



Utilizing Artificial Intelligence In Legal System With Special Reference Of India

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ARTICLE INFO ABSTRACT

Artificial Intelligence and its intersection with the law have garnered significant attention in recent literature. However, delving into what AI truly entails and its relevance to legal application and management is essential. This article aims to provide a comprehensive yet accessible overview of artificial intelligence (AI) and its legal implications. It strives to strike a balance between sophistication and clarity for non-technical readers. Initially, the discussion encompasses AI in a broader context before delving into its specific applications within the legal profession, for individuals and businesses navigating legal frameworks, and for government entities responsible for law enforcement. This distinguishes it from discussions that predominantly speculate on the future implications of AI in law. While such speculative dialogues have merit, it's crucial to acknowledge that they often rely on assumptions about the trajectory of technology, some of which may be unfounded. Amidst these futuristic discussions, the present-day legal and policy challenges posed by AI technology tend to be overshadowed.

Keywords: Legal Justice System, Legal Proceedings, Compliance, Law Enforcement, Opportunities.

INTRODUCTION

Artificial Intelligence (AI) is fundamentally the advancement of computer systems to execute tasks that traditionally necessitate human intelligence. Essentially, AI serves as the cognitive powerhouse of computers, enabling them to tackle activities that have historically been within the realm of human cognition. These tasks encompass a broad spectrum, ranging from speech recognition, decision-making, and problem-solving to pattern identification. Under the expansive umbrella term of AI, various technologies converge to empower machines with human-like cognitive abilities. Among these are machine learning, deep learning, and natural language processing (NLP), each playing a pivotal role in augmenting the intelligence of computer systems. At its core, AI represents both a concept and a practice geared towards equipping computer systems with the capacity to undertake tasks traditionally reserved for human intellect. The overarching goal is to enable machines to excel in speech recognition, decision-making processes, and the identification of complex patterns, thus bridging the gap between human and artificial intelligence. In essence, AI encompasses a rich tapestry of technologies and methodologies, converging to replicate and augment human cognitive functions. Through natural language processing, machine learning, deep learning, and other cutting-edge technologies, AI heralds a new era where computers transcend mere computation to emulate and enhance human-like intelligence.

REVIEW OF LITERATURE

Artificial Intelligence is the ability of machines to do the tasks like learning, thinking and perception that are normally perform by humans. AI in the form of machine learning allows computers to learn and get better at what they do without having to be explicitly taught. Natural language processing is a branch of artificial intelligence that studies how computers and natural language interact.

Previous studies have shown how AI has the ability to completely transform the legal industry. For example, a 2017 study by Katz et al. employed machine learning algorithms to forecast Supreme Court case outcomes with a 70.2% accuracy rate. Using natural language processing, Aletras et al. (2016) were able to predict opinion made by the European Court of Human Rights with a 79% accuracy rate.

Critics of AI's application in the legal field do exist, though. While some contend that the employment of AI could result in the replacement of human judges and attorneys, others express worries about bias in AI algorithms and the possibility of mistakes being made when making decisions.

DEFINITION OF Artificial Intelligence

As per the Oxford Dictionary, Artificial Intelligence is defined as the theory and advancement of computer systems capable of executing tasks typically necessitating human intelligence, such as visual perception, speech recognition, decision-making, and language translation.

HISTORY AND DEVELOPMENT

In 1940s when computers were first being developed, many scientists like Alan Turing wanted to develop an "Artificial Brain". The scientists conducted various experiments to achieve their goal. Researchers started exploring the concept of creating machines that could mimic human intelligence. It begins with early AI programs that could play simple games and solve mathematical problems. Over the years, AI has seen significant advancement, such as the development of expert systems, machine learning and deep learning. These breakthroughs have paved the way for AI to be integrated into various aspects of our lives today.

TYPES OF ARTIFICIAL INTELLIGENCE

1. Narrow AI: Narrow AI, also known as weak AI, denotes AI systems tailored for specific tasks or problem-solving within a limited domain. Unlike humans, these systems lack general intelligence and are confined to narrow functions. Examples of Narrow AI include Apple's Siri, Amazon's Alexa, and self-driving cars.

2. General AI: General AI, on the other hand, mirrors human capabilities, exhibiting self-awareness and versatility akin to the human brain. Replacing humans with General AI poses significant complexity. Companies like Boston Dynamics have developed robots such as "Atlas," exemplifying humanoid robots that closely resemble humans.

EXAMPLES OF ARTIFICIAL INTELLIGENCE

ChatGPT: ChatGPT is a language model made by American company named Open AI. AI noticed by public mainly through the launch of ChatGPT version 3.5 was made publicly available in November 2022. ChatGPT is also called Large Language Model (LLM). It uses a deep learning technique called Transformer model to generate human-like responses in a conversational manner. It has been trained on a large amount of text data from the internet, allowing it to understand and generate coherent and contextually relevant responses. It will answer as if humans to the questions asked to it. ChatGPT became world's fastest growing online service. Many big companies launched their own AI as:

Google – Google Bard

Microsoft – Bing AI

Snap chat – My AI

Google Translate: Google Translate is a popular online translation service developed by Google. It allows users to translate text, documents, websites and even spoken words between different languages. With the help of Google Translate, we can easily communicate and understand content in languages that we may not be familiar with. It expands communication across cultures.

Tesla: It uses computer vision to power self-driving features on their cars, etc.

Types of Risks

Unacceptable risk: This is reserved for AI that poses a very high risk of harm. They are discussing outlawing AI that could mislead or rate individual improperly. However, if a judge grants permission, they might allow the police to deploy some of this AI.

High risk: AI that has the potential to compromise our rights or endanger our safety. AI is being studied in two domains: one is consumer goods like toys and cars, and the other is enterprise applications like identity verification and information management. The EU wants high risk AI to be transparent about its nature as a machine, refrain from producing illicit content, and indicate where it acquires its knowledge.

Limited risk: These are your typical AI systems, not highly harmful but yet need guidelines. Sincerity is the main emphasis here. The fact that they are artificial intelligence should be readily apparent, particularly if they produce false realistic such as deep fake videos.

USAGE OF AI IN DIFFERENT SECTORS

- Healthcare Industries
- Business

- Education Sector
- Banking and Finance
- Legal Sector
- Entertainment And Media
- Security
- Manufacturing Industries etc.

USE OF AI IN POLITICAL PROPAGANDA

AI will be most dangerous if used in politics. In year 2016, machine learning was used in the Facebook Cambridge Analytical Data Scandal. AI was used to send different messages to different voters. Likes and Dislikes are done by people used as method to judge them and the ads they saw were created to their personality.

In the midst of India's current Lok Shaba election season (2024), a video featuring Bollywood actor Aamir Khan surfaced, ridiculing the ruling Bharatiya Janata Party (BJP) for failing to fulfill a decade-old promise of depositing 1.5 million Indian rupees (approximately US\$18,000) into every Indian citizen's bank account. The video, which bore a striking resemblance to Khan's voice, concluded with an appeal to voters to support the opposition Congress party. However, Khan promptly refuted the video the following day, denouncing it as "fake and entirely false."

It has since been revealed that the video was manipulated using artificial intelligence (AI), specifically employing deepfake audio technology. It appears that the creators of the video aimed to capitalize on Khan's popularity to sway votes, resorting to AI technology to fabricate his voice. This incident serves as just one instance of AI's utilization during India's ongoing 18th general elections.

This isn't the inaugural instance of AI being deployed in India's political landscape for messaging purposes. For over a decade, such technology has been employed, with the BJP notably leading the charge in leveraging digital tools. During the 2014 Indian general elections, the BJP utilized AI-driven tools to target voters with tailored messages, setting a precedent for the incorporation of technology into political strategies.

AI IN LEGAL SYSTEM OF DIFFERENT COUNTRIES USA

AI tools like COMPAS (Correctional Offender Management Profiling For Alternative Solution) are being used for tasks such as data collection, risk assessment and decision support. Chatbots are being used. President Biden's executive order on AI issued on Oct 30, 2023 sets new standards for AI safety and security, requiring developers of powerful AI systems to share their safety test results and other crucial information with US regulation.

CHINA

China's Smart Court system aids judges with AI technology that can analyze past cases and suggest applicable laws and precedents. Chinese courts use AI for legal research. On 15 August 2023, a new Chinese law designed to regulate generative AI came into force. This law, the latest in a series of regulations targeting different aspects of AI. It introduced new restrictions for companies providing these services to consumers regarding both the training data used and outputs produced.

UNITED KINGDOM

The UK Ministry of Justice introduced the Digital case system in 2020 for the Crown Courts.

CANADA

The AIDA (Artificial Intelligence and Data Act, 2023) offers a balanced approach to regulation AI that will support responsible innovation and ensure international market access for large Canadian businesses, while also considering the needs of small and medium sized businesses.

ENACTMENT ON ARTIFICIAL INTELLIGENCE

European Union: The European Union took pioneering steps by enacting the first legislation on AI. The primary objective of the European Parliament was to safeguard AI while upholding fundamental rights. The EU aims to ensure that artificial intelligence remains within reasonable boundaries, despite recognizing its potential to enhance healthcare and environmental outcomes.

In April 2021, the European Union introduced new AI regulations, categorizing AI based on risk into various groups. The stance of the European Parliament is that all AI systems within the EU should be accountable, fair, environmentally sustainable, and facilitate human oversight in decision-making, rather than solely relying on technology. In 2021, the European Union passed the Artificial Intelligence Act to govern AI within the region, a move supported by the European Parliament. This Act provides a definition of Artificial Intelligence as a machine-based system designed to operate with varying levels of autonomy. The EU aims to define AI in a manner that remains relevant in the future, illustrating a commendable ambition.

AI IN INDIAN LEGAL SYSTEM

Established in 2019, the Supreme Court's Artificial Intelligence Committee, chaired by Justice L Nageshwara Rao, emphasizes the necessity of leveraging cutting-edge technologies like machine learning and artificial intelligence to enhance judicial productivity and efficiency. This initiative marks a significant step forward, as the Supreme Court seeks to utilize AI not only for legal research but also for translating judgments into accessible language. Integration of AI into the legal system aims to streamline operations, reduce case backlog, and improve overall efficiency.

Introducing a groundbreaking tool named SUPACE (Supreme Court Portal for Assistance in Court's Efficiency), Chief Justice SA Bobde describes it as a fusion of human intellect and machine learning. SUPACE serves as an AI-powered assistant, empowering judges and legal researchers to handle cases more effectively by facilitating tasks such as information extraction, case file review, collaboration management, and document drafting.

CJI Justice NV Ramana states, "We are already burdened with so much pendency."

SUPACE

SUPACE, a composite AI-assisted tool, can be used to push up efficiency of legal researchers and judges; it will read case files, extract relevant information, draft case documents and manage apportioning of work. Earlier, the E-Courts Project was conceptualized on the basis of "National Policy and Action Plan for Implementation of Information and Communication Technology (ICT) in the Indian Judiciary – 2005" submitted by the e-Committee of the Supreme Court.

About SUPACE

- It is a tool that collects relevant facts and laws and makes them available to a judge.
- It is not designed to take decisions, but only to process facts and to make them available to judges looking for an input for a decision.
- Initially, it will be used on an experimental basis by the judges of Bombay and Delhi High Courts who deal with criminal matters.

CJI D.Y. Chandrachud says

"AI presents both challenges and opportunities for courts", CJI says.

In his opening remarks at the Indo-Singapore Judicial Conference, he stated, "We cannot avoid the question of using AI in court adjudication. The integration of AI in modern processes, including court proceedings, raises complex ethical, legal and practical consideration that demands a thorough examination. The use of AI in court adjudication presents both opportunities and challenges that warrant nuanced deliberation," the CJI said. The CJI described AI as a double edged sword with a capacity to either enhance or undermine the pursuit of justice.

"The adoption of AI might accentuate inequality by favoring those with access to advanced technology, but it also opens the door for new players and services, disrupting existing hierarches," CJI said.

The CJI referred to the adoption of hybrid-mode hearing as an instance of justice delivery crossing geographical barriers. Now, lawyers from any corner of the country can represent their clients before the highest court without the need for expensive and time consuming travel to the capital. This democratized the access to the SC of India.

He referred to the AI-powered live transcription services, an initiative which can translate judicial proceedings into 18 regional languages and hindi to ensure that legal information is accessible to all.

LEGAL PROVISIONS GOVERNING AI IN INDIA

There are no specific provisions regarding to the governance of AI in India. Some provisions of existing laws may deal with AI in India as:

Information Technology Act, 2000

The Information Technology Act, 2000 primarily focuses on electronic governance and regulation of digital communication. While it does not specifically mention provisions related to AI, some Sections could indirectly apply to AI, especially in areas concerning data protection, cyber security and electronic transaction. For instance, sections related to data protection and privacy could have implications for AI system that process personal data. Additionally, provisions related to cybersecurity could apply to AI system involved in protecting digital infrastructure. Section 43A of the IT Act provides compensation in the case of breach of data privacy.

The Indian Copyright Act, 1957

The Indian Copyright Act, 1957 doesn't explicitly address AI since it was enacted long before AI became a significant technological consideration. However, certain provisions of the Copyright Act can indirectly relate to AI, particularly in terms of copyright ownership and infringement in works created or used by AI. The provisions of the Act are applied in the issues arising from AI generated content and usage.

National e-Governance Plan

National e-Governance Plan was formulated in 2006 by the Department of Administrative Reforms & Public Grievance, Ministry of Electronics & Information Technology and Ministry of Personnel, Public Grievances & Pensions. This plan aims to digitally empower Indian society by providing online govt. services. Making govt. services affordable, trustworthy, transparent, and efficient for the general public is the main goal of e-Governance. Unified Mobile Application for New-age Governance or UMANG project, has played a major role in making the NeGP successfully implemented.

NITI Aayog

The NITI Aayog was formed on Jan 1, 2015. In Sanskrit, the word NITI means morality, behavior, guidance, etc. but in the present context, it means policy and NITI stands for “National Institution for Transforming India”. The Indian govt. tasked the NITI Aayog which provide guidelines and policies for development and use of AI. In 2018 NITI Aayog released the National Strategy for Artificial Intelligence #AI for AII strategy, which featured AI research and development guidelines focused on healthcare, agriculture, education, smart cities and smart mobility and transformation.

Personal Data Protection Bill 2019:

2019 saw the introduction of this bill in parliament; it was withdrawn in 2022. Data protection is the subject of this measure. This measure upholds the fiduciary use of personal data and protects it.

Case Law:

Jaswinder Singh vs State of Punjab (2022)

A bail plea was denied by the Punjab & Haryana High Court on the grounds that the prosecution had claimed the petitioner had participated in a brutal fatal assault. In order to obtain a broader viewpoint on the granting of bail when cruelty is involved, the presiding judge asked ChatGPT for opinion. It's crucial to remember that the trial court will not take these remarks into consideration, and that the mention of ChatGPT does not represent an opinion on the case's merits. The reference was only meant to offer a more comprehensive grasp of bail jurisprudence in situation where cruelty is a contributing factor.

USE OF AI IN LEGAL SYSTEM DURING COVID-19

The COVID-19 pandemic has affected people's lives. It has surely helped those working in the legal field understand the importance of technology and the need to use AI and machine learning tools to accomplish their tasks. The Supreme Court has mandated that the courts only handle urgent cases by video conference and electronic submission of court documents due to the social isolation that has resulted in a lockdown. The Supreme Court of India recognized the idea of live streaming of proceedings in the case of Swapnil Tripathi v. Supreme Court of India with the exclusion of certain circumstances like rape and marriage cases.

Lockdown does not stop the wheels of justice from turning, as Justice Sikhri correctly notes. Delivering justice falls under the category of vital services, and technology has been instrumental in COVID-19, helping with everything from e-filing to e-payment of court fees. The Delhi High Court has even gone so far as to create e-rooms—paperless courtrooms where anyone can view the details of their case via an online page.

Virtual Courtrooms: Remote hearing and trials can be held in virtual courtrooms. This can guarantee that cases be heard promptly and lessen the strain on actual courtrooms. In the Indian legal system, virtual courtrooms can be a helpful tool for holding remote hearing and trials. Judges, attorney, and other interested parties can participate in court sessions remotely by using video conferencing technology. Because they allow involvement from a distance, virtual courtrooms can ease the strain on real courtrooms. Additionally, by doing this, you can guarantee that cases are heard quickly and that there are no delays.

SIGNIFICANCE OF AI IN INDIA

Artificial intelligence (AI) tools, applications, and software improve productivity and precision in a variety of legal tasks, including document inspection, contract administration, due diligence, and predictive analysis analysis. AI has the potential to improve process efficiency and produce more accurate predictions about the outcome of cases owing to the massive amount of data that lawyers generate. India has to keep incorporating AI into its legal system to ensure that justice is served fairly and easily.

Faster research: AI will be used to quickly gather relevant information from irrelevant sources and do research on cases that have been determined. For judges and attorneys, finding pertinent information regarding cases requires a lot of time consuming investigation.

Deliver high quality Justice: AI will help to decrease the amount of errors made when administering justice while also ensuring that it is of a excellent standard.

Saving money: By automating legal research, law firms can lower their labor expenses by using fewer human researchers.

Fast case resolution: AI will assist in expeditiously resolving cases by rapidly sifting through large volumes of data to identify issues.

Unbiased system: AI will lessen bias in the system and ensure that everyone receives fair justice.

Boost productivity: Lawyers and other legal professionals can concentrate their time and efforts on high level duties like legal analysis, client communication, and strategy formulation, since AI will handle the research.

Paperwork reduction: AI's introduction of digital data will result in a reduction of paper work.

AI AS A SUBSTITUTE OF LAWYER

These days, lawyers are divided on whether artificial intelligence will replace them or increase their productivity and efficiency in the legal industry. Thanks to technical development in the legal sphere, lawyers, contract analysts, trademark search engine and other legal researchers now have access to a multitude of new instruments. All AI based tools and programs, however, are meant to enhance the authenticity, accuracy, and outcome-orienters of research and analysis; none of them is meant to take the job of a lawyer. In the legal profession, analysis, decision-making and representation cannot be automated. By using AI based software and programs, lawyers can save a great deal of time and efforts while still providing their clients with advice that are more genuine and goal-oriented. The legal industry in India is still in its infancy, and more Ai based and automated help in tools and software are much anticipated. While automating many clerical tasks, AI based and automated assisting technologies will not replace the work of a lawyer; instead, they will help them become more informed and efficient.

CONCLUSION

Artificial intelligence is currently in its nascent stages of development, often referred to as "weak artificial intelligence." Discussing AI entirely replacing humans seems overly dramatic at this point, leaning more towards science fiction than genuine academic research. Some scholars deem the notion of robot judges as absurd, emphasizing that the judiciary requires wisdom and intelligence to serve judges in case handling rather than replacing judicial decisions entirely.

However, from a legal educator's perspective, research should adopt a forward-looking approach, not solely bound by existing technical foundations. Considering the long-term trajectory of technological advancement, there is validity in contemplating the potential for artificial intelligence to eventually supplant human intelligence. This concern drives contemporary researchers to explore artificial intelligence further.

One significant aspect of AI's impact on the legal field could be the prospect of AI completely replacing legal professionals. Addressing this question requires examination not only from a scientific and technological standpoint but also from philosophical and ethical perspectives. For instance, questions arise regarding how a robot can embody human qualities, how the law defines the responsibilities and rights of robots, and whether society can accept the idea of a robot judge having the authority to make life or death judgments.

While definitive answers to these questions may still be elusive, it's crucial not to limit our thinking solely to technological advancements. Although this paper may not fully delve into these complex issues within its limited scope, it encourages colleagues in the legal field to collectively explore various possible solutions.

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