Research Paper

Legal Challenges of Artificial Intelligence: An Appraisal

Yusuf Sani Abubakar
Sultan Haji Hassanal Bolkiah Faculty of Law, Sultan Sharif Ali Islamic University
Brunei Darussalam
Corresponding Author

Sulaiman Dorloh
Sultan Haji Hassanal Bolkiah Faculty of Law, Sultan Sharif Ali Islamic University
Brunei Darussalam

Rajali Haji Aji
Sultan Haji Hassanal Bolkiah Faculty of Law, Sultan Sharif Ali Islamic University
Brunei Darussalam

Mpawenimana Abdallah Saidi
Faculty of Arts and Social Sciences, Zanzibar University

Abstract
This paper investigates the legal challenges of artificial intelligence. Artificial intelligence is the ability of a digital computer or computer-controlled robot to perform tasks commonly associated with intelligent beings. The term is often applied to the project of developing systems endowed with the intellectual processes characteristic of humans, such as the ability to reason, recognize meaning, generalize or learn from experience.The paper adopts a qualitative methodology where the data is taken from journals, books, websites etc. In analyzing the data obtained from the sources, content analysis has been used. The paper reveals various challenges that arise as a result of the use of Artificial Intelligence in legal sector, such as accuracy and accountability; transparency, trust, communication, and duty of competent representation; bias and fairness; privacy, data protection, conflict of interests, and duty of confidentiality; lack of human judgment and interpretation; job displacement and loss of domain expertise etc.
Keywords: Artificial intelligence, legal, challenges, legal personality, criminal liability.

I. Introduction

Artificial intelligence (AI) is defined as the science and technology of developing intelligent machines. In other words, AI refers to the development of computer systems that can perform tasks that normally require human intelligence, such as visual perception, speech recognition, decision making, language translation (Nina, 2023), and more. AI systems use algorithms and machine learning techniques to analyze large amounts of data and make predictions or decisions based on this data. However, as technology has evolved, AI has also expanded to include machine learning, a method that allows machines to learn from experience based on the data they have been trained and tested with (Oladipo, 2023). Machine learning uses algorithms and statistical models to enable machines to learn from data and improve their performance over time. In this process, large amounts of data are fed into the machine, which it then uses to recognize patterns, learn from them and make predictions or decisions based on this learning. What is learned is stored in the machine's memory so that it can make more accurate predictions or decisions for the future. Machine learning can be supervised or unsupervised. In supervised machine learning, the machine is provided with labeled data that it uses to learn how to classify or predict new data. In unsupervised machine learning, unlabelled data is provided to the machine, which it uses to recognize patterns and relationships in the data (Brown, 2023). The ability of machines to learn from experience and improve their performance over time has revolutionized many industries, including healthcare, finance and

transportation. Machine learning has enabled machines to perform complex tasks faster and more accurately than humans and has led to the development of new applications such as autonomous vehicles, virtual assistants and fraud detection systems (Oladipo, 2023).

The impact of artificial intelligence is indeed being felt in various industries, including the legal sector. AI technologies such as natural language processing (NLP), machine learning, and predictive analytics have been used in the legal sector to automate routine tasks, streamline processes, and improve decision-making (Oladipo, 2023). One example of an AI system that is transforming the way legal teams work is ROSS Intelligence. ROSS is an AI-powered legal research platform that can answer legal questions in natural language. The system uses NLP and machine learning algorithms to understand the question asked and then searches legal databases to find relevant cases, laws and other legal sources. The system then uses its analytical capabilities to provide highly relevant and evidence-based answers to the question (Blue Hill Research, 2023). ROSS and other similar AI systems have the potential to revolutionize legal research and analysis, saving lawyers time and effort while improving the quality of their work. These systems can also help level the playing field between large and small law firms by providing access to the same wealth of legal information without the need for large teams of researchers (Oladipo, 2023).

However, the involvement of AI in the legal sector comes with various challenges. The aim of this paper is to investigate these challenges.

Concept of Artificial Intelligence (AI)

What is AI? There are many ways to answer this question, but one starting point is to look at the types of problems for which AI technology is commonly used. In this sense, we could describe AI as the use of technology to automate tasks that "normally require human intelligence" This description of AI emphasizes that the technology is often focused on automating certain types of tasks: Tasks that are thought to require intelligence when performed by humans (Russell et al. 2010).

According to Marchant (2017), AI in its simplest form is the development and use of computer programs that perform tasks normally requiring human intelligence. At present and for the foreseeable future, computers with current AI capabilities can only match or surpass certain, but not all, human cognitive functions. While some researchers are working to develop computers that can match or eclipse the human mind, sometimes referred to as "general intelligence" or "superintelligence" (Bostrom, 2014), such a feat is likely decades away. For this reason, important legal skills based on human judgment, reasoning, common sense, interpersonal skills, and experience will remain valuable to any lawyer practicing today for a lifetime.

Although AI has many characteristics for its various applications, two of them are currently most important for legal applications. First, machine learning is the ability of computers to teach themselves and learn from experience. This means that AI cannot just blindly do what it has been programmed to do but can learn from experience and data to constantly improve its capabilities. This is how Google's Deep Mind system was able to beat the world's best human Go players. Secondly, natural language processing is the ability of computers to understand the meaning of spoken or written human language and apply and integrate this understanding to perform human-like analysis (Marchant, 2017).

AI is rapidly being applied in all major areas of business and society, including medicine, finance, national defense, transportation, manufacturing, media, arts and entertainment, and social relations, to name a few. Many of these applications will raise new legal issues for lawyers, such as liability issues with autonomous cars, the legality of lethal autonomous weapons, financial robots that may violate antitrust laws, and the safety of medical robots. But it is not only the subject matter that lawyers work with that will change, but also the way lawyers practice their craft (Marchant, 2017).

The alarming headlines and predictions that artificial intelligence (AI) will replace lawyers have no doubt caused unease among many lawyers who are already worried about the future of their profession: "Rise of the Robolawyers" "Here Come the Robot Lawyers" "Why Hire a Lawyer? Machines are cheaper." "Armies of expensive lawyers replaced by cheaper software "Law firm bosses envision Watson-type computers replacing young lawyers." "Why Lawyers and Other Industries Are Becoming Obsolete. You Should Stop Practicing Law Now and Find Another Profession." And so on (Marchant, 2017).

Fortunately, despite these gloomy headlines, AI will not replace most lawyers' jobs, at least not in the short term. One in-depth study of the legal field estimated that AI will only reduce lawyers' billing hours by 13 percent over the next five years (Remus et al. 2016). Other estimates are slightly less optimistic, but still do not assume a catastrophic impact on lawyer employment. A database compiled by McKinsey & Company on the impact of automation on over 800 professions found that 23 percent of the average lawyer's work could be

replaced by robots (Johnson, 2017). A study by Deloitte estimates that 100,000 legal jobs in the UK will be lost to automation by 2025 (Deloitte Insight, 2016). And last year, JPMorgan used an AI computer program to replace 360,000 billable hours worked by lawyers. A report on this development states that "the software reviews documents in seconds, is less error-prone and never asks for time off" (Son, 2017).

As with many new technologies, there is an initial hype that raises exaggerated expectations, although the long-term impact of this technology can be profound and enormous. As Bill Gates aptly stated in his book The Road Ahead, "we always overestimate the changes that will occur in the next two years and underestimate the changes that will occur in the next ten"." For now, AI in the practice of law is more of an opportunity than a threat, with early adopters providing more efficient and cost-effective legal services to a growing portfolio of existing and potential clients (Marchant, 2017).

So, the use of AI in law will be an evolution, not a revolution (Goodman, 2016). But make no mistake: AI is already changing virtually every business and activity lawyers are involved in, some faster and more dramatically than others, and the legal profession will not be spared from this disruptive change. Integrating AI into a law firm's systems and operations is a gradual learning process, so firms that are early adopters of the technology will have a major advantage over law firms that lag behind in adoption. Lawyers, law firms and businesses that do not jump on the AI bandwagon will increasingly be left behind and eventually pushed out. According to a recent ABA Journal cover story, "Artificial intelligence is changing the way lawyers think, the way they do business, and the way they interact with their clients. Artificial intelligence is more than legal technology. It is the next great hope that will revolutionize the legal profession (Sobowale, 2016)".

1.   Artificial Intelligence (AI) for Legal Practice

Artificial intelligence is rapidly penetrating legal practice. A recent survey of managing partners of U.S. law firms with 50 or more attorneys found that more than 36 percent of law firms and more than 90 percent of large law firms (>1,000 attorneys) are either already using or actively exploring the use of AI systems in their practices (Clay et. al, 2017). The following summary describes some of the key categories and examples of such applications:

(a)   Technology-Assisted Review

Technology-assisted review (TAR) was the first major application of AI in the practice of law, using technology solutions to organize, analyze, and search very large and diverse data sets for e-discovery or record-intensive investigations. Studies show that TAR goes far beyond keyword and Boolean operator searches, offering a fifty-fold increase in efficiency in document review compared to human review (Grossman et. al 2011). For example, predictive coding is a TAR technique that can be used to train a computer to recognize relevant documents by starting with a "seed set" of documents and receiving human feedback; the trained machine can then review a large number of documents very quickly and accurately, going beyond individual words and focusing on the overall language and context of each document. Numerous providers now offer TAR products (Marchant, 2017).

(b)   Legal Analytics

Legal analytics uses big data, algorithms and AI to make predictions or identify trends from large data sets. For example, Lex Machina, now part of LexisNexis, uses legal analytics to predict trends and outcomes in intellectual property litigation and is now extending this method to other types of complex litigation. Wolters Kluwer uses a vast database of law firm billing records to provide baselines, comparative analysis and efficiency improvements for in-house and outside law firms on staffing, billing and deadlines for various legal matters. Ravel Law, which was also recently acquired by LexisNexis, uses legal analysis of judicial opinions to predict how certain judges will rule in cases and makes recommendations on specific precedents and wording that may be of interest to a particular judge. Law professor Daniel Katz and his colleagues have used legal analysis and machine learning to create a highly accurate predictive model for the outcome of Supreme Court decisions (Katz et al. 2017).

(c) Practice Management Assistants

Many technology companies and law firms are partnering to develop programs that can help in specific practice areas, such as transactions and due diligence, bankruptcy, litigation research and preparation, real estate, and many others. ROSS, sometimes referred to as the first robot lawyer, is an online research tool based on natural language processing and powered by IBM Watson. It provides legal research and analysis for various law firms and can reportedly read and process over one million legal pages per minute. It was initially launched publicly by the law firm Baker Hostetler to support its bankruptcy practice but is now being used by them and several other law firms in other areas. A similar system is RAVN, which was developed in the UK and first used

publicly in 2015 by law firm Berwin Leighton Paisner in London to support due diligence on real estate transactions by matching property details against official public records. According to the law firm's lawyer responsible for the implementation, "Once the program has been trained to recognize and process certain variables, it can complete two weeks' worth of work in about two seconds, making it over 12 million times faster than an employee doing the same task manually (Goodman, 2016)".Kira is another AI system that is already being used by several law firms to assist with automated contract analysis and data extraction, as well as due diligence in mergers and acquisitions (Marchant, 2017).

(d) Legal Bots
Bots are interactive online programs that interact with an audience to assist them with a specific function or provide tailored responses to the recipient's specific situation. Many law firms develop bots to help current or potential clients solve a legal problem based on their own circumstances and facts. Other groups are developing pro bono legal bots to help people who would otherwise not have access to the legal system. For example, a Stanford law graduate student has developed an online chat bot called DoNotPay that has helped more than 160,000 people resolve traffic tickets and is now being expanded to help refugees with their legal problems (Marchant, 2017).

(e) Legal Decision Making
AI supports judicial decision-making in various ways. For example, the Wisconsin Supreme Court recently upheld the use of algorithms in sentencing. While such algorithms represent an early application of primitive AI (some may not consider such algorithms to be AI at all), they open the door for the future use of more sophisticated AI systems in sentencing. A number of online dispute resolution tools have been or are being developed to bypass the court process entirely. For example, the online dispute resolution tool Modria, which evolved from the eBay dispute resolution system, has been used to resolve many thousands of disputes online using an AI system. The UK government is currently developing an internet-based dispute resolution system to resolve small (< £25,000) civil claims without the involvement of a court. Microsoft and the U.S. Legal Services Corporation have partnered to provide machine learning legal portals that offer free legal advice on civil matters to people who cannot afford a lawyer (Marchant, 2017).

AI in legal practice raises many broader questions that can only be briefly listed here. How will AI change billing in law firms, where an intelligent AI system can perform research and analysis in a matter of seconds that would previously have taken several weeks of an employee's billable time? How will AI impact the hiring and promotion of young lawyers if many of the routine tasks in legal practice traditionally performed by junior associates are eliminated? How will legal education and law schools need to change to accommodate the new realities of AI-driven legal practice? How will AI affect the competitive advantage of large law firms over small and medium-sized firms? Will companies begin to source legal services directly from legal technology providers and skip law firms altogether? Will AI systems be vulnerable to claims of unauthorized practice of law? As AI systems become increasingly self-learning rather than making decisions based on pre-programmed instructions, how can we ensure the accuracy, legality and fairness of AI decisions? Will lawyers be liable for negligence if they rely on AI systems that make mistakes? Will lawyers be liable for malpractice if they do not use AI that exceeds human capabilities in certain tasks? Will self-learning AI systems need to be called to the stand as witnesses to explain their autonomous decision-making (Marchant, 2017)?

2.   Legal Challenges and Artificial Intelligence (AI)
The use of AI in legal practice raises various legal and ethical questions. The fundamental principles of lawyers' law and professional responsibility are affected by the changes brought about by the use of AI tools. The following are some of these challenges:

(a)   Accuracy and accountability
The use of AI tools in legal practice raises questions of accuracy and liability - to what extent can lawyers be held liable if they use AI solutions to meet their clients' needs and a problem arises. AI systems can make mistakes or provide incorrect information, which could have serious consequences in legal matters. AI systems could generate legal interpretations or conclusions that deviate from established legal norms, which could lead to incorrect advice or actions. The quality of an intelligent virtual assistant's responses depends on its programming and training data, and it is important to verify the information when it comes to the actual practice of law. All of the lawyers interviewed stated that one of their main concerns when using AI technologies is accuracy and that they need to double-check every result. Respondents were generally comfortable with AI performing automated tasks such as contract drafting and legal research - however, they were more hesitant when it came to synthesis and analytical work such as answering client questions. In terms of the shortcomings of the tools used, the lawyers interviewed mentioned that they are not as advanced as one might assume and that it takes a lot of work to bring them up to speed - the first thing a law firm should do before adopting a new tool

is to have it reviewed by the information security or cybersecurity teams before using it (British Institute of International and Comparative Law (BIICL), 2023).

When AI tools are used to assist with legal decisions, the question arises as to who is responsible for these decisions. It is difficult to determine the responsibility of the algorithm and the responsibility of the person when the decision is made by an AI system. This can raise questions of professional responsibility and accountability. If legal AI makes mistakes or errors in legal services, who should be held responsible for the errors and how? (Wang, 2023). Determining responsibility for these errors can be complex - when AI is involved, difficult questions arise around the allocation of liability between the creator or developer of a flawed software solution and the law firm using it. The automated nature of AI usually makes it difficult for those affected to recognize and know the process and methods of decision making by AI systems (British Institute of International and Comparative Law (BIICL), 2023).

(b)   Transparency, trust, communication, and duty of competent representation
The complexity resulting from the influence of AI on the legal profession is also changing the relationship between lawyers and clients. The duty of lawyers to provide clear information and not mislead their clients can prove to be a challenge when using AI tools. This is because the way in which AI is used in the work of lawyers also affects the liability of legal advisors and their professional duties towards their clients. Lawyers have a duty to represent their clients competently and provide them with clear information. The use of AI can complicate and complicate compliance with this duty for various reasons (British Institute of International and Comparative Law (BIICL), 2023).

First, the duty of competent representation requires an awareness of the benefits and risks associated with AI technology. Reliance on AI systems could impact the quality of legal representation, particularly if lawyers rely too heavily on AI technology rather than developing their own expertise. The duty to enable requires lawyers to use effective tools. The meaning and implications of "technological competence" go beyond AI solutions but have specific implications for AI tools. Lawyers need to understand AI tools in order to explain and use them effectively. The lawyers interviewed for this study have no training in AI, and some admit that the legal profession is generally quite "conservative" and somewhat resistant to new technological developments. Any future use of AI will require lawyers to educate themselves and learn at least the basics of these technologies. Lawyers have an explicit duty to communicate key facts to their clients in relation to legal services. Therefore, lawyers must not only be competent in the use of AI, but also understand its use sufficiently to explain the issue of selecting, using and monitoring AI tools. One lawyer interviewed for this report said that lawyers need to treat AI tools like young employees - they could be a fantastic asset, but lawyers need to invest, supervise, vet, be a little sceptical and give them an opportunity to prove themselves. They also mention how important it is, when exploring the potential of AI tools, to check the data used to train them and make sure it is robust and transparent so that the results can be trusted. Another lawyer discussed the possibility of arbitration being increasingly assisted by AI but expressed concerns about its compatibility with the duties of an arbitrator, as it would amount to delegating work to an assistant (British Institute of International and Comparative Law (BIICL), 2023).

There is also a problem with the transparency of AI tools. Lawyers are obliged to communicate with their clients in a certain way - they are obliged to inform their clients immediately of any decision or circumstance that requires the client's informed consent. Lawyers' current digital literacy may be limited, and in any case, it is difficult even for experts to understand how an AI system has made a decision, as the 'workings of AI algorithms can be complex and opaque. Lawyers and clients may struggle to understand how the AI arrives at its conclusions, raising concerns about transparency and trust in addition to accountability. As there may be no relevant records used to review decisions, there may not be enough information to reconstruct the decision-making process and therefore assess why the AI tool has reached a particular conclusion. This lack of transparency and the difficulties of accountability in AI applications may jeopardise the values protected by due process of law (British Institute of International and Comparative Law (BIICL), 2023).

Finally, AI systems such as neural networks can learn on their own and acquire characteristics that were not envisioned in the initial phase of AI design. In addition, AI tools can provide information that looks correct but actually is not. This means that these tools can be unpredictable, creating a significant risk of error and potential harm to clients. Recently, a US attorney – who is currently facing sanctions – used ChatGPT to draft briefs, inventing arguments and references to support his arguments. These attitudes ultimately affect the public's trust in lawyers. Widespread adoption of AI in the legal industry requires gaining the trust and acceptance of attorneys, clients, and society at large. Addressing concerns about AI reliability, transparency, and potential bias is critical to fostering trust and the successful integration of AI technologies (Sheeba, 2023).

(c) Bias and fairness

AI algorithms can unintentionally perpetuate the biases present in the training data, leading to biased results. This can lead to unequal treatment or unjust outcomes and violate the principles of fairness and equal protection before the law. It is an ethical imperative to ensure that AI systems are trained on diverse and representative data to avoid perpetuating bias - the algorithms used in AI systems should be transparent, explainable and free from bias that could impact decision-making and perpetuate systemic injustice. One lawyer interviewed for this study said that the bias of AI tools is comparable to the bias of humans, and that humans are not perfect - when a human does a job, it is rarely completely correct, but that is precisely why there are checks and balances (British Institute of International and Comparative Law (BIICL), 2023).

(d) Privacy, data protection, conflict of interests, and duty of confidentiality

The integration of AI technologies into legal practice also poses challenges in terms of privacy, confidentiality and compliance with data protection laws. AI often requires access to sensitive legal data and documents. Ensuring adequate data protection and preventing unauthorized access are critical to maintaining client confidentiality and complying with privacy regulations. Lawyers are required by law to maintain the confidentiality of client information and may not represent clients in cases of conflict of interest. AI tools often require the collection and collation of large amounts of data, which may include personal information from different clients. Without proper oversight, there is a risk that this personal information could be stolen and shared. All of the lawyers interviewed for this report expressed concerns about confidentiality, where the information is stored and who might have access to that information. Without prior notice and consent, the collection and processing of case information by AI may pose a greater risk of violating privacy rights and data protection regulations. Respondents also expressed concerns about maintaining client confidentiality – they would not feel comfortable uploading client data to a cloud that could be accessed outside the law firm (British Institute of International and Comparative Law (BIICL), 2023).

Lawyers have a duty to protect all client data from both intentional and inadvertent disclosure. One of the most important ethical duties of lawyers is to ensure that the use of AI solutions does not jeopardize their duty to maintain client confidentiality and attorney-client privilege. Therefore, AI tools must ensure the protection of client data and strict confidentiality. Conflicts of interest may also arise – for example, law firms could use one client's data to develop a tool that helps another client. If AI tools strongly influence legal decisions, the autonomy of clients could be compromised. Lawyers who use AI tools must inform their clients about such use and its potential impact and obtain their consent. Lawyers must consider whether their clients are able to make informed decisions when AI is involved. If clients receive assistance or advice from AI systems, they need to understand the limitations and implications. Clients should be fully informed about the role of AI in their legal matters (British Institute of International and Comparative Law (BIICL), 2023).

The EU General Data Protection Regulation (GDPR) applies to the use of client data. In order for AI tools to be trained, the acquisition of training data is required. Although the GDPR does not explicitly mention AI, many of its provisions are relevant to AI, and some are challenged by the new possibilities for processing personal data by AI tools. There is a tension between the principles of data protection - purpose limitation, data minimization, treatment of 'sensitive data', limiting automated decisions– - and the use of AI, which entails the collection and use of large amounts of personal data (European Parliament, 2020). The American Bar Association points out that companies using client data to develop AI tools "have an obligation to protect client data with the care of a professional fiduciary". Client data/property must be protected from unauthorized disclosure. Additional confidentiality risks arise when lawyers outsource the creation of the AI tool (British Institute of International and Comparative Law (BIICL), 2023).

(e) Lack of human judgment and interpretation

Legal practice often requires a differentiated assessment and interpretation. Relying on AI systems could lead to a lack of human insight, empathy and contextual understanding. The introduction of AI in the legal industry may lead to a change in public perception and trust. Clients exposed to automated legal advice could ultimately lose trust in the legal profession. The human dimension of the relationship between lawyers and clients is necessary to build trust, understanding and empathy, which could be undermined by lawyers' over-reliance on AI tools. For example, if an intelligent virtual assistant is used to provide initial legal advice, it may not fully understand the client's needs; nor can it provide the same level of empathy, human connection and legal creativity as a lawyer. For example, if an AI tool identifies a current dispute or risk matter based on previous information, it may hide individual pieces of information that are critical to distinguishing between an individual case and a group case (British Institute of International and Comparative Law (BIICL), 2023).

The application of AI technology can enable people to get answers faster and at a lower cost. Tools that automate legal tasks can give lawyers more time to use emotional intelligence and provide creative and strategic advice when handling client matters. However, the complexity of cases and human nature mean that people are relying on lawyers to provide more emotional, psychological demands. What's more, AI is not yet properly utilizing creative thinking, which is one of the criteria for a good lawyer. One lawyer interviewed for this report said that while AI technology is incredible, it is nowhere near what a lawyer needs - lawyers need data to convince a judge. AI is not yet able to walk into a courtroom and read the courtroom. Lawyers emphasized the importance of the human element - human judgment is still the essence of the legal profession, for better or worse (British Institute of International and Comparative Law (BIICL), 2023).

(f) Job displacement and loss of domain expertise
Finally, the use of AI in legal practice could lead to the displacement of jobs for lawyers and legal professionals. If mundane and tedious legal work such as discovery, legal research, drafting and reviewing contracts and due diligence are eventually outsourced to intelligent virtual assistants, young lawyers may no longer be able to acquire practical legal skills. The automation of certain legal tasks by AI may lead to job displacement for some lawyers, particularly in tasks such as document review and legal research. One lawyer interviewed for this brief said that lawyers' work will not be replaced by AI – but it will be replaced by people who know how to use AI (British Institute of International and Comparative Law (BIICL), 2023).

AI systems are heavily dependent on the quality and quantity of available data. In certain specialized or niche areas of law, the limited availability of data may limit the effectiveness of AI applications. AI systems may have difficulty addressing complex, nuanced legal issues that require deep domain expertise. Finally, AI tools that create legal documents or provide legal advice could be considered the practice of law without a license in some jurisdictions, raising questions about legality (British Institute of International and Comparative Law (BIICL), 2023).

(g)   The Legal Personality of Artificial Intelligence
The term "legal personality" refers to the ability of a legal subject to exercise rights and assume obligations in a particular legal system. When we speak of legal personality in the context of law, we think of natural persons and legal entities as the bearers of this personality. In order to be able to speak of the legal personality of an artificial intelligence, it must fulfill certain criteria and pass through several evaluation filters. The aspect of legal personality is assessed in terms of rights, duties and legal responsibility. We have already discussed the ability of artificial intelligence to have rights and assume obligations in the previous issue. If AI were granted full legal personality, it could exercise property, enter into contracts, manage bank accounts, conduct legal proceedings or create, own, buy and sell intellectual property. However, these rights are also accompanied by duties (Swinson; Slater; Fouracre, 2020, p. 1).

Artificial intelligence cannot be categorized as a person within the meaning of the law. It is true that the creations of artificial intelligence are something that our legal system has never encountered, they are neither property nor persons (Imran, 2020). Many authors compare the legal situation of artificial intelligence today with that of the "quasi-person" that the law once encountered. With regard to the legal personality of AI, other legal scholars are of the opinion that as long as the discussion about the moral and ethical behavior of AI makes sense, the legal discussion about the recognition of the legal personality of AI would also make sense (Chopra; White, 2011, p. 4). Legal personality is an important step towards the full realization of constitutional rights, because the moment AI is recognized as a person under the law, constitutional protection comes into play (Willick, 2021, p. 2).

One of the rights and freedoms guaranteed in Article 22 of Albanian Constitution 2016 is the right to freedom of expression. In this case, the ambiguity lies in how this individual freedom is manifested through AI. In the case of robots or other devices, freedom of thought does not seem to be completely independent. The problem becomes even more complex if we treat AI as being able to learn from its experiences and make independent decisions based on previous experiences. Due to their ability to make decisions autonomously, system-based technologies such as machine learning, expert systems or neural networks can no longer be treated as objects (Cerka; Grigiene; Sirbikyte, 2017, p. 2). However, the debate on the legal personality of artificial intelligence remains open, although the time has come for states to take measures to regulate this area (Mecaj, 2022).

(i)   Criminal Law and Artificial Intelligence
When it comes to the legal personality of artificial intelligence, its criminal liability is often discussed. By the criminal liability of an artificial intelligence, we mean the liability imposed on the AI at the time it commits an offense. However, the question of whether or not an AI is criminally liable before the law has triggered

numerous discussions. Among the legal arguments against the legal personality of AI was the "inability" of AI to respond criminally before the law. But what about the definition of criminal liability in the case of AI, even if it is proven that the intelligence systems have committed an unlawful act? (Mecaj, 2022).

We have also established that AI cannot be considered a person in the sense of the law and does not have the same rights and obligations. On the other hand, robots and intelligent systems are being used on a large scale by replacing humans themselves in many work processes. The most concrete example is the intelligent assistants found in our phones that help us use the mobile device or store the data and activities we perform between phones. In order to analyze the element of actus reus, the actors involved in AI and its decision-making need to be identified (Claussen-Karlsson, 2017, p. 22). It is relatively easy to attribute an actus reus to an AI system (Kingston, 2016, p. 4). If a system performs an action that leads to an offense or fails to perform an action although it is obliged to do so, then the actus reus element of an offense is present (Kingston, 2016, p. 4). However, we must not forget that artificial intelligence works on the basis of programming carried out in advance by its creator. This means that an artificial intelligence cannot perform an action that has not been "learned" beforehand.

According to Rahman et al. (2020), Hallevy (2020)identifies three models of criminal liability. Seeking to explain or guide the creation of new systems of criminal liability dictated by the need to control AI, Hallevy analyzes the existing models by later placing them in the context of AI systems. The first model that Hallevy analyzes is that of the perpetrator over a third party (predicate-perpetrator-over-another). This model applies in all cases in which the offense is committed by a person who is irresponsible in the sense of the law, but who was incited to commit the crime by a criminally responsible person. To better understand this model, the author has given an example of crimes committed by animals. In this case, if it is proven that the animal acts at the instigation of its owner, the latter is automatically held criminally responsible in accordance with the law.

The other model that Hallevy mentions is the natural and probable consequences model. According to this model, criminal liability arises in cases where the programmer must take into account that the commission of an offense is a possible consequence of the activation of the system and, consequently, does nothing to prevent it. This model, in turn, implies the application of criminal liability to the producer of the AI, if the entity plays the role of the physical perpetrator of a certain crime, but this crime was not planned, then the application of the liability model with natural-possible consequences may be more appropriate. The latest model of criminal liability is direct liability. As for the direct liability model, Hallevy argues that this model imposes direct liability on an AI system that has committed a criminal offense. According to this logic, every artificial intelligence system is created for a specific purpose. Once this purpose is proven or the AI is no longer able to act according to this purpose and we are dealing with a violation of the law, the institute of criminal liability is activated in the same way as for humans. According to Mecaj, 2022, after analyzing the three models mentioned above, the author's proposal for a combination of the three models is considered more appropriate in determining criminal liability towards AI, since the cases that can be presented for resolution are not similar and each circumstance must be analyzed specifically.

Can legal sanctions be applied to Artificial Intelligence?
The analysis of the issue of criminal liability of artificial intelligence cannot be considered exhaustive without further evaluating the manner of punishment of an intelligent system responsible for the commission of a crime. If state legislators recognize the criminal liability of AI systems, they cannot stop there. Criminal liability goes hand in hand with the imposition of sanctions, simply put, the punishment of the perpetrator, which in this case would be a technical system. Sanctions aim to rehabilitate those who have committed a violation of the law, but in the case of artificial intelligence, can it be said that the application of sanctions serves the same purpose? The possibility of direct punishment of AI is receiving increasing attention from both the press and legal scholars (Abbort; Sarch, 2020, p. 104). A study on the credibility of the effectiveness of punishing AI has shown that people do not think that applying sanctions against AI fulfills its goals, except when it comes to reform. The positive attitude towards reform shows that people believe it is possible to correct the behavior of electronic agents. (Lima et al., 2020, p. 6).

As for the application of criminal sanctions against AI, one of the main proponents of this theory is again Professor Gabriel Hallevy, who drew a parallel between the main criminal sanctions known in most of the world's laws today and their application to intelligent systems. Hallevy's arguments are characterized by the fact that he is always a proponent of innovation and the creation of new possibilities. Regarding the punishment of AI, the professor emphasizes that the need for punishment is inevitable when the criminal responsibility of these systems is recognized. In his analysis, which is supported by many authors, it is argued that the most common punishments are applicable to AI entities (Hallevy, 2010, p. 199). In the list of numerous cases submitted to the

courts in the world, there have been cases in which it was necessary to decide on the responsibility of an artificial intelligence that had been created by violating a legal norm. Judicial practice seems to advocate the idea of inherent liability of the service provider and the user of artificial intelligence when the latter was likely to be involved in an activity that violates or infringes the law (Curtis; Platts, 2020).

II. Conclusion

Lawyers are increasingly using various types of AI and data analytics tools to increase their work efficiency, streamline tasks and improve client service. However, the use of AI in legal practice raises various legal and ethical issues. The changes brought about by the use of AI tools impact the fundamental principles of the legal profession's duties as well as the rights of clients and citizens. The possibilities offered by AI tools to assist lawyers in their work are promising, but beyond the hype, there is still a need to understand exactly how and when this technology should be used and the risks involved.

References

[1]. Abbort, R.; Sarch, A. Punishing Artificial Intelligence: legal fiction or science fiction. University of California, Davis, v. 53, n. 1, 2020.
[2]. Albania. Constitution of the Republic of Albania. 21 July 2016. Available at: https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2016)064-e. Access in: 17 Dec. 2021.
[3]. Beatriz Nina Ribeiro Oliveira, "6 Challenges – Identified by Scientists – That Humans Face With Artificial Intelligence", https://scitechdaily.com/6-challenges-identified-by-scientists-that-humans-face-with-artificial-intelligence/ Date Accessed: 31 -03 - 2023
[4]. Blue Hill Research, "ROSS Intelligence and Artificial Intelligence in Legal Research", https://www.iadclaw.org/assets/1/7/6.2_Blue_Hill_Benchmark_Report__Artificial_Intelligence_in_Legal_Research.pdf , Date Accessed: 31 – 03 - 2023
[5]. British Institute of International and Comparative Law (BIICL), (2023), Use o Artificial Intelligence in Legal Practice, https://www.biicl.org/publications/use-of-artificial-intelligence-in-legal-practice .
[6]. Cerka, P.; Grigiene, J.; Sirbikyte, G. Is it possible to grant legal personality to artificial intelligence software systems?.**Computer Law & Security Review**, v. 33, n. 5, p. 685-699, 2017.
[7]. Chopra Hopra, S.; White F. L. A Legal Theory for Autonomous Artificial Agents. [S.l.]: University of Michigan Press, 2011.
[8]. Claussen-Karlsson, M. Artificial Intelligence and the External Element of Crime: an analysis of the liability problem. 2017. Available in: http://www.diva-portal.org/smash/get/diva2:1115160/FULLTEXT01.pdf. Access in: 12 Nov. 2021.
[9]. Curtis, L.; Platts, R. Trademark law playing catch - up with Artificial Intelligence?. 2020. Available in: https://www.wipo.int/wipo_magazine_digital/en/2020/article_0001.html. Access in: 15 Dec. 2021.
[10]. Dana Remus & Frank S. Levy, Can Robots Be Lawyers? Computers, Lawyers, and the Practice of Law 46 (Nov. 27,2016) (unpublished manuscript), https:// ssrn.com/abstract=2701092.
[11]. Daniel Martin Katz et al., A General Approach for Predicting the Behavior of the Supreme Court of the United States, 12 PLoSONE, 2017, https://doi.org/10.1371/journal. pone.0174698.
[12]. David Johnson, Find Out If a Robot Will Take Your Job, Time (Apr. 19,2017), http://time.com/4742543/robots-jobs-machines-work/.
[13]. Deloitte Insight: Over 100,000 Legal Roles to Be Automated, Legal ITInsider (Mar. 16, 2016), https://www.legaltechnology.com/latest-news/deloitteinsight-100000-legal-roles-to-be-automated/.
[14]. European Parliament, The Impact of the GDPR on AI, June 2020.
[15]. Gary E, Marchant, Artificial Intelligence and the future of Legal Practice (2017), https://www.iadclaw.org/assets/1/7/10.4_Marchantai_and_practice_of_law_SciTech_lawyer.pdf
[16]. Hallevy, G. The Criminal Liability of Artificial Intelligence Entities - from Science Fictions to Legal Social Control. **Akron Law Journal**, v. 4, n. 2, 2010.
[17]. Hugh Son, JPMorgan Software Does in Seconds What Took Lawyers 360,000 Hours,Bloomberg (Feb. 27, 2017), https://www.bloomberg.com/news/articles/2017-02-28/jpmorgan-marshals-an-army-of-developersto-automate-high-finance.
[18]. Imran, M. Gradient Descent Optimizer - Regression Made Easy Using Tensor Flow. 2020. Available at: https://www.folio3.ai/author/mohammad-imran/page/4/. Access in: 22 June 2021.
[19]. Joanna Goodman, Robots in Law: How Artificial Intelligence Is Transforming Legal Services 3 (2016).
[20]. John O. Oladipo (2023), Artificial Intelligence and Law, Artificial Intelligence and Law by John O. Oladipo : SSRN.
[21]. Julie Sobowale, Beyond Imagination: How Artificial Intelligence Is Transforming the Legal Profession, A.B.A. J., Apr. 2016, at46, 48.
[22]. Kingston, J. K. C. Artificial Intelligence and Legal Liability. 2016. Available in:https://www.researchgate.net/publication/309695295_Artificial_Intelligence_and_Legal_Liability. Access in: 19 Aug. 2020.
[23]. Lima, G. et al. Explaining the punishment gap of AI and Robots. 2020. Available in:https://www.researchgate.net/publication/339972166_Explaining_the_Punishment_Gap_of_AI_and_Robots. Access in: 26 Sept. 2021.
[24]. Maura R. Grossman & Gordon V. Cormack, Technology-Assisted Review inE-Discovery Can Be More Effective and MoreEfficient Than Exhaustive Manual Review, 17 Rich. J.L. & Tech. 11, 43 (2011).
[25]. N Sheeba, 'Artificial intelligences effects on the legal sector transforming legal practice', 2023.
[26]. Nick Bostrom, Superintelligence: Paths, Dangers, Strategies (2014).
[27]. Rahman; R. A.; Habibula, R. The criminal liability of artificial intelligence: is it plausible to Hitherto Indonesian criminal system? Legality, v. 27, n. 2, 2020.
[28]. Sara Brown, "Machine Learning, Explained", https://mitsloan.mit.edu/ideas-made-to-matter/machine-learning-explained , Date Accessed: 31 -03- 2023
[29]. Stela Enver Mecaj (2022), Artificial Intelligence and Legal Challenges, Editoraresponsável: Profa. Dra. Fayga Bedê doi:10.12662/2447-6641oj.v20i34.p180-196.2022 https://orcid.org/0000-0001-6444-2631
[30]. Stuart J. Russell & Peter Norvig, Artificial Intelligence: A Modern Approach 1 (3rd ed. 2010).

[31].   Swinson,   J.;   Slater,   R.;   Fouracre,   K.   AI   Guides   /Facial   Recognition.   2020.   Available   at: https://www.lexology.com/library/detail.aspx?g=ed57828c-8e53-4977-a5be-043ca446d935. Access in: 13 Apr. 2021.
[32].   Thomas S. Clay & Eric A. Seeger, Altman Weil Inc., 2017: Law Firms in Transition 84 (2017), http://www.altmanweil.com/LFiT2017/.
[33].   Weiyuan Wang, 'An Analysis of the Feasibility of Artificial Intelligence to Replace Lawyers', 2023.
[34].   Willick, M. S., Constitutional law and artificial intelligence: the potential legal recognition of computers as persons. Available in: https://www.ijcai.org/Proceedings/85-2/Papers/115.pdf.