LEGAL REGULATION IN THE FIELD OF ARTIFICIAL INTELLIGENCE: ASSESSMENT AND PROSPECTS

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ABSTRACT

Purpose: The purpose of the article is to substantiate the need for advanced development of the regulatory framework for the practical application of artificial intelligence technologies and regulation of property turnover of objects equipped with artificial intelligence technologies.

Theoretical framework: The combination of information studied in advance by several authors and with the contribution of the findings presented in this work allows maximizing the knowledge of future researchers who decide to study and to determine the role of artificial intelligence within the framework of legal relations. The rapid development of AI technologies raises questions about the need to establish legal norms and regulation.

Design/methodology/approach: The research method is a comparative analysis of the current state and legal regulation of artificial intelligence technologies, a conceptual assessment of the impact and characteristics of legal risks of using artificial intelligence technologies.

Findings: This study emphasizes the importance of developing appropriate regulations and preparing the legal field for the wider adoption of artificial intelligence.

Research, Practical & Social implications: The authors analyze different points of view on how AI should be perceived - as an object of legal regulation or as a subject of law. The authors conclude that artificial cognitive capacity today's intelligence has not yet reached a level of development that allows it to replicate the thought processes of a lawyer in resolving a legal dispute. In addition, artificial intelligence has a huge potential to become an indispensable technological "assistant" of the lawyer, contributing to the improvement of quality and efficiency of legal services.

Keywords: artificial intelligence, legal regulation, digital law, robotics, cyber security.
RESUMO

Objetivo: O objetivo do artigo é fundamentar a necessidade de desenvolvimento avançado do quadro regulamentar para a aplicação prática de tecnologias de inteligência artificial e a regulação da movimentação de bens de objetos equipados com tecnologias de inteligência artificial.

Estrutura teórica: A combinação de informações previamente estudadas por vários autores e com a contribuição das descobertas apresentadas neste trabalho permite maximizar o conhecimento de futuros pesquisadores que decidam estudar e determinar o papel da inteligência artificial no âmbito das relações jurídicas. O rápido desenvolvimento das tecnologias de IA levanta questões sobre a necessidade de estabelecer normas e regulamentos legais.

Design/metodologia/abordagem: O método de pesquisa é uma análise comparativa do estado atual e regulamentação legal das tecnologias de inteligência artificial, uma avaliação conceitual do impacto e características dos riscos legais de usar tecnologias de inteligência artificial.

Conclusões: Este estudo enfatiza a importância de desenvolver regulamentação apropriada e preparar o campo legal para a adoção mais ampla da inteligência artificial.

Pesquisa, implicações práticas e sociais: Os autores analisam diferentes pontos de vista sobre como a IA deve ser percebida - como um objeto de regulamentação legal ou como um sujeito de lei. Os autores concluem que a capacidade cognitiva artificial da inteligência de hoje ainda não atingiu um nível de desenvolvimento que lhe permita reproduzir os processos de pensamento de um advogado na resolução de uma disputa legal. Além disso, a inteligência artificial tem um enorme potencial para se tornar um “assistente” tecnológico indispensável do advogado, contribuindo para a melhoria da qualidade e eficiência dos serviços jurídicos.

Palavras-chave: inteligência artificial, regulação legal, direito digital, robótica, segurança cibernética.

1 INTRODUCTION

Modern digital technologies have a significant impact on the development of traditional sectors of the economy and have become an integral part of modern management systems in the areas of public administration, defence and security of the state, governance, national defence, state security and law enforcement.

In modern research in the field of legal theory, issues related to the need for legislative regulation in the field of artificial intelligence are actively discussed. However, this problem seems to be extremely complex due to the variety of aspects characterizing
artificial intelligence. Over time, artificial intelligence has ceased to be just a technology and has become something more than just a program or a machine.

This paper addresses an important issue - the development of artificial intelligence and its impact on the legal field. Today there is ambiguity in the legislation on this issue, which leads to fragmented regulation, leaving AI issues cross-cutting and included in strategic documents focused on the digital economy. It is noted that although the cognitive potential of AI does not yet allow it to fully replace humans in legal activities, it has great potential to improve the quality and efficiency of legal services by acting as a technological assistant to the lawyer.

One of the key aspects highlighted by Calo in 2015 is the idea of "think - act". Artificial intelligence has the ability to perceive, analyze information and influence the world around it. This feature makes it unique and sets it apart from other technologies (Calo, 2015).

Moreover, when artificial intelligence takes physical embodiment and the ability to act autonomously in the form of robots, it becomes socially relevant. Thus, the term "artificial intelligence" acquires social content and its role changes from technical to social.

This is so clear and systematic that scholars propose a new ontological category for artificial intelligence that places it somewhere between an object and a living agent. This raises serious questions about how to define the place of artificial intelligence in the social space and what legal institutions should be brought in to regulate it.

The purpose of this work was to identify the unique features of artificial intelligence as an object of legal regulation and a potential subject of law. The obtained results of the study have practical significance, as they can be used to improve the mechanisms of legal regulation of artificial intelligence in our country and in other jurisdictions, which reflects the importance of this work in the modern context of the development of legal practice.

The development and application of artificial intelligence (AI) technologies for personal and business purposes continues to grow, and every year covers more and more areas of activity. However, in the absence of appropriate legal regulation, there are significant risks and unpredictable consequences.
In Kazakhstan, the realization of the need for legal regulation of the sphere of artificial intelligence came in 2021 with the adoption of the Concept of Legal Policy until 2030. This Concept highlighted two key aspects requiring regulation:

1. Determining liability for damages that may be caused by the use of AI and robots. Finding a solution to allocate this liability is an important aspect of legislative drafting.

2. Establishing ownership of intellectual products created with AI. This includes questions of who should be considered the author of such works and what rights are vested in them.

These two issues - liability and intellectual property - are being actively debated around the world. The international community has not yet developed a unified approach to the legal regulation of AI, and different countries have proposed different solutions.

In this brief overview, we have reviewed the different approaches to legal regulation of AI in developed countries and outlined the main aspects of legal issues that should be considered when integrating AI into business processes. It is important to note that the development of effective and balanced legal regulation of AI remains an urgent task both for Kazakhstan and for the entire global community.

Currently, there is no universally accepted legal definition of the concept of "artificial intelligence" among states and the scientific community. For example, the following definition was proposed in the USA in 2020: artificial intelligence is a machine system capable of making predictions, recommendations and decisions affecting the physical or virtual environment for a certain set of tasks defined by a human.

A similar definition of artificial intelligence is proposed in the European Union's Artificial Intelligence Bill (Artificial Intelligence Act): AI is software capable of generating outputs such as content, predictions, recommendations or decisions affecting the environment, within the framework of human-defined tasks.

Artificial intelligence is actually a system that uses computers and machines to collect and analyze data in order to mimic the human ability to make predictions, provide recommendations, and make decisions.

To date, technology creators and researchers working in the field of artificial intelligence have yet to come to a consensus on what skills an AI must possess in order to be considered artificial intelligence. This is due to the lack of a precise definition of what constitutes thinking and intelligence in the most general sense. Researchers offer
different perspectives on this issue. Some argue that an important characteristic of intelligence is the ability to create new information, new ideas, and draw conclusions that were not explicit at the time of learning. Others point to the need for AI to have an internal model of the external world and the ability to adapt to the environment.

Despite the diversity of opinions, more and more researchers agree that one of the key attributes of AI is its ability to learn from information obtained from various sources such as the Internet, external sensors, and other devices. Machine learning has become an important part of the development of artificial intelligence, which implies the system's ability to learn from similar tasks.

It should be noted that the question of whether artificial intelligence has consciousness remains a matter of debate and research. Some scientists suggest that having consciousness is the ultimate goal in the development of AI, but this remains an unresolved issue at the moment.

Rowena Rodrigues in her article titled "Legal and Human Rights Issues of AI: Gaps, Challenges, and Vulnerabilities," analyzes the legal issues and challenges related to the impact of artificial intelligence on basic human rights. It covers the following areas:

- Lack of transparency in algorithms.
- Cybersecurity vulnerabilities.
- Issues of unfairness, bias, and discrimination.
- Lack of ability to challenge algorithm results.
- The issue of "personhood" (legal personality).
- Intellectual property issues.
- Issues of the negative impact of AI on labor and employment.
- Privacy and data protection issues.
- Issues of liability for harm and damages (Rodrigues, 2020).

Rodrigues points out that the level of problems generated by the development of artificial intelligence depends on several factors:

- Technical factor: the quality of algorithms, their vulnerability and protection.
- Social factor: the level of public awareness of AI technologies, readiness for new technologies, and legal positions.
- Political factor: development of political concepts regarding AI and its management.
- Regulatory factor: legislation, monitoring and legal responsibility.
Economic factor: availability of resources to address negative effects, investment in safe and ethical AI systems, income levels and insurance.

Rodrigues also identifies three necessary actions to protect the most vulnerable in society from the negative effects of AI development:

1. Preventive measures in the early stages of AI technology development, including risk identification and participatory discussions.
2. Creation and development of institutions to support vulnerable segments of society in dealing with the undesirable consequences of AI.
3. Tightening policies and legal regulations to prevent the negative phenomena created by AI technologies (Rodrigues, 2020).

She also draws attention to the fact that the field of artificial intelligence currently lacks a sufficient level of legal regulation, and emphasizes the need for regulatory bodies, clearer application of existing legislation, and more academic development in this field.

Rodrigues also notes that the challenges created by the convergence of artificial intelligence, robotics and Internet of Things technologies may be even more complex and serious in the future.

2 METHODOLOGY AND RESULTS OF THE STUDY

In determining the research methodology, among other things, we proceeded from the fact that the subject matter of the study has an interdisciplinary character. Given that the research considered in the article touches upon issues related to the features of artificial intelligence, theory of law, constitutional law, the methodological basis for the preparation of the review was the comparative method, deductive and inductive methods, methods of analysis and synthesis. The methods of interpretation and evaluation, systemic approach were also used.

Modern studies in the field of legal theory actively discuss issues related to the need for legislative regulation in the field of artificial intelligence. However, this problem seems to be extremely complex due to the variety of aspects characterizing artificial intelligence. Over time, artificial intelligence has ceased to be just a technology and has become something more than just a program or a machine.

Historically, the emergence of artificial intelligence as a scientific phenomenon occurred in the second half of the 20th century. It was first mentioned at a working American conference in 1956 by John McCarthy and over time became a key aspect of
modern technology. Thus, John McCarthy, along with other scientists, is rightly called the founding father of the field of artificial intelligence.

One of the first approaches to defining the concept of artificial intelligence was the Alan Turing test, which defined artificial intelligence based on the ability of a software device to deceive a human, making it impossible to determine whether a conversation was being conducted with a machine or a human. Under this approach, the legal regulation of artificial intelligence included rules governing the rational use of new technologies.

With the development of artificial intelligence, a second approach emerged, relying on the ability of AI to act autonomously and improve itself. This approach required the creation of additional legal norms as artificial intelligence became capable of making autonomous decisions and their implementation.

It is important to emphasize that the National Strategy defines artificial intelligence as a set of technological solutions capable of imitating human cognitive functions and obtaining results comparable to human intellectual activity. Thus, AI has a number of characteristics, including the presence of a technical device, the ability to process information, autonomous actions and self-learning, which makes it an object of legal regulation and a potential subject of law.

Despite some developments in strategic rulemaking, the issue of legal regulation of AI remains complex due to the uncertainty surrounding its status as an object or subject of law. This dilemma raises the important question of the need to develop a comprehensive legal regulation capable of adequately taking into account the specifics of artificial intelligence and its role in modern society.

In view of the above, we can conclude that artificial intelligence is a complex legal problem, which can be unambiguously attributed neither to the objects nor to the subjects of law. The traditional concept of subjects of law takes into account only physical and legal persons, which turns out to be incompatible with the essence of artificial intelligence. Attempts to compare artificial intelligence with physical persons at the physiological level face serious limitations. The limited cognitive capacity of artificial intelligence compared to the human brain emphasizes the essential difference between the two. Artificial intelligence can be similar to legal persons, being an abstract entity with registration, accounting numbers and competence that is consistent with its purposes.
It can also be held legally accountable, for example through forced shutdown, correction of program code or disposal.

So, the attributes of artificial intelligence include: the presence of a technical device; the ability to receive, process and transmit information; the ability to work autonomously; self-learning based on analysing information and acquired experience; the ability to make independent decisions (Vasiliev & Shpoper, 2018).

In this context, the question arises as to whether it is possible to consider artificial intelligence as an "electronic person", suggesting a formal legal concept. Such a term, however, may raise concerns that this supports the interests of artificial intelligence developers by exempting them from social and legal responsibility for the consequences of their developments.

Thus, it is worth recognizing that artificial intelligence is a unique legal phenomenon, and at the moment it seems most reasonable to consider it as an object of law. This allows applying legal norms to it, including responsibility for possible defects or errors in the program code, and provides a balance between the development of technology and ensuring safety and protection of the rights of citizens and legal entities.

Also, unlike abstract legal persons, artificial intelligence has a material nature, especially when it comes to robots or unmanned vehicles, or when it is fixed on physical media such as computers, in the case of software artificial intelligence. This aspect emphasizes the significant difference between the two.

Modern scientific literature uses the term "quasi-subject" of law, which refers to subjects of law that do not have full legal personality (Golubcov, 2019). Some authors also include public-law entities in the category of quasi-subjects (Andreev, 2005). However, even for quasi-subjects of law, the characteristic feature remains the will, which artificial intelligence, as a technological agent, does not possess.

Thus, it is necessary to recognize that the ability to self-learning and autonomous activity by itself is not sufficient for assigning artificial intelligence legal personality. Consequently, at the moment it is logical to consider artificial intelligence as an object of legal regulation, and the issues of its responsibility and regulatory framework should be considered with the orientation on Article 115 of the Civil Code of the Republic of Kazakhstan, relating to the objects of civil rights. This will ensure a balance between the development of technology and ensuring the safety and protection of the rights of citizens and legal entities. In case of defects or errors in the program code, the responsibility may
be shifted to the manufacturer or developer of artificial intelligence in accordance with the principle of recourse.

The Kazakhstan Service serves as an external shell for interaction with both the outside world and users of the Kazakhstan segment of the Internet, collecting and analysing information, notifying and warning government agencies, organisations and the public about computer security incidents and responding to them in a timely manner.

The state has started a program KZ-CERT Kazakhstan State Computer Incident Response Team (KZ-CERT). The Service issues recommendations on responding to IS events and incidents to government agencies, hosting providers, users and owners of Internet resources, and conducts random instrumental surveys of Internet resources. Alerts the public on various risks and threats. Computer incidents are responded to via the internet resource kz-cert.kz, social media accounts and the 24-hour hotline 1400.

According to KZ-CERT's Computer Incident Service, more than 15,000 computer security incidents were registered in the first half of 2022, which is 20% more than in the same period of 2021. For the above reasons, one of the most pressing problems in the Republic of Kazakhstan is the fight against cybercrime.

KZ-CERT monitors Internet resources of government agencies for the purpose of timely prevention and detection of IS incidents, as well as collects information on incidents in the Kazakhstan domain zone from open sources and from relevant organisations (e.g. foreign CERTs and IS laboratories) in order to warn about IS threats to owners and users of Internet resources(Temirbekov, 2021).

Already in 2017, attention was paid to confirming the relevance of research in this area. In his message "The Third Modernization of Kazakhstan: Global Competitiveness", the first President of Kazakhstan N. Nazarbayev stressed the importance of fighting cybercrime and called on the Government and the National Security Committee to take urgent measures to create the system "Cyber Defense of Kazakhstan".

On June 30 of the same year, the Government of the Republic of Kazakhstan approved the Cybersecurity Concept ("Cyber Defense of Kazakhstan"). In October 2017, the Action Plan for the implementation of the Cybersecurity Concept was adopted, which made improvements and approved information security standards with legislative support. Also, the concept of "cyber insurance" was introduced in the sectoral legislation, which allows to compensate damage to organizations caused by incidents in the field of information technology, as well as damage to individuals resulting from data leakage. The
first authorized body in the field of personal data protection, the Information Security Committee of ICRIAP of the Republic of Kazakhstan, was identified in the country. Since 2018, the joint stock company "State Technical Service" (JSC "STS") has become an asset.

3 DISCUSSION

In the current academic debate, there is no consensus on where artificial intelligence should take its place in the public space. There are arguments both in favor of giving artificial intelligence a status comparable to a physical person and avoiding recognizing it as a subject of law, which may violate the unique position of a human being. A possible solution to this dilemma may be to introduce a “semi-legal” or "intermediate" status. An example of this approach is the concept of “Teilrechtsfähigkeit” used in German civil law, which means partial recognition of legal personality.

Applying the concept of “Teilrechtsfähigkeit” to artificial intelligence may reflect the autonomy of this technology, while eliminating some legal gaps without adverse consequences for humans (Schirmer, 2019). However, V. A. Shestak and A. G. Volevodz have identified by analyzing the attributes of “reasonableness” in robots, such as the ability to analyze data, adaptability, autonomy, and the ability to self-learn, in doing so, they confirm that assigning artificial intelligence the status of a subject of law is not justified. This is due to the fact that artificial intelligence does not possess the key components of human personality such as soul, free consciousness, feelings, intentionality and self-interest. Despite its ultra-fast information processing that far exceeds human capabilities, artificial intelligence remains a program tied to a technical basis (Shestak & Volevodz, 2019).

Current legislation in the field of artificial intelligence (AI) does not correspond to the full range of its application areas. There is a debate among scientists and experts about the need for strict legal regulation of AI. Some proponents believe that such regulation is needed immediately to prevent possible negative consequences before they become widespread and commonplace. However, opponents argue that over-regulation could slow down the development and adoption of AI, which may not be in the best interest of the economy. AI's current capabilities already raise questions about its ability to compete with humans in intellectual tasks.
There is also debate in the scientific community about whether AI can be recognized as a “person”, which raises questions about the uniqueness of humans. The use of AI in the legal field is limited because many documents in this area do not have a structured and homogeneous format. In most cases, these documents require manual processing and cannot be fully processed by AI. However, with the development of digitalization of the legal field and the improvement of AI, the situation may change.

Attempts to use AI in law enforcement to identify individuals may encounter problems, as facial recognition technologies may be unreliable and require refinement. Applying AI to prevent crime and optimize policing may lead to biased results that do not correspond to the real crime situation. The transparency, verifiability, and intelligibility of AI results are also questionable due to the complexity of program code and the self-modifying nature of some AI systems. These factors make it difficult to explain exactly how AI algorithms achieved specific results.

The scientific literature is suitable for processing with the help of AI systems, and the available application of AI does not do without direct human involvement. It should be noted here, that this state of affairs can change in the future with the growing digitalization of the legal sphere and the development of the intellectual level of AI. Despite the high expectations from the application of AI in the sphere of law enforcement agencies for graphical identification of individuals, it turned out that facial recognition technology can produce erroneous results and requires further development. Attempts to implement and use AI to prevent offenses and better allocate police personnel, as it turns out, can lead to biased results that do not correspond to the actual crime situation. Obviously, in the latter case, the problem is not the AI itself, but the quality and quantity of input data generated by humans. There are many questions about the level of reliability, verifiability and explicability of the results obtained using AI systems. The problem is related to the fact that the program code of some modern AI systems is either closed, or extremely voluminous and complex, or provides for self-modification and self-modernization, or all the above-mentioned together. This leads to the fact that even for AI experts it is difficult to explain how and why the algorithm of an AI system produced a particular result. The idea of including artificial intelligence in the framework of legal regulation using the analogy with the legal status of animals is discussed. For example, A. V. Malyshkin considers the possibility of changes in civil law that would allow
compensation for moral harm caused by the destruction of humanoid robots with artificial intelligence.

This suggests that if it is proven that there were strong emotional ties between a person and such a robot, and the loss of the robot caused suffering or a significant deterioration in the person's living conditions (for example, a person who lost his or her sight had a guide robot), it would be possible to provide a right to compensation (Malyshkin, 2019).

There is an alternative viewpoint according to which artificial intelligence can be seen as another attempt of mankind to create something like the Tower of Babel, i.e. an aspiration to approach a God-like role in the world (Campbell & Garner, 2016). However, we believe that the idea of making absolute the artificial intelligence and turning it into an object of worldwide veneration is not justified. At the same time, it reminds us of the legal risks associated with the development of artificial intelligence and emphasizes the importance of the moral responsibility of robotics engineers, who are necessarily called upon to build robots in an ethical and ethical manner (Asaro, 2007).

It should be noted that the discussion about the legal essence of artificial intelligence is not limited to the question of granting it legal status (Begishev et al., 2020).

Having in mind the powerful cognitive potential of artificial intelligence, it is possible to consider the technical possibility of delegating legal tasks to computers. However, this entails some dilemmas. On the one hand, the encoding of legal information cannot always convey the richness and ambiguity of concepts in legal terms, such as "justice" or "guilt". Even lawyers themselves are sometimes unable to accurately articulate the methods and thought processes that accompany their work. In this context, there are difficulties for lawyers unfamiliar with the rigors of a programming language in trying to convey their concepts in programming terms (Buchanan & Hedrick, 1970).

On the other hand, the legal decision-making process can be broken down into specific stages, such as defining the legal problem, establishing the factual circumstances, legal qualification (harmonizing facts with legal norms) and searching for analogies. This process is subject to certain algorithms that can be modeled and transferred to a programming language. This contributes to a logical, unambiguous, consistent and stable legal system (Buchanan & Hedrick, 1970).
In addition, due to the ability of artificial intelligence to instantly analyze, compare and process large amounts of information, as well as its neutrality and impartiality, it may look like an ideal judge adhering to digital objectivity (Gadzhiev, 2018).

However, it is worth considering that the concept of an unambiguous “correct” legal decision, excluding the possibility of alternatives, may not be applicable and unfair. The concept of justice in jurisprudence often has an ambiguous content, which cannot always be expressed by computer technologies. Laws must be relatively stable over time, while the social relations they regulate are dynamic and changeable, as are the evaluations of those relations. Therefore, human participation in the process of legal dispute resolution remains a valid social element of the lawyer's creative activity.

Thus, after studying various points of view, we can conclude that artificial intelligence should not be considered as an independent subject capable of autonomously making legal decisions, but rather as a tool that contributes to reducing the technical burden on lawyers. For example, already today new technologies significantly simplify the search for judicial practice and normative materials to form a legal position on a case or to make decisions.

From the point of view of the judicial system, in the future we can imagine the automation of the process of making standard judicial determinations, such as rejection of a claim due to formal criteria, postponement of a court hearing or making decisions in the framework of ordered or simplified procedures. At the moment, there are already online platforms such as GAS “Justice” and “My Arbitrator”, which, with certain technical improvements and supervision of specialists, allow for such experiments in the automatic formation of standard court determinations or decisions in civil or administrative proceedings.

To date, the Register includes 85 items of electronic industry and software from 34 manufacturers (software, personal computers, automatic telephone exchanges, noise generators, network filters, etc.). Also ratified was an agreement on enhanced partnership and cooperation between Moldova and the European Union and its member states. It states that the parties shall strengthen cooperation, including through the exchange of best practices, to prevent and combat criminal acts committed using or against communication networks and information systems. The current Criminal Code of the Republic of Kazakhstan devotes an entire chapter to cybercrime, including 9 articles regulating legal relations in this area and providing for criminal liability (Temirbekov, 2021). In our view,
it is necessary to take a closer look at the topic of modern cybercrime, as crime is on the rise and its manifestations are diverse - from simple minor violations to global intrusions.

The advantages of new technologies are called the speed and scale of evolution, fast work with huge data arrays, perfect memory, multitasking.

Another important advantage of artificial intelligence is the ability to analyze a situation, taking into account numerous factors.

One of the directions of using artificial intelligence in jurisprudence is to assess the probability of case outcomes. To do this, robotic technology needs to familiarize itself with the case background, study the relevant legislation, and analyze previous court practice. Conducting research on new technologies, developed by the example of scientists at University College London, correctly predicted 79% of the decisions of the European Court of Human Rights.

The domestic justice system is also not standing still. Already now in the judicial system operate such advanced modern information technologies as the system “Torelik”, services “Court summons”, “Familiarization with court documents”, “SMS-notification”, audio, video recording system, remote administration of justice through videoconferencing (VCS).

The population especially appreciated the service “Court Cabinet”, through which more than 50 types of services are provided electronically in all areas of legal proceedings, including sending to the court a statement of claim, application for writ of execution, appeal and other documents, payment of state duty online, viewing the court document, the status of the case, as well as the opportunity to use a whole set of other functions.

In addition, the country has currently developed the “E-Criminal Case” program aimed at the digitalization of the criminal process. The program covers all stages of the criminal process: from the registration of a crime, its investigation and up to the execution of the sentence. Its pilot approbation is being implemented in a number of regions.

According to the reports, more than 2.8 million court acts of all instances and more than 120 thousand statements of claim have been uploaded to the system to date. The algorithm of work consists of clearing the loaded judicial act and selecting “key” words in it, which in turn are translated into numbers and defined into categories. From these, the trained model pulls up court acts similar to the request.
The system will adapt to changing legislation and become an assistant for judges before making decisions, while allowing citizens to see the prospects of a lawsuit. It generates predictions based on available Supreme Court rulings on specific cases as well as Supreme Court statutory orders. In this way, uniformity of judicial practice and openness of judicial acts will be ensured.

For citizens, artificial intelligence will become a quality tool for searching and assessing the outcome of court cases using the latest achievements in the IT sphere. It will allow the plaintiff to predict the probability of success of the proposed appeal to the court and on this basis make a decision without bringing the issue to court.

The system functions on the basis of civil court acts only by decision of the Supreme Court of the Republic of Kazakhstan. Implementation of the system will help to optimize time and material resources of the population and will positively affect the unloading of courts.

The purpose of the project development is to provide the population with a quality tool for searching and assessing the outcome of court cases using the latest achievements in the IT sphere.

The existing level of legal regulation of AI (at the level of legislation) no longer corresponds to the real spectrum of use and application of this technology. In this regard, it is important to note that in the scientific community there are both supporters and opponents of the need for strict regulation in the field of AI. The need for urgent and strict legal regulation can be justified by the fact that it is important to radically stop possible negative consequences in the field of AI application before they turn from a “dangerous trend” into a “normal” and “everyday” phenomenon. An argument against strict legal regulation is the thesis that excessive regulation slows down the process of introduction and further development of AI in the interests of the economy.

As we know, even at the current level of competence, AI challenges the monopoly of the most intelligent being in the biosphere: the discussion in the scientific community about whether AI can be recognized as a “human being” is interesting not only because it is unusual, but also because it allows us to think about the degree of uniqueness of the human being.

The discussion is interesting not only because it is unusual, but also because it allows us to think about the degree of uniqueness of the human being. The discussion is interesting not only because it is unusual, but also because it allows us to
think about the degree of uniqueness of the human being himself. Therefore, it is difficult to guess how such discussions will turn out. Modern application of artificial intelligence in the field of legal activity is hampered by the fact that the original content of many documents used in this field, as a rule, does not have an organized and unified structure.

Therefore, in most cases, the content of such documents in their original form is not suitable for processing by AI systems, and existing AI applications cannot process them without direct human intervention. It is worth noting that this may change in the future, as the legal sector becomes digitalized and AI intelligence develops. Despite the high hopes for the application of AI in the area of graphical facial identification in the field of law enforcement agencies, facial recognition technology has proven to be in need of refinement as it can lead to erroneous results. This problem stems from the fact that the software code of some current AI systems is closed, very large and complex, capable of self-correction and modernization or all of the above. This makes it difficult for even AI experts to explain how and why the algorithms of an AI system produce a particular result.

4 CONCLUSION

As a result of the analysis, it can be concluded that the legal community faces certain difficulties in applying traditional legal concepts and methods in situations involving the use of artificial intelligence technologies. Therefore, the proposals of some researchers about the need to develop new legal doctrines or revise existing ones sometimes seem justified. In any case, the rapid development of digital technologies significantly affects the existing legal reality, stimulating the legal community to seek new approaches to AI regulation. The question is how timely and in line with international standards the relevant legal norms and regulations in the field of human rights will be adopted.

Also as a result of the analysis we can conclude that the current state of development of artificial intelligence is still quite primitive compared to human intellectual abilities. Therefore, the current use of AI in the field of jurisprudence is limited and requires the presence of human supervision. Nevertheless, it should be noted that AI has significant potential for evolution, which makes it difficult to predict its future achievements. However, it is clear that AI capabilities will approach those of human intelligence.
The development of artificial intelligence requires changes in the legal regulation of relations related to its use. Artificial intelligence is a computing system operating on the basis of pre-defined algorithms and possessing the ability to self-learning, which allows it to imitate human cognitive functions and autonomously perform tasks or produce intellectual results. The legally relevant characteristics of artificial intelligence highlighted in the study are:

- its functioning through technical devices;
- the ability to self-learning;
- ability to make intellectual decisions and realize them.

The model of legal regulation of artificial intelligence depends on the question of its status within a legal relationship. There is a discussion in legal science about whether artificial intelligence should be considered as a subject or object of a legal relationship. Based on the conducted research, the authors come to the conclusion that at the moment it is premature and inappropriate to consider artificial intelligence as a subject of a legal relationship, and according to the theory of legal relations, it should be referred to the objects of legal regulation.

The rapid development and improvement of artificial intelligence does not mean that it can be compared to a human being, neither from the point of view of physiology, nor from the point of view of jurisprudence. The question as to what specific category of objects of law artificial intelligence should be attributed to remains a matter of debate. Some authors propose to consider artificial intelligence as intellectual property, similar to computer programs. Others are inclined to apply general rules of property ownership to it, comparing it with animals.

The computer performs instant analysis of a huge volume of court acts with just one click. In addition to a basic keyword search, this service provides analytical information about each specific situation. The program is trained to understand the essence of court decisions, compare them with each other, identify anomalies and even make predictions about the outcome of civil cases. Thus, when a lawsuit is filed, the judge is able to access court practice on similar cases, including even cassation decisions.

It is important to emphasize that despite all the possibilities, the final decisions are always made by judges. Artificial intelligence is not intended to replace judges, but only to make their tasks much easier and help with routine tasks. The analysis provided by AI can be used solely as additional information material.
The IT community has the opportunity to access court information through the Smart Bridge platform and use it to create their own analytical products.

It should also be noted that the process of authorizing private bailiffs' decisions restricting the right to travel abroad is now automated with the help of a robot. In 2022, the robot processed 151,000 bailiff authorization materials and presented them to judges. It is important to note that out of 156 thousand materials, the robot rejected 4.7 thousand and authorized 126 thousand, leaving the final decision to the judge. In addition, the robot creates court orders to collect child support for minor children. Since it began using it in March 2022, the robot has processed more than 8 thousand such applications.

The application of artificial intelligence in the judicial field significantly saves human resources, reduces the likelihood of errors and facilitates decision-making. This allows judges to focus on more complex cases, while citizens have simplified access to justice.

The service is also integrated with the Supreme Court Situation Center, which focuses on operational monitoring and analysis of the courts.

The Supreme Court Situation Center is focused on operational monitoring and analysis of the work of the courts, collecting and analyzing data on various aspects of court proceedings, case management, information security and the use of automated computing tools. More than 850 indicators are available for analysis, both at the level of the entire republic and for individual regions and remote courts. This provides the possibility of promptly generating dozens of analytical reports on various aspects of the judicial system.

At the same time, it is important to stress that the development of digitalization should not pose a threat to national security, violate state secrets or threaten the security of personal data.

As a result of this review, it can be concluded that the legal community is experiencing some difficulties in applying traditional legal concepts and approaches to situations where AI technologies are used or applied. Therefore, the calls by some researchers for academic development of new legal doctrines or revision of existing ones sometimes seem to be not groundless. One way or another, the dynamic development of digital technologies has a noticeable impact on the existing legal reality, pushing the legal community to search for and develop new approaches in the field of legal regulation of AI. The question is how timely and within the framework of international human rights
principles the relevant legal acts and other prescriptions will be adopted. Also, as a result of the review, it can be stated that the current level of AI development is still rather primitive compared to human intellectual capabilities. Therefore, at present, the use of AI technologies in the sphere of legal activities is limited, and such use is not without human control. But the “strength” of AI is that this technology has serious evolutionary potential. As a consequence, it is extremely difficult to make predictions about what levels of development AI will reach in the future. But one thing is indisputable - AI capabilities will only approach those of human intelligence.

Thus, there is a need for further research in the field of legal regulation of artificial intelligence, and the problem remains relevant.
REFERENCES


