

Artificial intelligence as a challenge to private law

Abstract

The subject of this master thesis is private law and artificial intelligence. The main goal of this thesis is the analysis of private law aspects of artificial intelligence and the evaluation of current laws regarding this technology. Therefore, the thesis mainly deals with the legal status of artificial intelligence within the current law and the possible granting of the status of an electronic person. It also deals with the issue of appropriate regulation of artificial intelligence in the future. The first part of the thesis is focused primarily on the concept of artificial intelligence, its importance for society and law and its risks. The primary goal of this chapter is to acquaint the reader with the functioning of artificial intelligence as a technology, while considering its differences from other technologies, especially its autonomy. The second part of the thesis is then focused on a critical analysis of artificial intelligence in terms of current law, according to which artificial intelligence can be considered a thing in the legal sense, a product or an author's work. Part of this chapter is also focused on the issue of protection of works or inventions created by artificial intelligence and on the considerations of artificial intelligence as the author or inventor. Furthermore, attention is also paid to problematic issues of the current legal categorization of artificial intelligence, its consequences and the proposal of possible legislative changes in this sense. The third chapter then represents a key part of the whole thesis. It consists of analysis of legal persons and proposals for possible alternative models for the legal subjectivity of artificial intelligence. The main outcomes are two possible models of a person for artificial intelligence - pragmatic and moral. Marginally, other possible concepts are also mentioned, such as the application of the Roman law institutes of slavery and peculium or the American LLC. The fourth part of the thesis focuses on the regulation of artificial intelligence. The emphasis here is mainly on regulatory sandboxes. Specifically, this section addresses the possible future regulation of liability and insurance.

Klíčová slova: artificial intelligence, artificial intelligence and law, software, legal personhood, electronic person