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TÍTULO: La inteligencia artificial como sujeto de derecho: pros y contras.

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RESUMEN: El artículo aborda el análisis del reconocimiento de los sistemas de inteligencia artificial como sujetos de derecho. El artículo confirma la afirmación de que por el momento no hay criterios objetivos para el reconocimiento o la negativa a reconocer algo por el sujeto de la ley. El autor llega a la conclusión de que la inteligencia artificial formal puede ser reconocida como sujeto de derecho de manera similar a la capacidad legal de una entidad jurídica. Debido a las diferencias existentes entre las propiedades del hombre y el sistema intelectual, la humanidad no tiene la obligación de reconocer tales sistemas como sujetos de derecho.

PALABRAS CLAVES: Capacidad jurídica, inteligencia artificial, derecho de alta tecnología, sujeto de derecho.

TITLE: Artificial intelligence as a subject of law: pros and cons.

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ABSTRACT: The article deals with the analysis of the recognition of artificial intelligence systems as subjects of law. The article substantiates the assertion that at the moment there are no objective criteria for recognition or refusal to recognize something by the subject of law. The author comes to the conclusion that formally artificial intelligence can be recognized as a subject of law in a similar way to the legal capacity of a legal entity. Due to the existing differences between the properties of man and the intellectual system, humanity does not have an obligation to recognize such systems as the subject of law.

KEY WORDS: legal capacity, artificial intelligence, high technology law, subject of law.

INTRODUCTION.

Currently, the topics of the digital revolution, a cardinal technological renewal of society, a fundamental change in the nature and direction of the development of social relations dominate in scientific and popular science publications. What is behind that revolution?

Any revolution is associated with the emergence *of new subjects* of socio-political, legal, economic and other vital functions of society, which went to the forefront of history, moved the world and technological progress. Today, this “process of subjectification” is at the center of social and humanitarian reflection; the most dramatic changes in the organization and functioning of social systems, the breaking and reassembly of the legal and political systems, the rule of law, etc. are associated with it. Fairly in this regard, A. Magun argues that any fundamental changes in society begin with the question of the subject, during the revolution “the subject is mobilized” or “subjectified,” symbolically established (for example, the institution of a citizen and his political and

legal status in the French revolution); and then “together with other subjects” creates a new system of organization and the order of relations [1, p. 56]. Another example: the modern political philosophy of Jacques Ranciere is all built around two key concepts: the “public scene” and the “process of subjectification”. He treats politics as, “first of all, a conflict over the existence of a common scene, the existence and quality of those who are present on it ... There is a place for politics because those who do not have the right to be counted as speaking beings force themselves to consider and establish them as such community” [2, p. 52].

Let us summarize: drastic changes in people's thinking have always been accompanied by the emergence of new entities, their conflict with the existing system of social, legal, economic and other subjectivity, as well as the subsequent assertion of their rights and status, which entailed the formation of a fundamentally different configuration of legal, political, economic and another organization of society.

In addition, revolutionary transformations have always been associated with the event the new subjects of history appeared (ontologized) through and officially manifested in intersubjective reality. For example, the event of the French revolution is considered to be the capture of the Bastille, as a historical event, starting a countdown to a new era. This historical event interrupts the usual course of things, introduces, as the Slava Zizek aptly puts it, a fundamentally new “phenomenon without solid existence” [3], which does not take place in the previous system of socio-political coordinates (depending on the dictionary used, this event is designated in many teachings in different ways - a point of singularity, a change of paradigms, universals, epistemes, etc.).

In this sense, "revolution has come to pass," and "the future has come." However, the future, to paraphrase the famous science fiction writer W. Gibson, due to the intensity and fragmentation of the ongoing technological and social processes, is not very evenly distributed according to the present / postmodern time. This is the difference between the modern technological revolution and previous eras. Post-modern artificial intelligence systems, digital algorithms, and robotic

technologies fundamentally change the landscape of social life. The rapid convergence of the social and the technological aspects are taking place, and *new subjects of history* and *new objects of security* are entering the forefront. J. Urry is right saying that "the future comes before it was realized by the relevant actors" [4].

In general, discussions about the emergence of a new subject of history most directly affect the general theory of law and politics. Battles and disputes arise over the status, role, and key characteristics of digital actors. As is known, the legal personality of a person is universally recognized as something natural. Since the law is the creation of the human mind, it is formed taking into account human abilities and qualities. The anthropocentric system of regulatory rules has been developed over the centuries and is based on human needs and characteristics, such as the ability to feel, the ability to intend, and the ability to be aware of what is happening. Therefore, the main arguments against the recognition of artificial intelligence systems (hereinafter AI) as subjects of law are concentrated around the absence in intellectual systems of some critical elements of legal personality inherent in man. Some authors define such grounds as the missing-something arguments [5, p. 1262].

Nevertheless, today people, things, machines together form special modes of functioning, specific relationships, in the context of which each of these entities is formed, mediated, objectified, and determined. These cardinal changes require fundamentally new security systems, new legislative regulation, other deontological coding systems, and technical regulations for the creation, development, and application of artificial intelligence systems, robotic technologies, and autonomous digital algorithmic systems. The latter are able to ensure safe conditions for specific relations between technologies and people who jointly act not only as agents but also as architects of post-modern forms of life.

Development.

Overview of approaches and theoretical and conceptual foundations of the study.

Modern specialized literature, within the framework of political [6; 7; eight; 9], legal [10; eleven; 12; 13], sociological [14; 15; sixteen; 17] and philosophical discourses [18; nineteen; 20; 21], raises the question of the transformation of the theory of both the political, economic, social subject, and the subject of law (legal theory of the subject) [22; 23; 24]. The spread of digital technologies, autonomous algorithmic systems, robots, their use in organizing the political process (for example, an election company, elections, etc.), in the interaction of people as digital intermediaries (mediating the digital relationship of two or more people) or as real actors (for example, legal consultant, digital assistant, autopilot, etc.) significantly changes the traditional social relations and social interaction.

Modern literature and theoretical and methodological approaches, offering both a justification for this problem and representing the directions of its solution can conditionally be divided into three main groups.

The first group of approaches justifies that a modern society at the stage of the information revolution and the digital transformation of social relations undergoes the formation of fundamentally objects that not only activate and stimulate the conscious and volitional activity of a person but also act as objects of legal relations and are closely intertwined with legitimate interests of citizens. The formation and dissemination of these digital objects lead to a meaningful transformation of the theory and practice of legal relations, structure, and types of the latter. At the same time, it is substantiated that a new (updated, meaningfully expanded) theory of legal relations should model the functioning of autonomous digital technologies as intelligent systems that perform not only certain activity in the social and legal sphere but also a number of cognitive functions [25; 26].

The second group of studies is associated, on the one hand, with the issue of security and ensuring human rights and freedoms in the era of digital technology development [27], and, on the other, with ethical standards and moral requirements that encode the process of creating and implementing digital technologies in public life [28]. In this regard, two interrelated issues are discussed:

- firstly, the need to formalize these ethical, moral norms and standards, which should be adequate to the specific relations and direction of development of digitalization processes, as well as fit into (or at least take into account) the current value-regulatory system of society (national and international legal levels);
- secondly, the need to predict and model the impact of the above norms, standards, and requirements on the development of robotic technologies and digital technologies. Currently, projects of such ethical coding of the development of digital technologies have only started forming. For example, the version of the Ethically Aligned Design ethical standard for the creation of robots and artificial intelligence of the Institute of Electrical and Electronics Engineers (IEEE) that substantiates that autonomous devices and intelligent systems should operate on the basis of a system of human value-normative and ethical regulators, in accordance with the universal standard of human rights and freedoms [29].

Currently, a whole group of researchers and analysts are substantiating the need to formulate a universal (global) standard for the development of digital technologies and autonomous robotic systems, which would first be general in nature and form universal framework normative and value requirements and ethical standards in this area. For example, a number of leading countries in the field of the digital transformation of public relations have formed the European Framework Declaration, which defines not only the general principles of cooperation in the creation, development, and implementation of artificial intelligence systems, but also defines universal ethical standards in their use [30].

The third group of studies argues that the digital transformation of public relations initiates the formation of new objects and subjects of national and international security. At the same time, it is

substantiated that these cardinal changes require fundamentally new security systems, a rethinking of the theory of social and legal responsibility, and new legislative regulation. The latter is able to create safe conditions for specific relations between technologies and people, to form adequate regimes of responsibility, etc. [31]; for example, it is proposed to create international and national systems of liability insurance for harm to health, rights, freedoms, the legitimate interests of legal entities in the process of using robotic technologies and introducing artificial intelligence systems. The pace of development and the level of autonomy of the latter makes the problem of identifying the guilty subject responsible for the damage a very relevant and complicated procedure. In this regard, there is a need to develop a system of compulsory insurance of risks and potential threats associated with the functioning of digital technologies and robotic systems.

There is also another difficulty. The very concept of "artificial intelligence" is quite vague and, as a rule, is used in many studies as a scientific metaphor, without any clear conceptualization, as a matter of course. Moreover, an analysis of modern publications on this issue shows that even in cases where this concept is meaningfully described, it remains, as W. Connolly said, "an essentially contested concept" [32], unable to "grasp" at once a variety of semantic variations and practically developed technologies. In addition, the latter is also associated with the fact that the "artificial intelligence" system is characterized by "fluidity" (that is, it constantly "slides, changes its shape and relevant contexts" [33]) and "permeability" (i.e. can be integrated and converged with other systems and technologies [34; 35]). There are other conceptual difficulties associated with spreading of systems of strong and weak artificial intelligence, its various bases (digital algorithms, neural systems, etc. [36]).

Main part.

The logic of researchers who argue against the provision of legal capacity to artificial intelligence systems is simple. AI does not possess qualities essential for subjectivity, which include: soul, consciousness, feelings, ability to intend, desires, interests, or anything else. If AI demonstrates behavior that may be evidence of the mentioned qualities, it simply means that the system imitates

human behavior, “but the simulation of a thing is not the thing itself” [37, p. 1262]. Similar arguments dominate research work as evidence against the recognition of intellectual systems as subjects of moral or legal rules [38; 39; 40].

Proponents of endowing intellectual systems with legal capacity most often use the analogy with legal entities, animals, children, or legally incompetent people [41; 42; 43]. Legal entities, children, and legally incompetent people are generally recognized as legal entities. They can have rights and obligations, but most modern legal systems significantly limit the range of their rights and obligations. Despite the struggle for the recognition of animal rights [44; 45], recognition of their legal capacity is still in the process. Although some precedents already exist abroad (for example, an Argentine judge recognized chimpanzee Cecil as the subject of law [46]), when the question of the legal capacity of animals is resolved positively, in general, they are not recognized as holders of rights and obligations.

The debate about the legal capacity of artificial intelligence exists not only on the pages of scientific journals. For example, this issue is addressed in the recommendations of the Civil Law Commission of the European Parliament. The cited political document says: “ultimately, the autonomy of robots raises the question of their nature in the light of existing legal categories - whether they should be considered as individuals, legal entities, animals or other existing entities of law - or a new category should be created with its own characteristics and accepted consequences in the context of the distribution of rights and obligations, including liability for damage” [47]. Although this document is not legally binding, it is an unequivocal sign that the issue of the legal capacity of artificial intelligence is included in the political agenda of the European Union.

Another document that addresses the legal capacity of intelligent systems is the US Department of Defense Guide to International Humanitarian Law. The article 6.5.9.3 of this document “Obligations of distinction and proportionality applicable to persons, not to weapons” states that “the law of war does not require that weapons determine the legitimacy of their actions, even if they can be described as capable of accepting legally significant decisions, for example, whether to start

shooting or to choose and hit the target" [48]. Some researchers consider this a sign that "robotic weapons will never become a subject of law", but this guide is only an official interpretation of international humanitarian law. Like any other interpretation of international law, it can develop over time [49; 50]. In general, the existing official interpretation does not exclude the possibility of recognizing the legal personality of the "smart machine" in the future.

In the case of criminal law, disputes about legal capacity are more combative. From the point of view of the state, criminal law is an extremely important part of the law, as it relates to the most serious cases of violation of social norms. If the crime is committed, the state has the right and obligation to intervene, despite the desire of the offender and the victim.

As for the AI system, the question arises whether it can be accountable and punishable in terms of criminal law? The main proponent of the criminal liability of AI believes that it can. In his book "Responsibility for crimes using artificial intelligence systems", the author draws an analogy with the concept of criminal liability of legal entities. Since such a legal fiction as the legal personality of a legal entity may exist in criminal law (for example, criminal liability of legal entities exists in the criminal law of Australia, Belgium, Great Britain, Denmark, Israel, Canada, China, USA, France, etc. In Russia, legal entities are not subjects of criminal law), a similar scheme should be applied to intelligent systems. In accordance with the opinion of the said researcher, AI can meet all the basic requirements for criminal prosecution [51].

In addition, the above researcher offers a punishment system that will be applicable in the case of AI. He even suggests that it would be possible to apply the measure of imprisonment to intelligent software and hardware. The author concludes that "subject to the nature of punishment through imprisonment, a practical action that can lead to the same consequences as imprisonment when applied to the AI system is to disable the AI system for a certain period. During this period, no actions related to the freedom of AI are allowed, and therefore, its (artificial intelligence) freedom is limited" [51, p. 197].

Despite harsh criticism of the above ideas, almost every article regarding the legal capacity of AI contains at least one indisputable statement in the works of the aforementioned author. In fact, if some legal system decides to recognize something or someone as a subject of law, then there is no reason against doing it. History knows many examples when idols or geographical objects [43, p. 280] were recognized as subjects of law. Formally, at least one intellectual system has received the status of a subject of law in Saudi Arabia [52].

As one foreign researcher rightly notes, "when the legal system provides legal rights and obligations to a legal entity, it decides to treat this legal entity as if it was an individual. This is a kind of pretense rule, according to which legal systems can decide on the legal personality of an object, regardless of whether it is really a subject" [43, p. 278]. This does not mean that one declaration is enough, but it means that there is no list of criteria for recognizing or not recognizing something as a subject of law.

The basis for the recognition of something as a subject of law could be the rules of morality. Since law and morality are means of social control, they are closely related. This does not mean that both social regulators should correlate with each other but at least the legislator should take moral standards into account. An immoral rule of law is likely to be violated frequently. For example, since the mid-1960s, some literature was banned in Soviet countries, but people often copied it, rewriting and transmitting to each other. Thus, they violated the criminal law because they believed that the law did not comply with moral standards (talking about underground press). Moreover, the above analysis of the views of opponents and supporters of the legal capacity of AI shows that the arguments are often within the sphere of morality.

It seems that the two main issues in the field of morality are whether a person has a moral obligation to provide AI with legal capacity and whether AI can be subject to moral standards. Some authors prefer to rely on a very broad concept of some subjects of moral standards, which may include robots. For example, one of the researchers believes that when we exclude robots capable of social communication from the generally accepted concept of moral subjects, it will be similar to how we

infringed any group of people on the rights “because of their race, their religiosity, their functionality or even their gender” [53, p. 385]. This comment may be too emotional, but it demonstrates that people tend to declare their moral obligations to robots.

The problem is that morality, like law, stems from human capabilities, limitations, and characteristics. Ethics and morality are a set of social rules based on the human value system. Moral rules often stem from our needs, fears, etc. It is immoral to “turn off” a person because you cannot “turn on” him after that. Some authors observe that all modern theories of ethics (deontological ethics, consequentialism or utilitarianism, ethics of virtue) are anthropocentric. “Even recent innovations in the field of environmental ethics and animal rights, despite the fact that they seem less anthropocentric, are still firmly based on our own human interests” [54, p. 51].

It should be noted that companies that recognize certain groups of people or animals as the subject of the law are mainly based on the similarity of these groups with entities that already have legal capacity. For example, fighters for the legal capacity of chimpanzees often appeal to the fact that chimpanzees possess certain qualities of humans, such as intelligence or autonomy. According to some authors, this similarity implies that they can be recognized as both subjects of moral standards and subjects of law [44, p. 494].

The discussion of moral issues and AI in the previous paragraphs leads to several definite conclusions. First of all, since modern AI systems do not have the common enough characteristics with people, we have no moral obligation to recognize them as subjects of law. The second conclusion is that there is no reason to believe that this is impossible in the future. Back in 1992, some researchers stated that “if AI behaved externally correctly and if cognitive science confirmed that the main processes that generate such behavior would be relatively similar to processes in the human mind, we would have a very good reason to relate to AI as subjects of moral and legal norms. Moreover, in the future, when we interact with similar AIs..., we will be forced to clarify our concept of legal capacity” [37, p. 1286].

Summary.

Summing up, we can conclude that potentially AI can be a subject of law. People have no moral obligation to provide a legal capacity to intelligent systems because they have little in common with a person, however, some states can formally do this. The experience associated with endowing the legal personality of legal entities shows us that the corresponding legal structures for recognizing AI as a subject of law already exist.

BIBLIOGRAPHIC REFERENCES.

1. Magun, A.V. (2018). Negative revolution: towards the deconstruction of a political subject. St.P.: Publishing House of the European University in St. Petersburg, 368 p.
2. Rancier, J. (2013). Dissent: Politics and Philosophy. St.P.: Machina, 192 p.
3. Zizek, S. Event. (2018). A philosophical journey through the concept. M.: RIPOL classic, 240 p.
4. Urry, J. (2018). What does the future look like? M.: Publishing house "Delo" RANEPA, 320 p.
5. Solum, B. (1992). Lawrence Legal Personhood for Artificial Intelligences. North Carolina Law Review, 70(4).
6. Zizek. (2014). A sensitive subject: the absent center of political ontology. M.: Publishing House "Delo", 528 p.
7. Virno, P. (2015). Grammar of the multitude: to the analysis of the forms of modern life. M.: Ad Marginem.
8. Butler, J. (2018). The psyche of power: the theory of subjection. St.P: Aleteia, 160 p.
9. Bennett, J. (2018). Pulsating matter: the political ecology of things. Perm: Gile Press.
10. Chestnov, I.L. (2012). Postclassical theory of law. Monograph. St.P.: Publishing House "Alef-Press", 650 p.
11. Malakhov, V.P. (2013). Myths of modern general legal theory. M.: UNITY-DANA. 152 p.
12. Khabrieva, T.Ia. (2018). Law in digital reality // Journal of Russian law, 1, 5-19.

13. Baranov, P., Mamychev, A., Mordovtsev, A., Danilyan, O., & Dzeban, A. (2018). Doctrihal-legal and ethical problems of developing and applying robotic technologies and artificial intelligence systems (using autonomous unmanned underwater vehicles). Bulletin of the National Academy of Culture and Arts, 2, 465 - 472.
14. Delanda, M. (2018). The new philosophy of society: Theory of assemblages and social complexity. Perm: Gile Press, 170 p.
15. Latour, B. (2018). Politics of nature. M.: Ad Marginem Press, 336 p.
16. Latur, B. (2014). Reassembly of the social: an introduction to the actor-network theory. M.: Publishing house of the Higher School of Economics, 420 p.
17. Luo, J. (2015). After the method: mess and social science. M.: Publishing house of Gaidar Institute, 352 p.
18. Delanda, M. (2014). War in the era of intelligent machines. Ekaterinburg: An office scientist; M.: Institute for General Humanitarian Research, 338 p.
19. Harman, G. (2017). Networks and assemblies: the revival of things of Latour and Deland. Logos, 3(27), 1-34.
20. Вадіщu, A. (2013). The mysterious relationship between philosophy and politics. M.: Institute for Humanitarian Research, 112 p.
21. Harari, Iu.N. (2018). Homo Deus. A brief history of the future. M.: Sinbad, 480 p.
22. Vakhstein, V. (2017). Reassembly of everyday life: drones, elevators, and the PkM-1 project. Logos, 27(2), 2-48.
23. Delanda, M. (2017). New ontology for the social sciences. Logos, 27 (3), 35-57.
24. Baranov, P., Mamychev, A., Ovchinnikov, A., Petruk, G., & Krupnitskaya, V. (2017). Interdisciplinary and “post-disciplinary” approaches in the archetypal studies of the public-power organization of society // Man in India, 97(23), 375–387.

25. Arkhipov, V.V., & Naumov, V.B. (2017). Artificial intelligence and autonomous devices in the context of law: on the development of the first law on robotics in Russia. Works of SPIIRAS, 6(55), 46-62.
26. Talapina, E.V. (2018). Law and digitalization: new challenges and prospects. Journal of Russian Law, 2, 5-17.
27. Greenfield, A. (2018). Radical technologies: the every-day-carry device. M.
28. Larina, E.S., & Ovchinskii, V.S. (2018). Artificial Intelligence. Big data. Crime. M.: Knizhnyi mir, 416 p.
29. Ethically Aligned Design. [Electronic resource]. Access mode: *https://ethicsinaction.ieee.org/*
30. Declaration on cooperation in artificial intelligence (10.04.2018) // Robotic law. [Electronic resource]. Access mode: *http://robopravo.ru/initsiativy_frantsii_v_sfierie_robototiekhniki_2013_2*
31. Keisner, A., Raffo, J., Wunsch-Vincent, S. (2016). Robotics: Breakthrough Technologies, Innovation, Intellectual Property. *Foresight and STI Governance*, 10(2), 7-27.
32. Connolly, W. (1993). The Concepts and Theories of Modern Democracy. L.
33. Law, J. (2012). Technology and Heterogeneous Engineering: The Case of Portuguese Expansion. The Social Construction of Technological System: New Directions in the Sociology and History of Technology / W.E. Bijker et al. (eds). Cambridge, M.A.: MIT Press, 105-127.
34. Pasquale, F. (2015). The Black Box Society: The Secret Algorithms Behind Money and Information. Cambridge, MA: Harvard University Press.
35. Salthouse, T.A. (2009). When Does Age-Related Cognitive Decline Begin? *Neurobiology of Aging,* 30(4) (April), 507–514.
36. Delanda, M. (2014). War in the era of intelligent machines. Ekaterinburg: An office scientist; M.: Institute for General Humanitarian Research, 338 p.
37. Solum, B. (1992). Lawrence Legal Personhood for Artificial Intelligences. *North Carolina Law Review*, 70(4).

38. Etzioni, A., & Etzioni, O. (2017). Incorporating Ethics into Artificial Intelligence. *Journal of Ethics,* 21(4), 403-418.

39. Asaro, P. (2007). Robots and responsibility from a legal perspective. In: The IEEE conference on robotics and automation. *http://www.peterasaro.org/writing/ASARO%20Legal%20Perspective.pdf*

40. Danaher, J. (2017). The rise of the robots and the crisis of moral patiency. AI & Society, 1–8.

41. Koops, B-J., Hildebrandt, M., & Jaquet-Chiffelle, D-O. (2010) Bridging the accountability gap: rights for new entities in the information society. *Minnesota Journal of Law, Science & Technology,* 11(2), 497-561.

42. Solaiman, S.M. (2017). Legal personality of robots, corporations, idols, and chimpanzees: a quest for legitimacy. *Artificial Intelligence and Law*, 25(2), 155-179.

43. Bryson, J.J., Diamantis, M.E., & Grant, T.D. (2017). Of, for, and by the people: the legal lacuna of synthetic persons. *Artificial Intelligence and Law*, 25(3), 273-291.

44. Staker, A. (2017). Should Chimpanzees Have Standing? The Case for Pursuing Legal Personhood for Non-Human Animals. *Transnational Environmental Law*, 6(3), 485-507.

45. Schmidt, A.T. (2018). Persons or Property - Freedom and the Legal Status of Animals. *Journal of Moral Philosophy*, 15(1), 20-45.

46. Fraundorfer, M. (2018). The Rediscovery of Indigenous Thought in the Modern Legal System: The Case of the Great Apes. *Global Policy*, 9(1), 17-25.

47. Draft Report of Committee on Legal Affairs (Rapporteur: Mady Delvaux) with recommendations to the Commission on Civil Law Rules on Robotics (2015/2103(INL)), *http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2F%2FEP%2F%2FNONSGML%20COMPARL%20PE-582.443%2001%20DOC%20PDF%20V0%2F%2FEN*

48. U.S. Department of Defense, Law of War Manual, 6.5.9.3 (2015), *http://www.defense.gov/Portals/1/Documents/pubs/Law-of-War-Manual-June-2015.pdf*.

49. Arato, J. (2010). Subsequent Practice and Evolutive Interpretation: Techniques of Treaty Interpretation over Time and Their Diverse Consequences. *The Law and Practice of International Courts and Tribunals*, 9, 443–494;

50. Eirik Bjorge, I. (2011). International Court of Justice, Case concerning the dispute regarding navigational and related rights (Costa Rica v Nicaragua) judgment of 13 July 2009. *International and Comparative Law Quarterly*, 60, 271-279.

51. Hallevy, G. (2010). The Criminal Liability of Artificial Intelligence Entities. SSRN Electronic Journal (February 15, 2010). Available at SSRN: https://ssrn.com/abstract=1564096 or http://dx.doi.org/10.2139/ssrn.1564096

52. Everything You Need To Know About Sophia, The World's First Robot Citizen, Forbes Official site, https://www.forbes.com/sites/zarastone/2017/11/07/everything-you-need-to-know-about-sophia-the-worlds-first-robot-citizen/

53. Foerst, A. (1999). Artificial sociability: from embodied AI toward new understandings of personhood. *Technology in Society*, 21.

54. Davenport, D. (2014). Moral mechanisms. *Philosophy and Technology*, 27(1), 47-60.

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