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Criminal Liability for Artificial Intelligence and Autonomous Systems

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ABSTRACT

The emergence of artificial intelligence and the increasing dependence of organisations on these modes of modern technology make this subject quite an intriguing area of research. The research has been conducted in Saudi Arabia, where the emphasis was laid on the criminal liability affiliated with the various firms operating through artificial intelligence and its modern use. How the different liabilities are held upon the organisations and what measures are taken in order to address these issues were all discussed. The role played by the legal authorities was discussed in terms of how these divide the accountabilities of the multiple parties involved.

INTRODUCTION

Background

Criminal liabilities and artificial intelligence-based systems in organisations have been among the most intriguing subjects in recent years. The researchers have had rather conflicting opinions in regard to how the misuse of artificial intelligence holds organisations criminally liable. It needs to be noted here that corruption-based acts are rife to this day, especially in the private sector, when it is being conducted at the top level (Wirawan *et al.*, 2020). The violations conducted by the employees in terms of corporate corruption are not quite easily ignored while the benefits of the corporation have to be examined. Organisations need to be rather careful regarding whom the accessibility of the internal control system is being provided and what sort of potential crimes are likely to take place (Wibisana & Marbun, 2018). The role that is played by artificial intelligence needs to be handled by the experts who can easily identify the multiple threats.

Whenever the researchers discuss institutional corruption, the stress is meant to be laid on the legitimacy and the pattern of functions that are found to exist in terms of the benefits provided to the institution (Thompson, 2018). The autonomous systems of the various organisations are found to be misused in most cases, and these have left rather long-term influences on the operations of the firms. In Middle East states, corporate criminal liability is found to be inevitable, but the legislation found currently permits the avoidance conducted unreasonably. This happens in cases where the offence reported by the criminal is found outside the boundary of limited scope (Girdenis *et al.*, 2021). The cases vary from country to country as the core focus is laid on who is held criminally liable for the offences reported within organisations. As the cases proceed in the court, the verdicts of the E-Court and the E-Govern are found to be rather different regarding who is meant to be held criminally

liable (Swamynathan, 2022).

As per previous studies, the parent companies are likely to deny criminal liability for the crimes that would have been carried out by the subsidiaries, where separate legal entities and limited liability doctrines are involved (Ali, 2019). The parent companies, however, are likely to lose their reputations when these subsidiaries are found to have committed some criminal activities. When artificial intelligence-based crimes are conducted, corporate management is found to be held responsible as the crimes are labelled under corporate criminal acts (Kurniawan & Hapsari, 2022). The responsibilities of the corporate management are put into question when access is provided to unauthorised individuals.

The modern time artificial intelligence is found to reshape the landscape of the entrepreneurial industry in Saudi Arabia. The adoption of artificial intelligence, however, is still found to be significantly less, probably because the economy of the state is found to depend on oil and its trade (Ahmed, 2019). The firms that have embraced the use of artificial intelligence are clearly found in a position where they have made their way to the top in the competition that exists within the industry. Social media marketing that is conducted with the assistance of artificial intelligence is found to bring a tremendous amount of improvement in the overall performance of small to medium-sized enterprises (Basri, 2020).

LITERATURE REVIEW

Artificial Intelligence

Artificial intelligence is quite likely to leave an illegal influence on the various telecommunication networks found. The critical infrastructures of the information are not quite likely to have any protection from potential threats related with cyber security (Barkhatova, 2019). Many organisations in Saudi Arabia have fallen victim to these kinds of crimes, and the really harsh part is that the

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criminal liability for these kinds of scenarios is eventually bestowed upon the organisation itself if a third party is influenced in any way. The expansions of the overall horizons of artificial intelligence-based applications are likely to leave an influence on humanity. Those areas that are identified in terms of being on a rather higher level occupy a leading position in the digital technology sector. In Saudi Arabia, organisations operating with artificial intelligence are found to have the highest amount of risk (Kirpichnikov *et al.*, 2020).

Autonomous Systems

In Saudi Arabia, autonomous systems are found mostly in the automobile industries, however, other industries are also promoting it gradually. A division of labor theory has been proposed quite recently, which emphasises how criminal liability can be shared when it comes to autonomous systems (Vuletić, 2021). The harmful activities that are unexpectedly conducted by the autonomous systems are among those due to which a careful inspection is required afterwards. Although, the use of the autonomous systems can also be quite beneficial in terms with educating the multiple individuals (Selmi, 2023). But when it comes to criminal activities, the use of artificial intelligence is headed towards another direction. For the artificial intelligence-based systems, the criminal liability is found to be a complex one and it clearly demands a landscape that should rapidly be evolving (Osmani, 2020). The question mostly arises regarding who would be held criminally liable when the damage would be caused through these.

Criminal Law

Saudi Arabia's Law has evolved over the course of several years, and it has represented quite some strictness in regard to how large-scale enterprises are held accountable. Criminal responsibility is usually bestowed upon the top-level management of the organizations if some criminal activity is reported from any particular department of the organisation. As per sub-article 3(5) of article 17 of Saudi Arabia's law, the prosecution of these crimes occurs only after a complaint is registered (Raad, 2022). The criminal law of Saudi stands on the multiple legislations and the mutually agreed upon Islamic common laws where there are some pre-defined punishments (Mallat, 2020). Saudi Laws usually come into action when a particular department is found to be responsible for an unexpected activity.

Artificial Intelligence and Criminal Law

The use of artificial intelligence over the course of recent years has been found to be an increased one in the majority of the states of Saudi Arabia. The techniques of artificial intelligence appear to be rather promising in terms of the improvements required with efficiency, where efficiency, fairness and transparency factors are looked upon by Saudi's judiciary system (Al-Alawi & A-Lmansouri, 2023). The criminal law, regardless of

how it had previously represented its position, has now morphed into an enhancement of the liabilities that are held upon the various firms. High-tech crime over the course of recent years appears to have increased in terms of the enhanced use of artificial intelligence technology. The criminal liability, therefore, has been enhanced quite significantly, and the firms are held accountable for the crimes that had been committed previously (Kamalova, 2020). Among the multiple different crimes that are likely to be committed through the use of artificial intelligence, the activities that cause a damage to an entire reputation are the ones that need to be taken seriously. The Saudi Law is quite clear regarding how such kinds of actions need to be addressed and what sort of criminal responsibility is held over these members. The complainants have to make sure for scenarios like these regarding the extent to which the privacy is violated. If an essential information is leaked out and a rather significant amount of defamation is caused, then as per Article 3(4) of Saudi Anti-Cyber Crime Law (Raad, 2022).

Autonomous Systems and Criminal Law

The autonomous systems have only recently been introduced in Saudi Arabia, and there are quite a few sectors that actually operate through these. The acceptance of the use of these autonomous systems is affiliated with factors such as trust, being tech-savvy, age and wide-scale adoption, as the autonomous systems of different kinds depend to a huge extent on the safety features (Alsghan *et al.*, 2022). Self. At times, conflicts arise when no proper laws are available regarding whom to hold accountable for the autonomous systems. Back in 2020, the amendment was made to the Article 112 of Penal Procedures law where the enhancement was conducted in regards with power of the Public Prosecution. There have been some positive changes that had been taken and the public prosecution was made clearer in regards how the filing of the evidences and the convicts would have to be carried out when criminal responsibility would be investigated in terms with autonomous systems (Benowitz & Anderson, 2020). In most of the cases, the manufacturers and the engineers of the autonomous systems are held criminally responsible for these kinds of issues.

Corporate Legal Responsibility

The ideology of corporate responsibility can be considered in terms of how private organisations must base their activities on the requirements of the shareholders. These must be responsive to the needs of social values where the operations of the internationally recognised values must be based (Morgera, 2020). The accountabilities are always found to be affiliated with the legal obligations that are bestowed upon the departments. The acting individual might be held answerable if the breach of duty is found or if the non-performance in regard to the duty is reported. This corporate legal responsibility emphasises in terms with how all the individuals are perceived to be rational and how these members can be considered answerable

for all their activities (Tamvada, 2020). The corporate legal responsibilities might vary from organisation to organisation, but these are quite unanimous in terms of the breach of duty. The autonomous systems and the artificial intelligence are quite likely to bring criminal law into practice. The humans are then left to face the criminal responsibility if initially promising results would have been promoted in regards with AI developments (Lohmann, 2021).

Legal Framework

Constitution

Normally, businesses do not face any difficulties while operating autonomous systems, but the issue of expenses arises on a monthly basis. As per Article 77 of Chapter 7 of Saudi Arabia's constitution, large-scale firms have to generate financial account statements that have to be submitted to the council of ministers. The economies of the state depend to a huge extent on the financial management of the firms, which is why the Saudi Data and Artificial Intelligence Authority comes and plays its part by helping it accomplish a leading position (Memish *et al.*, 2021). The law of the state mostly governs the financial position of such firms in order to make sure that the economy remains stable.

Policy and Legislation

The judicial reforms were proposed and these reforms were clearly expected since Saudi Arabia became a part of the World Trade Organization. However, it cannot be identified quite clearly regarding how soon the absolute execution of these reforms would be carried out (Van Eijk, 2010). Some responsibilities, however, would have to be bestowed upon the government for the development of the state. The government should fulfil the needs of the citizens, such as fulfilling the incentives, addressing requirements and resolving the socio-environmental issues. Moreover, it also emphasises how the skills and competencies of the employees have to be worked upon and what measures are needed by the government (PINTO & ALLUI, 2020).

State Regulations

Artificial intelligence-based technologies are one of the most essential goals of Saudi Arabia for the economic development of the state. Some influential parties have made some significant contributions by investing in these technologies for the goodwill of the society of the state. (Ashehri, 2019). The question normally arises regarding how much of the scope can be found and which direction it is headed towards. It has been forecasted that the scope of artificial intelligence is likely to increase after the year 2030, as the influence of artificial intelligence on overall society and economy is likely to increase. Hence, for better stability in future, strategic positioning is what needs to be executed (Al-Jehani *et al.*, 2021).

METHODOLOGY

The analytical approach is the one that has been finalised

for this particular research as it appears to be a perfect fit. This procedure is an objective and a universal method where the selection of the investment objects, maintenance of the global priorities and the alternatives correlation are all accepted as tasks to be executed within this approach (Kuznichenko *et al.*, 2019). However, the validation of the analytical method is quite essential in terms of the confirmation of the analytical procedures and their suitability for specified applications where reliable and accurate results have to be ensured (Hopfgartner, 2020). The analytical approach is quite likely to come up with a minimum number of errors, which is why this approach has been preferred.

RESULTS AND DISCUSSION

Criminal Liability

When it comes to criminal liability, functional behaviour has to be brought towards acceptance. What keeps this behaviour distinctive and rather identifiable is its trait of how the physical act of an individual ends up influencing the functional acts of another individual (Ali, 2019). Criminal liability is academically defined as an obligation for an offence connected with a crime that ought to be judicially punishable. An act falls under this category if the specific criminal offence found in the provision of the Criminal Code fulfils these characteristics. The unlawfulness of criminal offences carries along some material aspects with itself that add some strength to it (Kotlán *et al.*, 2023). The criminal responsibility for these kinds of scenarios is held significantly upon the various different parties that are involved but it is the top level management that is held accountable in the entire scenario. The financial loss that the organizations have to face are usually meant to be covered by the top level management, as the stakeholders clearly hold these members accountable (Starosta, 2021). It has been stated that the collaboration of the administrative law, civil law and the criminal law procedures is quite essential for the effective regulation of the autonomous systems. Then the responsibility is held against the three of these departments (Беринцев, 2021).

Limited Liability

The ideology of limited liability ensures that everyone risks less than what they have invested, and this concept has received quite some wider acceptance. The limited liability, however is found to be rather attractive for both kinds of investors, be those active business operators or be those passive investors (Travis, 2019). In the modern sense, the limited liability makes its way inside only when the organisation is found to be dissolved because of the limited liability. If the firm is found to be insolvent due to some other reasons, the ratio of the limited liability is likely to be increased because of this (Harris, 2020). According to Saudi Arabia's constitution, Article 17 of Chapter 4 states that the capital of the firms is considered to be one of the most essential assets for economic well-being, which is why the limited liability has to be handled rather seriously.

Vicarious Liability

The activities of organisations that have caused harm to other organisations have clearly proven to be sensitive areas in terms of corporate liability laws. All the while, there appear to be repeated attempts in regard to the concept of vicarious liability moving in this direction. It can quite clearly be indicated here that cross-entity liabilities take hold in terms of huge jurisdiction. (Witting, 2019). As per the vicarious liability model, the offences are likely to be examined in terms of the corporate agents or the employees, as these are meant to be resolved by legal individuals. Regardless of the different acts that have been conducted to prevent these criminal assessments, legal individuals have to be involved (Ulfbeck, 2019).

CONCLUSION

Summarising the findings, the discussions were carried out in terms of how the criminal liabilities are imposed on the firms that operate through artificial intelligence. Numerous autonomous systems play their part, and these carry a huge amount of risk that is quite likely to be harmful if not handled properly. All of these were examined under the light of the legal framework of Saudi Arabia. The discussions indicated how the Saudi Arab government plays its part and how the constitution of the state contributes to the growth and the development of the industries operating through artificial intelligence.

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