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Abstract:

The article comprises an analysis of legal implications linked with the application of artificial intelligence (AI) in the economy. The current rules of civil law are often inadequate to address the consequences of actions taken by AI systems, as they fail to determine who is liable and on what legal basis. The essence of the problem is that AI’s decisions are autonomous. Vesting AI with legal personality would not suffice to solve the problems at issue.

The combination of AI and blockchain technology in the form of smart contracts entails a situation where algorithms impact contract terms. Security of smart contract transactions depends on the quality of underlying algorithms. Relevant legislative modifications needed to provide for the liability of algorithms, especially in the context of AI, seem imminent. In fact, directives 2019/770 and 2019/771, which have only recently been adopted by the EU, are notable examples of a new regulatory approach to the issue of software liability. The author of this article suggests that in order to provide enhanced legal certainty, the quality of AI program code should be standardised. This would set a benchmark of algorithm quality that could be used to determine the liability of computer programs for their autonomous decisions.