

Artificial Intelligence and Crime: Who is Responsible? A Legal Analytical Study



Ahmed Yahya Al-Sumaini, Master's Researcher in Public Law

Supervisor: Dr. Aisha Jamal AL-Ammari, Department Head of Public Law

College of Law – Qatar University

Can Artificial Intelligence be Held Legally Liable?

Artificial intelligence (AI) has become an integral part of our lives, being widely used in industrial, medical, and technological fields. As AI continues to evolve, a crucial legal question arises, which this study attempts to answer: Can AI be held legally accountable for the harm or crimes it may cause, or does liability remain solely on programmers and users?

In this research, the researcher analyzed traditional criminal laws, which rely on awareness and free will in determining responsibility. However, AI's ability to make independent decisions introduces a new legal dilemma. Should AI be considered legally responsible, or is it merely a tool controlled by its users?

For this reason, this study examined the adequacy of general criminal liability principles in addressing crimes committed by AI and determining the legal entity responsible. The researcher also explored the possibility of granting AI legal personality and its impact on the evolution of criminal laws.

AI in the Legal Balance: An Independent Entity or a mere Tool?

AI technologies rely on deep learning and big data processing which allows them to analyze information and make decisions based on constantly updated inputs. However, the issue of free will and the ability to distinguish right from wrong remains highly debated. If AI systems learn from data and operate based on predefined algorithms. Does this make them legally accountable? or does liability rest solely on those who designed or used them?

Legal perspectives on this issue vary, and the researcher found that opinions in this study are divided into two main viewpoints:

1. The First View: Granting AI Legal Personality.

Proponents of this view argue that AI could evolve to a level of independence that allows it to bear responsibility for its actions. They draw on the legal concept of corporate personality, which grants rights and obligations to non-human entities. Just

as corporations can sue and be sued, AI might, in the future, be granted limited legal personality, enabling it to be held legally accountable for certain actions.

2. The Second View: The Impossibility of Holding AI Liable.

Opponents argue that AI lacks awareness and free will, both of which are essential for establishing criminal liability. Since the law considers the perpetrator's intent and awareness of legal violations, AI, which operates solely on pre-programmed algorithms, cannot be held criminally responsible. According to this perspective, criminal liability should remain within the human domain, including manufacturers, programmers, users, or even external actors such as hackers who exploit these systems.

Qatari Legislation: Is the Law Prepared for this Challenge?

The researcher reviewed different legal frameworks and found that Qatari criminal law, like most traditional legal systems, attributes liability to individuals and recognized legal entities. However, liability can still be assigned to different parties when a crime is committed using AI, such as:

- **Manufacturers and Programmers:** If programming errors or negligence in AI system development leads to a crime.
- **Users:** If AI is deliberately used as a tool to commit a crime, such as employing a robot to carry out theft.
- **External Actors:** Hackers who exploit vulnerabilities in AI systems to conduct cybercrimes.

AI-Related Crimes: Real-World Cases Raising Legal Concerns

In this research study, the researcher examined several real-world incidents that have sparked legal debates about AI liability, including:

- **The Killer Robot in Japan (1981):** An industrial robot in a motorcycle factory identified an employee as a "threat" and pushed him into a machine, causing his death. The robot was

not held accountable, but the manufacturing company faced legal consequences.

- **Attack on an Engineer at a Tesla Factory (2021):** An engineer suffered serious injuries after being attacked by an industrial robot. Tesla was required to pay compensation, but the robot itself bore no direct responsibility.
- **Drones and Digital Crimes:** Criminal organizations have used autonomous drones for illegal operations, raising questions about whether these systems can be classified as “actors” in crimes.

Research Findings

Through this study, the researcher reached several key findings:

1. There is no comprehensive legal framework for holding AI criminally liable, as traditional criminal laws rely on intent and awareness, both of which AI lacks.
2. Liability is currently assigned to human actors such as manufacturers, programmers, and users, as AI is not yet considered an independent legal entity.
3. International legislation varies on AI-related liability, with some countries recognizing AI's civil liability, while criminal liability remains unacknowledged.
4. A new legal model could be developed to grant AI limited legal personality in civil cases while keeping criminal liability within the scope of individuals responsible for its development or operation.

Recommendations

Based on the legal analysis conducted in this research, the researcher proposes the following key recommendations:

- Establishing an international legal framework to regulate AI use and combat AI-related digital crimes, particularly given their cross-border nature.
- Mandating AI manufacturers to set clear liability standards for catastrophic programming errors

and define responsible parties for any damages caused by these systems.

- Creating an international regulatory body to monitor AI advancements and establish legal and ethical standards to ensure its safe and responsible use.

This study has demonstrated that AI holds great potential but presents unprecedented legal challenges. Taking proactive steps to establish clear and flexible legal frameworks will ensure that societies can maximize the benefits of AI while minimizing potential legal and social risks.

