aimed at stimulating the development and application of modern digital technologies. For example:

- Decree of the President of the Republic of Uzbekistan “On the strategy of Uzbekistan – 2030” at 11.09.2023 PD-158. This decree defines a task related to further automation of the process of ensuring the security of the state border using artificial intelligence technologies; [1]
- Decree of the President of the Republic of Uzbekistan “On additional measures to further expand the chances of achieving justice and increase the effectiveness of the activities of the courts” at 16.01.2023 PD-11. The decree established the full digitalization of judicial activities, the introduction of artificial intelligence technologies, the improvement of interagency electronic information exchange, the expansion of the possibility of remote participation in court sessions. [2]

Generally, artificial intelligence is a technology that allows a computer or information system to reproduce a person's mental activity. However, the work of the system is carried out with greater efficiency, as well as without making mistakes, so-called *"human factor"*.

Currently, all civilized countries of the world pay enormous attention to the development of information technologies and artificial intelligence directly, introducing its achievements into various spheres of public life. The process of digitalization also affected the areas of criminal law, criminal procedure activities, criminalistics and forensic examination [3].

The achievements of information technology are also being introduced into law enforcement, presenting enormous opportunities for the use of artificial intelligence in the fight against crime, both at the stage of preliminary investigation and at the stage of forecasting and preventing illegal behavior [4].

Below, we will discuss some aspects of AI in some legal spheres and issues of considering it as legal personality.

II. METHODOLOGY

In article, efforts were made to use it in many techniques. In particular, an attempt was made to reveal the main essence of the article through a comparison method. In addition, special importance is attached to the comprehensive analysis of the cited data. Various journals, books, textbooks and reports were used in the formulation of the article.

Apart from this, the article provides analytical data of considering AI as a legal personality or not.

III. RESULTS.

Analysis of the status of artificial intelligence as a subject of law allows us to legally comprehensively substantiate its condition, analyze the opinions of scientists, take an independent position, and "say our word" in relation to the discussions that are taking place today. Through our analysis, the opportunity arises to prove the legal status of artificial intelligence, its importance in criminalistics, forensic science, investigative processes, as well as its necessity.

Moreover, The analysis of various opinions on the matter shows the lack of a consolidated approach in the existing legal doctrine. Creating the legal status for AI systems would provide for several options depending on its type and purpose – from technical means to the status of an “electronic personality” and recognition as a full-fledged subject of law.

IV. DISCUSSION

The work of persons conducting an investigation in a criminal case is a painstaking and multifaceted activity aimed, among other things, at establishing the circumstances of a socially dangerous act in order to achieve the truth in a criminal case. The main tool in this case is a complex of technical means developed by forensic science, as well as tactical and methodological techniques for investigating crimes.

As D.V. Bakhteev noted: "Criminalistics has always been highly susceptible to technologies that are potentially useful in detecting and solving crimes, so considering the prospects for using artificial intelligence should be of interest to it"

[5]. However, according to our opinion, artificial intelligence is a new level of technology that combines both a technical component and a cognitive one, allowing us to simulate the human mind.

Taking into account the progressive development of science and technology, which is particularly noted at the present time, the issue of the introduction of artificial intelligence into the professional activities of persons conducting a criminal investigation is becoming increasingly relevant. This is, firstly, due to the interest of the so-called “criminal world” in the field of information technology, which involves the use of these scientific achievements for illegal purposes, and secondly, due to the positive results of the use of artificial intelligence in the fight against crime, both abroad and in Uzbekistan.

At the same time, the use of artificial intelligence achievements should not imply the rejection of human activity in the investigation process. The task of the developed systems is precisely to optimize and increase the efficiency of such activities, and not to replace human potential "computer analytics".

In addition, in our opinion, it is important to preserve the accumulated experience and coherence of the actions of the law enforcement system, which, with the wrong approach to the supply of information technologies, may undergo adverse changes. In this regard, we can agree with the statement of A.Y. Afanasyev: "The potential of artificial intelligence should be used to the extent that it will successfully implement the assigned functions, and not in opposition to the existing system" [6].

It is worth noting that the improvement of existing and the development of new technologies has a predominantly positive impact on the activities of investigators, criminalists actively adapting to the changing conditions of professional activity. In particular, artificial intelligence assists the investigator in assessing the initial information on a criminal case in order to put forward investigative versions, as well as to determine the main directions of their verification. Information systems under study they are based on a typical model of crimes identified on various forensic grounds, which allows artificial intelligence to develop methods for investigating certain types of socially dangerous acts [7].

However, the main task of artificial intelligence remains the analysis of large amounts of information in order to identify information relevant to the investigation of crimes. It should be noted that one of the main conditions for the effective use of artificial intelligence capabilities in this direction is the availability of sufficient information in databases.

At the same time, there is a problem concerning the ethical aspect of the formation of these databases, given that the secret or even forced receipt of information about the personal life of citizens contradicts the basic principles of a democratic state. Based on this, it is necessary to find a legitimate compromise.

In this vein, the statement of D.A. Kravtsov is fair: "Ensuring an acceptable level security is a priority in the functioning of the state as a whole, in connection with which the ability of artificial intelligence to collect, track and analyze such a huge flow of all kinds of data for crime prevention activities is very effective, although it may raise questions about confidentiality, etc." [8]. In our opinion, overcoming such ethical problems is a necessary measure for the successful development of information technologies that have a positive impact on human activity in all sectors of public life.

However, in total, the examples we have considered allow us to conclude that the use of artificial intelligence has a positive effect on the effectiveness of the professional activity of investigative workers in the investigation of crimes. This circumstance, in our opinion, causes the need for further progressive research of the possibilities of introducing information technologies in the field of combating crime.

At the same time, it must be remembered that the achievements of artificial intelligence should not displace a person from crime investigation activities, but only contribute to obtaining a high-quality result, because imitation of human activity does not mean that it can be replaced. At the same time, attention should be paid not only to the development of new and improvement of existing information technologies, but also to the professional training of persons who will use these achievements in practice.

Scientists actively working in this field, as well as law enforcement officers , should not forget that with all the possibilities of artificial intelligence and robotics, these achievements of information technology are not a panacea, but are only a powerful tool that you need to be able to use effectively.

The problem of legal personality of artificial intelligence.

In criminalistics and forensic examination, various technical means are used, united by the concept of "forensic technology". This category includes both fairly simple tools and devices, for example calipers, magnifiers, and modern identification fingerprinting and ballistic systems based on digital technologies and sophisticated software. The latter can be considered as prototypes of future trace image recognition systems and AI-based expert systems.

In the current identification systems, there is no possibility for a computer to make an independent decision on the identity of the compared images of traces, since such systems are automated according to the principle of their operation, but human participation in their work is not excluded. In the near future, we should expect the emergence of identification systems that operate on the basis of AI technology and are able to make independent decisions. Then the question will inevitably arise whether to refer them to forensic technology or to consider them as independent subjects of expert activity. At the same time, it is obvious that this issue is directly related to the general problem of endowing AI with legal personality.

The urgency of the problem is due to the fact that as AI improves, it becomes increasingly difficult, and sometimes even impossible, to control decision-making processes by systems based on this technology. Even developers are not always able to foresee the logic of the systems' actions and the results of their activities.

It seems that the possibility of recognizing AI as a subject of law should be considered primarily on the basis of its type.

Currently, developers conditionally distinguish two types of AI:

"strong" *(general)*;

"weak" *(limited).*

A **strong** AI will be able to think logically and creatively, being aware of himself at the same time as a separate person, which means it will be able not only to solve highly specialized tasks, but also to learn new things and change its structure, adapting to the received input signals.

Weak AI does not have such capabilities and, in principle, existing programs for solutions to well-defined tasks in criminalistics and forensic examination. First of all, these are pattern recognition algorithms and various machine learning methods that are being actively tested to solve identification problems. Signs of weak AI do not provide sufficient grounds for granting it legal personality.

With regard to strong AI, not everything is so clear. There is quite a lot like supporters and opponents of the concept of attributing AI to the subject of law.

As it was previously mentioned, many opponents of endowing AI with legal personality build their arguments on the basis of the absence of such systems of some fundamentally important and critical for subjectivity features that a person possesses: soul, feelings, consciousness, interests, desires, the ability to express their intentions, etc. [9, 10]. They believe that if AI demonstrates the manifestation of these qualities, then the system simply imitates human behavior, but "the simulation of a thing is not the thing itself" [11]. There is an opinion that AI systems are objects of robotics, and the subjects are developers, sponsors or owners of robots and cyber-physical systems [12]. This position is quite convenient from the point of view of law enforcement, since it allows, firstly, to determine the persons who should be held responsible in case of causing any damage to AI, and secondly, to exclude the acquisition of full independence and autonomy by AI.

At the same time, the question of determining the ownership of copyrights and intellectual property rights when creating AI creative works remains open, since in this case it does not act as a tool, but as an intelligent individual. In this case, AI developers cannot be the owners of the work created by the system without their participation, or be responsible for the conclusion formulated based on the results of the analysis of any object. In this aspect, there are grounds for recognizing the AI system as an independent subject of expert activity.

Proponents of the concept of endowing AI with legal personality draw an analogy with legal entities, children and incapacitated persons who are generally recognized subjects of law, although their range of rights and obligations is limited [13, 14]. It should be noted that one or more individuals are always behind the activities of a legal entity. Therefore, when AI is recognized as a legal entity, it will not always be possible to bring the actual perpetrators to justice. In addition, in the legal systems of many countries, the law and the obligations of legal entities are limited to varying degrees, which can become an obstacle in the application of AI systems, provoke the appearance of gaps and so-called ***gray areas*** in the regulatory framework. But the main danger in case of recognition AI by a legal entity will consist in the fact that in conditions of insufficiently thought-out regulation of the activities of AI systems, robots and other intelligent technologies, this can damage established business practices.

Together with these issues under consideration, attention should be paid to the institute of *"electronic persons"* being developed. In this concept, it is proposed to focus on the conceptual series "electronic person" – "artificial intelligence" ("electronic individual") – "robot". Moreover, AI, whose carriers are robots that meet certain criteria, must be considered as a basic component of an electronic person. This component is considered as a subject of law and represents a set of legal obligations and rights, and their content is the actions of AI. Electronic persons can be recognized as subjects of law, provided that they have certain rights and obligations at the legislative level [15].

A different approach to the essence of the legal personality of an "electronic person" combines some elements of already existing concepts of the legal personality of individuals, but most of all – legal entities, remaining mainly unique and independent.

A brief review of opinions on the recognition or non-recognition of AI as a subject of law shows the lack of a consolidated approach to solving this issue in modern legal doctrine. The development and spread of AI technologies are eroding the fundamental concept underlying all legal systems, according to which the

ultimate subject of decision-making is a person. This fact is particularly relevant to the problem of determining the legal responsibility of AI. It is advisable to introduce the category of a new and still little-studied subject of law within the framework of the creation of a new legal institution, taking into account the specifics of the functional purpose of AI and its "rights" and ensuring effective control over developers and operators. At the same time, it is necessary to develop technical standards aimed at improving the efficiency of using AI systems in solving applied problems, including problems of criminalistics and forensic examination. Perhaps the legal status of the system AI will provide several options depending on its type and purpose – from the position of the technical means to the granting of the status of an "electronic person" with the recognition of a full-fledged subject of law.

In the field of criminalistics and forensic examination, AI systems should not yet be recognized as full-fledged subjects of expert activity, it is more rational to position them as technical means. Otherwise, the AI is actually obliging to make decisions of legal significance. After all, the conclusions drawn by the system can be recognized as evidence that the court will have to take into account when passing sentence. At the same time, the activity of the AI system, due to its specifics, will not be transparent enough for the participants of the process, which, in turn, may cause difficulties in applying traditional principles of evidence assessment.

There is a high probability that the introduction of new norms into the existing legal system will inevitably lead to the formation of collisions and distortion of the principles underlying modern legislation.

V. CONCLUSION

In our opinion, AI is primarily a technology, and various systems based on it, implemented and tested in criminalistics, investigation and forensic examination, should still be associated with forensic technology. AI technologies that are used or will be used in solving problems should not be thoughtlessly endowed with the rights of an independent subject of criminalistics or forensic expert activity. When using AI technologies in law enforcement, third-party control and responsibility for the

process is necessary, the correctness and validity of the results of their activities should be assigned to the expert operator of the system, whose duties should be regulated in detail.

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