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(TORT LIABILITY ARISING FROM THE ACT OF ARTIFICIAL INTELLIGENCE TECHNIQUES)

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Abstract:

In this study, we stood on the basis of tort liability arising from the act of artificial intelligence techniques, and we dealt with the concept of artificial intelligence techniques as programmed systems for human behavior and behavior that are carried out through studies conducted on humans for the purpose of applying them to the device or machine. And these technologies are of different types according to their capabilities such as narrow or limited artificial intelligence, general, super or super, as well as artificial intelligence systems have various applications and the most common ones we touched upon in the scope of our research are robots, cars and self-driving planes. And due to the lack of legislative regulation of their own, which raises problems regarding the legal personality of these technologies, they are algorithms that are similar to humans in terms of thinking and behavior and differ in terms of human and biological characteristics, so these technologies cannot be included under natural and legal persons, and the difficulty of determining the person responsible for compensating the damage resulting from the work of these technologies, so reference is made to the general rules of civil tort liability, so the responsibility for the actions of these technologies is established on the basis of responsibility for the actions of things, and that the objective responsibility does not fit with artificial intelligence techniques because of the multiplicity of the chain of intervening in this field from the manufacturer to the programmer And the operator and the beneficiary, since after their manufacture or use, they are out of his control, whether he is a designer, programmer, owner or user, so it was searched for the establishment of tort liability on the basis of liability for defective products, and that this establishment is followed in France and the American judiciary, given that the actions of the rules are the special responsibility for The action of defective products on the damages of artificial intelligence technologies is more in line with the present time in order to bear the burden of responsibility for the damages of these technologies. E techniques for the designer or manufacturer.

Keywords: Artificial Intelligence, Legal Personality, Tort, Tortuous Liability, Defective Products.

INTRODUCTION:

Artificial intelligence techniques are modern technology, not only at the legal level but at the level of the entire society. These technologies took rapid development and entered into various fields of life such as industry, education, medicine, transportation, and agriculture, and it has the ability to provide services to humans very quickly beyond ability, but with it risks It is difficult to determine the responsible person, and in the absence of legislative regulation that raises many questions, do artificial intelligence techniques have a legal personality? And who bears the responsibility for doing artificial intelligence techniques? What is the basis for this responsibility? Does it fix the rules of voluntary responsibility for damages resulting from the actions of artificial intelligence technologies? Or the rules of liability for defective products?

RESEARCH IMPORTANCE:

The importance of the research is to try to develop solutions when legal problems occur due to artificial intelligence techniques and to define a legal framework that can be relied upon when dealing with them, and the shortcoming of the rules of traditional civil tort in determining the damages resulting from these technologies due to the multiplicity of people contributing to its manufacture, so it is difficult to determine the cause of the damage. The legislator

intervenes in setting up a legal system for it that regulates the work of these technologies, how to deal with them, the damages resulting from them, and how the victim obtains his right.

RESEARCH METHODOLOGY:

We relied on the inductive-analytical approach by extrapolating information and facts and what artificial intelligence techniques raise from legal problems related to the rules of tort responsibility and analyzing the legal texts related to the subject of the study in order to reach solutions to the problems raised by the research**.**

RESEARCH PROBLEM:

The problem of the research is manifested in what we will deal with from a relatively recent topic in the legal aspect, and it did not take what it deserves from adequate legal studies according to our knowledge, so addressing the study of tort liability arising from the act of artificial intelligence techniques is of importance due to the absence of an integrated legal system regulating it.

Research scope: The scope of our study is determined by the problems of tort for damages caused by artificial intelligence techniques, which can be addressed according to the general rules for defective things or products.

Research Methodology:

The first topic: The concept of artificial intelligence, its types, applications, and legal inference.

The first requirement: the concept of artificial intelligence and its types

The second requirement: Artificial intelligence applications

The third requirement: - the legal personality of artificial intelligence techniques.

The second topic: The basis of tort liability arising from the act of artificial intelligence techniques

The first requirement: to establish the tort responsibility of artificial intelligence technologies on the basis of responsibility for the actions of things

The second requirement: to establish tort responsibility for the act of artificial intelligence techniques on the basis of product responsibility

The first topic

The concept of artificial intelligence, its types, and its legal inference

In this topic, we will show the definition of artificial intelligence, its types and applications, and the legal personality of these technologies. We divide it into three demands. In the first requirement, we address the definition of artificial intelligence and its types. In the second requirement, we address the applications of artificial intelligence, and we show in the third requirement the legal personality of artificial intelligence techniques.

THE FIRST REQUIREMENT

Define artificial intelligence and its types

Artificial intelligence: It is the process of simulating human intelligence through computer systems to imitate human behavior, their thinking pattern, and ways to make their decisions, by studying human behavior by conducting experiments on their behavior, placing them in certain situations and observing their reactions, their way of thinking and dealing with these situations (Abdul Al-Majid Mazen, The Uses of Artificial Intelligence in Electrical Engineering, A Comparative Study, Master's Thesis, The Arab Academy in Denmark, 2009, p. 17). There are those who know it as the science of inventing machines and computer programs that are characterized by intelligence and mean how machines simulate human behavior and depend on the development of computer hardware and software and are capable of thinking in the same way that the human brain works.(Al-Rahim, The mediating role of the trend towards modern technologies in the relationship between the use of artificial intelligence and marketing innovation, Journal of Financial and Commercial Research, Vol. 22, No. 3,2021, p. 1083.

For our part, we know artificial intelligence techniques as programmed systems for human behavior and behavior that are carried out through studies conducted on humans for the purpose of applying them to the device or machine, so that this device or machine behaves like the human being in thinking and the ability to confront and solve problems.

According to its capabilities, artificial intelligence techniques can be divided into three different types, as follows:

First: Narrow or limited artificial intelligence

This type of artificial intelligence is one of the simplest types, and it has a narrow and limited set of tasks and competencies. These machines cannot do more than what they have been programmed to do, such as self-driving cars or chess on smart devices. This type is considered one of the most common and widespread at the time. Present (Ehab Khalifa, Effects of the Increasing Role of Smart Technologies in the Daily Lives of Humans, Ethjah Ahdath Magazine, Issue 20, p. 63).

Second: General Artificial Intelligence

Each machine has the ability to think and plan on its own and in a way similar to human thinking, and this type can work in a capacity similar to the human ability in terms of thinking, but it requires some abilities such as logical thinking, self-awareness and the ability of the machine to determine its own purpose. Methods for studying this type (Nahida Abada, definition of artificial intelligence, article available online on 1/2/2022 at https://mawdoo3.com/).

Third: - Super artificial intelligence or super.

This type of artificial intelligence exceeds human capabilities and intelligence, because it can perform functions better than what a specialized person can do, and this type has characteristics that help him to learn, plan, communicate automatically and make judgments, but the concept of super artificial intelligence is considered a

hypothetical concept that does not exist in Our Time (Seyed Tantawi Muhammad, Legal Aspects of Artificial Intelligence and Robotics, article available online on 4/2/2022 at https://democraticac.de/?p=64965).

The second requirement

Artificial intelligence applications

The practical applications of artificial intelligence systems are many and varied, and the most common ones that we address in the scope of our research are:

1- Robot: The robot is one of the most prominent applications of artificial intelligence techniques in reality, and it is a smart machine that has the ability to do work that was previously programmed through computer programs or through direct human control and leaves it a degree of freedom to act according to what it faces from Motifs because it is a smart machine, and in most cases the work that robots are programmed into are dangerous and accurate, such as driving autonomous cars, searching for mines and robotic vacuum cleaners (Dr. Abdullah Musa, Dr. Ahmed Bilal Habib, Artificial Intelligence, Revolution in Modern Technologies, The Arab Group for Publishing, i 1, 2019, p. 27). And since robots were used in arbitration, the litigants find themselves standing before a real judge who reads the case papers, investigates them and issues a judgment in the end, and this does not represent any violation of basic legal principles as long as a robot is programmed in a well-designed way that fits the conditions of arbitration, and the main characteristic of arbitration is the flexibility that results from The parties to the arbitration have complete freedom to reach an arbitration agreement, so they have the right to test the robots as arbitrators, and this system has been implemented in Colombia through Siareles Robots (Yassin Abdalla, Robotic Arabitration: To What Extent Could Robots Conduct Arbitrary Procedures 2020, Available at https:// www.researchgate.net/publication/340583752_Robotic_Arbitration_To_What_Extent_Could_Robots_Conduct_Arbitrary_Procedures) These robots were also used to increase the efficiency of lawyers before the judiciary by applying modern methods in electronic management such as the use of the electronic expert system (Samir Morcos, the application of artificial intelligence and expert systems, the magazine of economics and lawyers before the judiciary). , Volume 655, Egypt, 2016, pg. 5). Robots were also used in treatment and diagnosis. In 2004, the da Vinci robot was used to perform surgery at King Khalid Hospital to remove the gallbladder and for heart surgery (Safety traits, robotic technology, a future vision with Arab eyes, Academic Library, Cairo, 2006, i 1, p. 45).

2- Autonomous planes: Drones have spread in many businesses, some of which are capable of making their own decisions, and others that are flown through the human control room, such as planes that are used to monitor borders and agricultural crops, and which have the ability to deliver foodstuffs. Or those that are used in personal photography, such as Nixi cameras that fly away to capture video or photos from a distance (Dr. Adel Abdel Nour, The Basics of Artificial Intelligence, Al-Faisal Cultural House, 1, 2005, p. 50).

3- Self-driving cars: They are cars that are able to walk without human intervention. These cars depend on algorithms for drawing data and maps obtained from built-in warning devices to determine the path of the road, and the warning devices have a radar-like lidar device, a geographic positioning system, and an optical identification system to determine the location of the specified time (Ihab Khalifa, a previous source, pp. 63-64).

The third requirement

The legal personality of artificial intelligence technologies

The legal personality is one of the most important legal problems related to artificial intelligence techniques, and it is known that the Iraqi legislator granted this personality to the natural person and the legal person.

Here, the question arises, can artificial intelligence technologies be included under the recognized legal persons (natural persons and legal persons)?

To answer this question, there is no legislative regulation for artificial intelligence technologies. In addition, the Iraqi legislator did not consider artificial intelligence technologies among natural and legal persons. Therefore, these technologies cannot be included under natural persons because the natural person is a human being who is recognized by law with the authority to acquire rights and bear rights. Obligations (Dr. Anwar El-Amrousy, Natural Person and Legal Person in Civil Law, Mahmoud Publishing House, Cairo, Egypt, 2012, p. 16), unlike artificial intelligence techniques, it is a set of software and algorithms that are similar to humans in terms of thinking and behavior and differ in terms of characteristics Human and biological, as well as they cannot be included among the legal persons even though the legal persons lack human qualities such as artificial intelligence techniques because the legal persons are legally organized by the Iraqi legislator and given the legal personality for their importance in real life and made them a legal representative, unlike artificial intelligence techniques that have no legislative regulation.

Hence the question arises: Is it possible to recognize the legal personality of artificial intelligence techniques? To answer this question, there are views between supporters and opponents of granting legal personality to these technologies.

First:- A trend that supports granting legal personality to artificial intelligence technologies and derives its point of view from the European Parliament resolution issued in 2017, which proposes to the European Commission to rely on the rules of civil law for smart robots and try to create a legal personality of its own on a temporary basis and establish its own insurance system (Alexandra Bensamoun Stratége euroupéenne Sur I'intellgence artificielle; Toujours á la mode éthique, Recueil Dalloze, 24 mai 2018, p1022). In a special registry was created for this purpose and made it respond to the compensation claims brought against it (Dr. Muammar Ben Tariah, Damage to Robots and Artificial Intelligence Techniques: A New Challenge to Civil Liability Law, Annals of the University of Algiers, Special Issue, International Forum: Artificial Intelligence, a new challenge to the law, Algeria, 27, 28 November 2018, p. 135).

Second:- A tendency that refuses to grant legal personality to artificial intelligence technologies and derives its point of view from the fact that granting legal personality to these technologies is difficult to separate the error of robots from the error of the designers and users of these technologies and leads to the non-responsibility of the designers and users of these technologies and their low interest in manufacturing robots, in addition to that the desired benefit From the use of artificial intelligence techniques that do not require giving them unfair legal positions, thus we face in society unreal legal personalities (Dr. Muammar Ben Tariah, previous source, pp. 135-136).

For our part, we see the need for the Iraqi legislator to intervene in the development of a legal system for artificial intelligence techniques as a result of the rapid developments in our time and their entry into various areas of legal, medical, and economic life .... etc., and to give them an independent legal personality in addition to the natural person and the legal person because it is important at the time The current one is not less than the importance of legal persons and has peculiarities in terms of its design, establishment and importance, to determine who is responsible for the damages caused by these technologies.

The second topic

Establishing tort liability arising from the act of artificial intelligence techniques

Due to the absence of legislative regulation of artificial intelligence techniques, it is difficult to determine the person responsible for compensating the damage caused by the work of these technologies, so the reference is made to the general rules of civil tort liability, responsibility may be based on the actions of defective things and products. Establishing the tort responsibility of artificial intelligence technologies on the basis of responsibility for things, and we address in the second requirement the establishment of the tort responsibility of artificial intelligence technologies on the basis of product responsibility.

The first requirement

Establishing the tort of artificial intelligence technologies on the basis of responsibility for things

In the application of the rules of civil tort liability to artificial intelligence, we must show the extent to which artificial intelligence is considered something in order for us to apply the general rules related to voluntary responsibility. Therefore, it is necessary to refer to the general rules and to clarify the concept of the thing in the law and the appropriateness of these techniques to subject them to those rules.

With reference to the provisions of Article (231) of the Iraqi Civil Code No. 40 of 1951, (everyone who has at his disposal mechanical machines or other things that require special care to prevent their harm shall be responsible for the harm they cause unless it is proven that he took sufficient precaution to prevent this from happening. damage, without prejudice to the special provisions contained therein) (corresponding to Article 1384 of the French Civil Code and Article 178 of the Egyptian Civil Code No. 131 of 1948). It is based on exempting the aggrieved party from the burden of proof, but it gives the official the right to deny the error on his part if he proves that he took caution and caution and that the damage occurred because of a foreigner who has no hand in it (Dr. Abdul Majeed Al-Hakim, Dr. Abdul Baqi Al Bakri, Dr. Muhammad Taha Al-Bashir, Al-Wajeez in the Theory of Commitment in the Iraqi Civil Law, Legal Library, Baghdad, Part 1, 2018, pg. 379 He has actual control over something It is used for his account at the time of the damage, and this guard assumes the existence of two material and moral elements (Mohsen Abdel Hamid Ibrahim Al-Bayh, The General Theory of Obligations, Sources of Obligation, part 2, Al-Galaa Al-Jadida Library, Mansoura, Egypt, 1993, p. 158). The material element is that the custodian has the authority to supervise, use and direct and exercise it independently, while the moral component is that the custodian exercises this authority to achieve a personal interest and for his own account (Dr. Amman, Jordan, 1st Edition, 2009, pp. 122-123. The designer of artificial intelligence techniques is the person who programmed or designed artificial intelligence systems, while the artificial intelligence factory is the company or person who made the machine or the intelligent system and brought it out of the design and innovation space into physical existence (Dr. Ahmed Ali Hassan Othman, Reflections of Intelligence Artificial Intelligence on Civil Law, a comparative study, Journal of the Faculty of Law, Zagazig University, No. 67, 2021, p. 1580). It may be the doctor who used a robot in the surgery, the hospital owner, or it may be the manufacturer, the programmer, or anyone else who has effective control of the robot (ALKarar Habeeb Jahlool, Husain Obais Ouda, Civil Liability for damage caused by the robot, Root Educational&Social Science Journal, Volume 6(5),2019,p749) Likewise, the Quebec judiciary went to a case whose facts are summarized in that the plaintiff was injured when the freight elevator fell to the basement of the building. The defendant (the guard) was unable to prove that the injured person had occupied A.I.Crop.c.Bass,[1974]noAZ-740110779C.A, the elevator in a way that led to this bad situation, as the facts showed that he had operated it in a very natural way and that the fall was due to latent self-problems that the defendant was unable to uncover.)) referred to by Dr. Mustafa Abu Mandour Musa Issa, the adequacy of the general rules of civil liability in compensating the damages of artificial intelligence, a comparative analytical study, research published in the Damietta Law Journal for Technical and Economic Studies, Faculty of Law, Damietta University, No. 5, 2022, p. 302).

Here, the question arises: Are artificial intelligence technologies considered a thing?

In order to answer this question, we note from the text of Article 231 of the Iraqi Civil Code that the word "something" came in an absolute and did not specify that the thing is dangerous by its nature. With its circumstances and circumstances (Dr. Amjad Muhammad Mansour, The General Theory.

Is it possible to apply the rules of tortuous responsibility to artificial intelligence techniques to establish the tort responsibility of the designers and manufacturers of these technologies for the harmful acts arising from them?

To answer this question, we see, on our part, the difficulty of applying the rules of voluntary responsibility for harmful acts arising from these technologies, because these rules, in accordance with Article (231) of the Iraqi Civil Code, give the designer and the factory the right to get rid of the responsibility because it is based on an assumed error that is provable to the contrary, and if The idea of this error was based on exempting the aggrieved from the burden of proof, but the official could be given the right to get rid of this responsibility by proving that he had taken care and caution and that the damage was caused by a foreigner. Objective responsibility is not valid with artificial intelligence techniques due to the multiplicity of the chain of intervening in this field from the manufacturer to the programmer, the operator, and the beneficiary. The user launching these cars is out of his control, so how do we consider this person a guard, in addition to that, we are in the process of determining the error among the many actions that these people do, especially since the act issued by artificial intelligence devices is a complex, invisible and unknown location or His time is in a virtual world, and the matter becomes more complicated when the damage is immaterial (Dr. Mustafa Abu Mandour Musa Eis, the adequacy of the general rules of civil responsibility in compensating artificial intelligence damage, research published in Damietta Journal of Legal and Economic Studies, Faculty of Law, Damietta University, No. 5, 2022, pp. 254-255). This makes us look for a more appropriate basis for the damages resulting from the action of artificial intelligence techniques.

The second requirement

Establishing the tort responsibility for the actions of artificial intelligence technologies on the basis of product responsibility

With reference to the general rules and a statement of the concept of the product in the law and the appropriateness of artificial intelligence techniques to subject them to those rules. Article (1/paragraph VI) of the Iraqi Consumer Protection Law No. 1 of 2010 states that (the supplier is every natural or legal person, producer, importer, exporter, distributor, the seller of the commodity or service provider, whether he is an original, a mediator or an agent) and the producer in Artificial intelligence techniques are the designer or manufacturer, and Article (1/2) also states that (a commodity is every industrial, agricultural, transformative, semi-manufactured, raw material or any other product that can be calculated or estimated by counting, weight, measure or measurement is prepared consumption), according to this text, the product has a broad concept that includes artificial intelligence techniques. The product deals with all movable things without specifying their material and moral nature (Muhammad Irfan Al-Khatib, Civil Liability and Artificial Intelligence, the possibility of issue, an analytical study of the rules of civil responsibility in the French Civil Law, research published in the Journal of the Kuwaiti Law College, 8th year, No. 1, 2020, p. 130) . In order for the designer or factory to be responsible, artificial intelligence techniques must be produced and prepared for circulation. The European Court of Justice ruled in its decision on February 9, 2006, that the product is considered open to circulation as soon as it has been manufactured by the manufacturer and entered into the marketing stage, according to which the product is presented to the public for purchase (referred to by Dr. Mohamed Ahmed El-Madawy, Civil Liability for Robots with Artificial Intelligence, published research In the Legal Journal in Legal Studies and Research, p. 344). Article (8) of the Iraqi Consumer Protection Law states that (the supplier shall be fully responsible for the rights of consumers for his goods, merchandise or services, and his responsibility remains in place throughout the warranty period), and in Egypt Article (67/1) of the Commercial Law No. 17 of 1999 that (the producer and distributor of the commodity shall be asked before anyone who suffers physical or material damage caused by the product if the person proves that the damage arose due to a defect in the product), but in France Article (1245) of the Civil Code states The French states that (the producer shall be responsible for the damage resulting from the existence of a defect in his products, whether it is related to a contract with the injured party or not).

In the context of the foregoing, we clarify the conditions of responsibility for the actions of defective products and their application to artificial intelligence techniques, so we address them in turn:

First: It is required that the artificial intelligence techniques be defective.

Defect is the basic condition for establishing liability for defective products. Article (1245/4) of the French Civil Code clarifies the concept of defect as (a product is considered defective if it does not provide the safety that a person can legitimately expect), in accordance with this text is achieved A defect in the product when it does not provide security and safety for the consumer and threatens the economic benefit, or makes the product not achieve the purpose for which it was prepared, and the victim is not obligated to prove the seriousness of the products nor the product's fault, but he is required to prove the existence of the defect and damage (Mash Nadia, product responsibility, a comparative study with French Law, Master's thesis submitted to the Faculty of Law, Mouloud Mammeri University, Tizi Ouzou, 2012, p. 48), and in this context, for example, if a plane or a self-driving car was designed with a defect that poses a fundamental danger when used, and the company did not inform the customers of the risks associated with it. By which the responsibility of the producer is achieved as soon as it is proven that there is a defect in it. The defect is required to be old, i.e. present at the time of the buyer receiving the sold item from the seller, and hidden and unknown to the buyer, i.e. not visible and influential, i.e., it decreases from the price of the sale to traders and experienced people (based on the provisions of Article 588 of the Iraqi Civil Code corresponding to Article 447 of the Civil Code) Egyptian). With regard to artificial intelligence techniques, it is required that the defect surrounding the smart machine or system was presented by the designer and manufacturer, and is unknown to the buyer when it is delivered. Of the defects upon delivery, then the defect occurred by the buyer's action by his interview.

Second: It is required that defective artificial intelligence techniques be a source of harm.

It is not enough to establish liability that the product is defective, but rather requires that the product cause harm to others, and that the defect is the cause of the damage claim for compensation, and the injured party is obligated to prove that the damage is caused by a defect in the act of artificial intelligence techniques (Abdul Razzaq Wahba Sayed Ahmed Muhammad, Civil Liability for Damage Artificial intelligence, an analytical study, research published in the Journal of Sterile Legal Research Generation, Majmaah University, Saudi Arabia, No. 43, 2020, p. 26). In this regard, an incident occurred in 2016 after a woman purchased an automatic vacuum cleaner, where the woman programmed the vacuum cleaner on the basis that it would automatically clean the place as soon as anything fell or fell on the ground. Automatically sensing that there was something on the ground, which resulted in the vacuum cleaner sucked this woman's hair, forcing her to call the emergency service (referred to by Dr. Mohamed Ahmed El-Madawy, previous source, p. In its course and consequent damage to this defect.

Based on the foregoing, if the above conditions are met, we can consider that the damage caused by artificial intelligence techniques is the result of the failure of the designer or manufacturer of these technologies to provide safety and security to the consumer, so the defect is achieved in the product, and it requires proof of the defect and its relationship to damage, so the responsibility of the product is based on the idea of risks.

Here, a question arises, is it appropriate to apply the rules of product responsibility to the actions of artificial intelligence techniques?

In France, the responsibility for the act of artificial intelligence technologies is based on the organized responsibility for the act of defective products, based on what the French Parliamentary Institute for Scientific and Technological Evaluation took in its report issued in 2017, which concluded that the burden of compensating the damages of artificial intelligence technologies falls on the designer of artificial intelligence or its manufacturer. According to the general principle, and in exceptional cases, it falls on the shoulders of the owner or user (Muammar bin Tariah, previous source, p. 130). Likewise, the American judiciary tried to establish responsibility for the damages caused by artificial intelligence techniques on the basis of responsibility for the actions of defective products. The burden of compensation falls on the manufacturers of the technical machine or the intelligent system, but it concluded that this establishment was not proven, due to the difficulty of applying the rules of product responsibility regarding the damages of an act Artificial intelligence techniques, because these technologies are systems that have the ability to self-learn and make independent decisions so that it is difficult for the injured to prove the existence of a defect or defect in them. The hands of the designer or the manufacturer (Dr. Ahmed Ali Hassan Othman, previous source, pg. 1592). In a case whose facts are summarized in the patient filing a lawsuit against a hospital that performed surgery on him through a smart system, although the system had technical problems when operating, the court rejected the lawsuit and based its ruling on the fact that what it concluded was that the medical expert report was not sufficient To condemn the smart surgery system, in order to ask about the damage caused to the patient, although this system issued error messages during the operation and stopped taking orders from the smart operator. The patient was injured, and in addition to that, it is necessary to prove that the smart surgery system was malfunctioning during the operation (referred to by Dr. Muammar Bin Tariah, previous source, p. 125).

From our side, we see that the establishment followed in France and the American judiciary, which is the work of the rules, the special responsibility for doing defective products on the damages of artificial intelligence technologies is more in line at the present time in order to bear the burden of responsibility for the damages of these technologies to the designer or the manufacturer with respect to artificial intelligence technologies with a limited scope Because it is programmed according to orders and instructions, it cannot do anything more than it has been programmed to do, but it is not without some negatives for the devices of general or superintelligence. They have complete independence and have a capacity similar to human ability and intelligence or superiority and the difficulty of proving the technical defect, for example, if you act the machine is wrongly done without an error, neither in the design nor in the manufacture. That would provide protection for the injured from the damages arising from it.

CONCLUSION

1- Technological developments have led to the production and manufacture of artificial intelligence techniques programmed electronically according to orders and instructions and have a capacity similar to or superior to human ability and intelligence.

2- Artificial intelligence techniques are divided according to its capabilities into narrow and limited artificial intelligence, general artificial intelligence, and super or super artificial intelligence.

3- Artificial intelligence technology systems have many and varied practical applications, the most common of which are robots, cars and self-driving planes.

4- Jurisprudence is divided into two directions, a trend that supports granting legal personality to artificial intelligence techniques, and a trend that rejects granting legal personality to these technologies.

5- The inappropriateness of establishing tort responsibility for the act of artificial intelligence techniques according to the general rules on the basis of the objective responsibility theory that is based on an assumed error that can be proven otherwise.

6- France and the American judiciary establish responsibility for the act of artificial intelligence techniques on the basis of the theory of liability for defective products, which requires the injured party only to prove the existence of a defect in the product and the damage caused by this defect.

RECOMMENDATIONS:-

1- From our side, we see that the establishment followed in France and the American judiciary, which is the work of the rules, the special responsibility for doing defective products on the damages of artificial intelligence techniques is more in line at the present time in order to bear the burden of responsibility for the damages of these technologies to the designer or manufacturer with regard to artificial intelligence technologies of a scale It is limited to being programmed according to orders and instructions that cannot do anything more than what it has been programmed to do, but it is not without some negatives for the devices of general or superior intelligence.
2- The Iraqi legislator is still silent about artificial intelligence techniques and has not allocated a special regulation for them, so the general rules of civil tort liability remain the ones that govern them.
A- Artificial intelligence techniques: They are programmed systems for human behavior and behavior through studies conducted on humans for the purpose of applying them to the device or machine, so that this device or machine behaves like the human being in thinking and the ability to confront and solve problems.
B- Recognizing the independent legal personality of artificial intelligence techniques in addition to the natural person and the legal person because their importance at the present time is no less than the importance of legal persons and has peculiarities in terms of its design, establishment and importance, to determine who is responsible for the damages of doing these technologies.
C - Establishing civil liability for the damages of artificial intelligence technologies on the element of damage, which would provide protection for those affected from the damages arising from them.
d- Establishing a national council for artificial intelligence from all government agencies to develop a national strategy for artificial intelligence to achieve a new civilized achievement.
C- Setting up an insurance system for the damages caused by these technologies.
3- Spreading the correct culture about artificial intelligence techniques to educate people about the legal problems related to them through conducting television and radio programs.
4- Preparing programs for artificial intelligence and paying great attention to education and research in the field of artificial intelligence, with the provision of financial grants to enhance academic research in this field.

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