PROBLEMS IN DETERMINING PERSONAL CONDITIONS FOR ARTIFICIAL INTELLIGENCE: A CASE STUDY AT THE UNITED STATES COMPARED TO THAILAND

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Abstract - A research on the problem of personal conditions for artificial intelligence: a case study of the United States comparing to Thailand has the objectives (1) to study guidelines on the individual condition of artificial intelligence, compared with the United States of America, (2) to study the guidelines for determining the condition of the person under Thai civil law and considering the type of artificial intelligence that can have a person's condition and determining the individual condition of artificial intelligence by using qualitative research methods, and the data is analyzed by using content analysis. The results of the study can be categorized as follows: 1. When analyzing the guidelines for providing the condition to artificial intelligence in the United States, it was found that the United States viewed that the status of artificial intelligence is only one legal property because the laws that are effective nowadays are sufficient and comprehensive, 2. for the tendency of providing personal conditions to artificial intelligence under the legal framework of Thailand, although there is still no guidance in this regard as it should be, the researcher has seen that artificial intelligence can have a person's condition if artificial intelligence can make decisions on their own and have various abilities Including being independent. However, the current law may not be sufficient or does not cover protection of artificial intelligence liability. In this case, the artificial intelligence that can have legal person status is artificial intelligence in general artificial intelligence or artificial intelligence (AGI) and artificial intelligence super type artificial intelligence or artificial superintelligence (ASI).

Keywords - Artificial Intelligence, Legal Person Status, Electronic Person

I. INTRODUCTION

Artificial Intelligence (AI) has become increasingly important to human life, and artificial intelligence will have the ability to exceed human intellectual abilities in an increasingly unpredictable manner, especially in the sense that artificial intelligence will be developed to be free to learn, analyze, and work in the future on its own without receiving orders from humans. This is making it a problem that if artificial intelligence do anything that is caused by their own decision, who is liable or will determine the rights, duties, and responsibilities of artificial intelligence by determining the condition of the person with artificial intelligence or not.

However, when considering the principle of providing legal persons, it is evident that artificial intelligence may not have the same individual status as legal persons because the individual will be born only from human, and it is delivered from the mother's womb and survives, but at the time of birth under Section 15 only. If considering about juristic persons, it can be seen that juristic persons may not perform various actions by oneself, but must have a natural person who does it on behalf. When it is compared to the case of artificial intelligence, it can be seen that that artificial intelligence is independent and can do various things on their own, so the artificial intelligence may not have the same individual condition as the juristic person as well.
Thus, it is because the United States is the world's leading country, especially in technological progress. Therefore, the concept of personal condition for artificial intelligence has been compared with Thailand to be used in finding ways that Thailand should have a concept of human condition of artificial intelligence, or the condition of giving the person's condition of artificial intelligence or not, so the expected benefit of this research is to know the concept of determining the individual condition of artificial intelligence in the United States in order to analyze the guidelines and the necessity of providing personal conditions to artificial intelligence according to the civil law of Thailand, causing a guideline to determine who must be responsible for the damage caused by the actions of artificial intelligence as well as presenting new ideas and case studies to legal scholars or interested parties who may use it as a guideline to improve or amend the laws of Thailand relating to the determination of individual conditions of artificial intelligence.

II. RESEARCH OBJECTIVE

1. To study the guidelines on the individual condition of artificial intelligence compared to the United States.
2. To study the guidelines for determining the condition of persons under Thai civil law and consider the type of artificial intelligence that can have a personal condition.
3. To improve the legal structure to be able to be applied to the problems related to artificial intelligence and the determination of the individual condition of artificial intelligence.

III. LITERATURE REVIEW

Definition of artificial intelligence

Artificial intelligence is a robot or intelligent machine that is intelligent and able to perform various tasks like humans in terms of ideas, analysis, decision making, working in complex systems, and self-learning from experience, including solving various problems without having to receive orders from humans. In addition, it is a tool that helps increasing work efficiency for the industrial sector and contributes to the economic and social development of the country.

Classification of artificial intelligence

It is categorized according to intelligence level or intelligence, and it is classified into 3 levels:

Level 1: Artificial Narrow Intelligence (ANI), sometimes it is called "Weak AI", is an artificial intelligence that can work limited to only one subject, and it cannot do anything other than those set for it.

Level 2: Artificial General Intelligence (AGI), sometimes it is called "Strong AI" or "Human-Level AI", and it is an artificial intelligence that is equivalent to the human brain that can mimic human behavior, and

Level 3: Artificial Superintelligence (ASI) is an artificial intelligence that is considered superior to human intelligence (Athiwat, 2018).

Personal conditions according to the rules of law

Essentially, the legal person's condition can be divided into individuals and juristic persons. The natural person under Thai law appears in the Civil and Commercial Code, Section 15, and it is stated that the person's condition begins when born and survives as a baby is considered a natural person condition. Thus, the juristic person is occurred by virtue of law, and the law is assuming that the juristic person has a personal condition in order to be able to have legal rights and duties. However, the rights and duties of the juristic person are limited only to those specified in the regulations or established instruments.

IV. RESAERCH METHODOLOGY

1. Research methodology. Use qualitative research by studying research documents from legal books, academic texts, academic article, details from the Internet, legal documents, and researches related to the objectives of the research.
2. Research procedures. The researcher defines the issue of the determination of the individual condition to artificial intelligence to be used in case studies in determining the condition of an individual for artificial intelligence.
3. Research document. It is a research study of quality documents.
4. Causal-comparative research. It is to study on the possible causes of personal conditions for artificial intelligence.
5. Data collection. Use data collection from documents such as legal books, academic texts, academic article, details from the Internet, legal documents, and related researches.
6. Data analysis. It is in the form of content analysis from primary sources.

V. RESULT OF RESEARCH

When analyzing the trend of the United States found that The United States attaches great importance to defining the boundaries of artificial intelligence in accordance with the existing legal framework rather than providing the individual's condition to artificial intelligence because the robot and artificial intelligence is a part of the American society and the robotics industry and artificial intelligence, it is likely that there will be more value. Hence, the United States pay more attention to building an economic foundation rather than considering the approach to providing an artificial intelligence to the complexity of improving the legal structure as it can be seen that the United States issued reports about artificial intelligence and publishing the National Artificial Intelligence Research and Development Strategic Plan. When studying the 3rd strategy, which is a map related to ethics, law and society of artificial intelligence, it was found that it was only a strategy that studied the social and legal effects of artificial intelligence, and it was focus on the development of methods for designing artificial intelligence systems to be in line with ethical, legal and social objectives only (National Science and Technology Council Networking and Information Technology Research and Development Subcommittee, 2016). Artificial intelligence is only one legal property that may not have legal person status. In addition, the United States considers that the law currently effective is sufficient and covers problems that arise from artificial intelligence.

Anyway, the US legal system is a common law system that will follow the verdict, and it is known as law of a dispute or case law. Thus, the judgment of the Common Law is not just a legal interpretation, but it will be resulted in a legal norm that is a guideline for future adjudication. In addition, there is a case study in which the United States Court has decided in the case of Tommy the Chimp or Tommy's case, a chimpanzee with complex ideas and it can decide by itself, and it has the same feelings as humans. The New York Appeal Court Chimpanzees are not like humans because human beings have a unique ability to take legal responsibility, but chimpanzees cannot bear legal duties and still cannot have social responsibility or legal responsibility for his actions (Alan Yuhas, 2014). Thus, it can be seen that even though chimpanzees have the same body and feelings

as humans, but it may not act in a legal capacity or be responsible for their own actions as well as the natural person. Therefore, chimpanzees are not allowed to have a person's condition. When considering the case of artificial intelligence clearly in the eyes of the United States of America law, artificial intelligence cannot have the duty and liability as well.

When compared to Thailand, it is evident that the tendency of personalization for artificial intelligence under the legal framework of Thailand itself. There is no way to study how to control artificial intelligence, and there is no framework for any action relating to the individual condition of artificial intelligence as it should even there is the use of artificial intelligence and have studied in the field of artificial intelligence about the use of artificial intelligence in the industry, agriculture, or the use of as an aid in human activities. Thus, Special Professor Wichai Ariyanantaka, Senior Judge of the Intellectual Property and International Trade Court, The Central Intellectual Property and International Trade Court stated that giving the person's condition to the artificial intelligence It's not a strange story or a new story because the law does not provide the individual's condition but only to natural persons Has also given the person's condition to the juristic person as well.

Hence, in order to give the person's condition to the artificial intelligence, there is a possibility (Wichai Ariya Nantaka, 2561), but he did not provide in-depth details what to give, and what kind of artificial intelligence will have a person's condition. However, an article titled problems in determining personal conditions for artificial intelligence: a case study of the European Union comparing to Thailand has given details about having a person's condition of artificial intelligence and artificial intelligence that can have a person's condition only the artificial intelligence with equivalent intelligence or superior to the human brain and able to mimic human behavior. There were opinions that the applicable law is inadequate or not covered in the protection of artificial intelligence (Somruedee Kaewkhao and Pawita Kakhai, 2019)

VI. RESULT DISCUSSION

From the study of the condition of the person to artificial intelligence, the researcher has a different opinion from the US guidelines by seeing that Artificial intelligence can have a legal person's condition because if it is viewed in terms of the spirit of the constitution and the legal system, it can be seen that the person's condition is an important step in obtaining the rights, duties and liability.

Therefore, having a person's condition will bring rights, duties and liability. That is, in the beginning, while thinking about the individual condition of artificial intelligence may be something new and unfamiliar, but these feelings cannot be used as a reason to reject the human condition of artificial intelligence due to the fact that artificial intelligence has played a role in the present life. And, for the opinion that artificial intelligence is created with artificial means, it should not be given to a person or should not be seen as having a status as a human being, cannot be used to summarize the condition of an individual to artificial intelligence because the entity itself was created by all human beings as well In addition, the fact that human beings have blood, flesh, body, and feeling that cannot be an argument; otherwise, the criteria in this subject may be used to justify the reasons for giving the person's condition to animals as well.

In this case, it must be considered whether any artificial intelligence can have a person's condition to provide legal persons with artificial intelligence, and it must be considered on the ability and condition of artificial intelligence.

There must be a criteria for determining which artificial intelligence has the right to certify the individual. One of the important criteria is the criteria of individuality of artificial intelligence, that is, artificial intelligence must be independent, without control, command or command of human beings as well as having the ability to operate without human intervention. Hence, it can be presented that artificial intelligence that has the ability to act or not to only, it is not necessary to consider about personal condition at all. Thus, this concept is also consistent with the academic article called the law and protection of artificial intelligence of Associate Professor Dr. Phumintin But-In, and it is proposed to have the classification of artificial intelligence according to the different characteristics (Phumin But-In, 2018).

The researcher saw that artificial intelligence that can be in a person's state is artificial intelligence (AGI) or Artificial Superintelligence (ASI) which is considered to have higher intelligence levels than humans (Athiwat, 2018). On the other hand, even though artificial intelligence has such capabilities and have individuality, it must be interpreted in giving the person's condition to artificial intelligence only in the case of artificial intelligence that is shaped or in the form of a robot without having to certify the person's condition of artificial intelligence without shape to define clear identity and to make it easier to prevent or solve problems caused by concrete artificial intelligence.

Thus, even though the current state of artificial intelligence has not affected humanity or many agencies, it is evident that laws should be enforced in the future. The invention leads to the main cause for determining the direction of artificial intelligence to facilitate human and social benefits. Therefore, it is necessary to consider the relevant laws specifically to

protect against liability and the inability to identify the real person who is liable for damages and to have more coverage.

SUGGESTIONS

1. Policy recommendations. Thailand should have a clear policy and strategic plan regarding artificial intelligence to create guidelines for solving concrete problems, and it can be divided into various areas as follows.

- In terms of work, there should be a policy to support unemployment as a result of using artificial intelligence instead of human labor.
- In terms of Ethics, it should have a policy on basic ethical principles in order to create ethics in the design, production, development, and use of artificial intelligence.
- In terms of legal improvement, there should be a policy to improve the legal structure to be able to be applied to problems related to artificial intelligence and the determination of the individual conditions of artificial intelligence.

2. Legal advice

- There must be a specification on the registration of artificial intelligence as well as the registration of the juristic person.
- It should provide specific laws for artificial intelligence about rights, duties, and liability.

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REFERENCES

[1] Alan Yuhas. (2014). Chimpanzees are not people, New York court decides. Retrieved February 22, 2019, from https://bit.ly/2E3b6OM

[2] National Science and Technology Council Networking and Information Technology Research and Development Subcommittee. (2016).

[3] The National Artificial Intelligence Research and Development Strategic Plan. Retrieved July 25, 2018, from https://www.nitrd.gov/PUBS/national_ai_rd_strategic_plan.pdf.

[4] Nils J. Nilsson. (2009). The Quest for Artificial Intelligence A History of Ideas and Achievements. Retrieved July 16, 2018, from https://stanford.io/2DkoNqe

[5] Transcribe a lecture from Professor Wichai Ariya-Nantaka. "Liability in the violation of artificial intelligence" in the academic seminar project. Organized by the Faculty of Law, Thammasat University Bangkok, 2018.

[6] Phumin But-in (2018). Law and protection of artificial intelligence Part 1: Concept and comparative law. Retrieved on 16 July 2018, from https://bit.ly/2QNZ0OH.

[7] Somruedee Kaewkhao and Pawita Kakhai (2019). Problems in determining personal conditions for artificial intelligence: a case study of the European Union compared to Thailand. Retrieved on 14 March 2019, from https://1th.me/aOec.

[8] Athiwat (2018). AI smart level dividing. Retrieved on 16 July 2018, from https://bit.ly/2QP9hua.

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