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THE LEGAL STATUS OF CHATBOTS: PROBLEM STATEMENT AND SOLUTIONS

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Abstract. *In this article, the authors give the concept of a chatbot, describe the structure and purpose. The issues of the legal character of chatbots are considered, including the possibility of using artificial intelligence in the legal environment. Existing intelligent programs that provide legal services are presented, the practice of application of electronic services is given. In addition, the study reflects the identified problems of determining the legal status of the chatbot as a person of the organization that uses it. Ways of solving the indicated problematics by means of recommendations for making changes in the current legislation of the Russian Federation are offered.*

Keywords: *chatbot, artificial intelligence, responsibility, subject of law, legal status, legal position.*

Today, the relevance of this research topic is based on the dynamic development of the modern world and the active implementation of digitalization in all spheres of society. One of these innovations is already being actively used all over the world, and that is chatbots.

Virtual assistants facilitate the work of, for example, a lawyer, but it is not uncommon for an electronic assistant to give the wrong solution to a problem: a chatbot is a program, and a legal case is unique. In addition to determining who is responsible for the actions of a chatbot, there is a pressing issue of defining the definition of "chatbot": what to recognize as such a program? We should not forget that in some cases, the electronic assistants collect personal data. However, does the consumer know about it? Is the person protected from information leakage?

Although the IT industry is developing quite rapidly in the area of chatbots, especially between 2020 and 2023, the first chatbots in history appeared more than half a century ago.

The first chatbot in history is considered to be a bot named Eliza, created in 1966 by Massachusetts Institute of Technology professor Joseph Weitzenbaum. Eliza's task was to communicate with patients in a mental hospital, keep them company and maintain a social environment. Elisa's creation gave a major boost to the development and implementation of artificial intelligence technology in human life.

What is the functionality of chatbots today? Let's define the object of the study and answer the question posed.

A chatbot is a computer program that conducts a conversation using auditory or textual methods. Chatbots (or virtual interlocutors) are used in conversational systems for a variety of practical purposes, including customer service or information gathering.

Speaking about a unified concept, requirements for the structure and technology of a chatbot — they are not currently fixed, but it is clear that the main task of any chatbot is the analysis of contextual information and its processing with the usage of the tools available on the chosen functioning platform.

It is important to understand that all the mechanisms are triggered directly by the "interlocutor" of the bot (customer, client), by entering certain requests and providing text documents in supported formats. The result of the interaction between the bot and the client can be a consultation, analysis, and preparation of a document of a legal character.

Therefore, the functionality of the chatbot consists of the following aspects:

— recognition of texts and voice queries in the specified language;

— analysis of written and spoken information;

— creating and forwarding informative messages to both group chats and a specific recipient;

— work with general services of the Internet or with individual portals of user (user's choice).

Chatbots can be relatively simple programs using the power of artificial intelligence, or multicomplex, complex, performing a number of tasks.

Today there is an increasing growth of chatbots that use NLP — the field of natural language processing, for example, the computer's ability to understand the user's intentions when communicating by analyzing the text entered.

The following main types of chatbots are distinguished by the type of purpose:

— assistant bots (e.g., Weatherman_bot, which sends the weather in the city);

— bots using artificial intelligence (provide the advantage of a more realistic conversation with the user);

— bots for entertainment (text or animated games);

— bots for business (today such bots are able to integrate information into devices and programs used by employees of organizations, for example, Excel tables or CRM systems, to make money transfers and other operations).

All these subspecies of chatbots make up two big groups: simple and complex chatbots.

Thus, speaking of simple chatbots, Sleptsova Yu. N. characterizes them as programs acting according to a predefined list or algorithm, based on what the user chooses from the suggested actions.

Complex bots, on the other hand, are based more on artificial intelligence, which makes them more "flexible": programs are able to learn as they interact with the client, which allows them to perform even more complex tasks in the future. Here we mean not only working with audio and textual information, but also with photo and video materials.

In addition to business bots (conversational assistants), textbooks and educational literature, there are also technical chatbots (usually based on artificial intelligence and rules — a mixed type).

Nowadays the prescriptive definition and other legal issues of application of such legal relations concerning chatbots are not fixed, but there is an opinion that a chatbot may well perform some functions of a lawyer.

Many large IT, insurance, financial, and legal companies use bots to perform simple algorithmic actions and even simple customer support.

Chatbots of legal companies are often able to conduct consultations, introduce the company's specialists, offer options for solving disputable issues, and work with documentation. We have selected the most useful active legal bots:

— *Docubot* — creates legal documents, analyzes legal websites and generates samples of applications, petitions, contracts, etc.;

— *LawBotLexi* and *Legalibot* are designed to analyze documents for grammatical and semantic errors;

— *LISA* — makes non-disclosure agreements;

— *COntractINtelligence* — supports loan agreements;

— *Visabot* — assists immigrants on permits;
— *RentersUnion* — chatbot for finding and renting housing;
— *Doogue O`BrienGeorge* — drafts speech for court based on;
— *Ross* — Bankruptcy Lawyer Consultant;
— *DoNotPay* — bot for help with small legal problems.

As for the legal status of chatbots, it is somewhat undefined: a chatbot cannot be a subject of legal relations, as it is only a product, the development of software, which makes the bot exactly the object of legal relations. However, the central question remains — with whom does the client have a dialogue? Is the chatbot an official representative of the company or just an online reference service?

Unofficially, a chatbot that conducts correspondence with clients automatically becomes a subject of a legal entity — its representative, and again the question is whether the chatbot's answers can be regarded as the company's position. The question arises: who is responsible in this case if chatbot's recommendations led the client to a negative result, which is sometimes irreversible in the legal field?

Now chatbots being a complex software unit communicating with the client, are recognized as a full-fledged official representative of a business entity and, accordingly, the legal entity itself is responsible for the actions of the chatbot. We fully agree with this position because the legal entity itself participates in the development of chatbots by putting certain options and skills in them and thus gives a number of powers, defines their scope. Unfortunately, as with a live lawyer, there is never a hundred percent guarantee of winning a case, nor is there a guarantee that the client will not suffer losses.

We have identified a number of features that we can recommend that companies and private practitioners consider when working with chatbots:

— the chatbot has the status of intellectual property of the company-developer;
— determination of the legal entity's responsibility (in other words, the simpler the chatbot and its functionality, the fewer chances the client has to hold the company liable: the chatbot is still more of a reference interface than a thinking employee with a legal background and practical experience).

To avoid negative consequences, we recommend companies, especially legal ones, when using chatbots to fully explain to clients the rules of using a chatbot, specifying the peculiarities of such a service. For example, by placing on the official pages (accounts) or in the description of the chatbot instructions on working with the resource, privacy policy, etc.

Who is responsible for the wrongly generated for the principal legal document, wrongly given advice, which may well lead to the rejection of claims, the omission of procedural deadlines?

Regarding the issue of liability, we have identified two options:

— liability lies with the company that owns the chatbot (e.g., the law firm on whose behalf the chatbot is acting);

— the responsibility lies with the developer (only the exclusive rights to the objects are affected here). It should be noted that with the transfer of development follows the transfer of rights to its results to the organization that uses the development (chatbot in this case). But even this point is increasingly regulated by a simple form of agreement between the developer of the chatbot and the company for which it will be created.

Therefore, we conclude that the subject, providing services and using a chatbot for this purpose, is responsible — the legal entity or an individual entrepreneur itself.

Despite the dynamic step forward of science in the field of artificial intelligence, the provision of legal services by a chatbot alone (without the support of a lawyer on duty) can only be of an informative, reference and informational character.

Professional lawyers are the only category of citizens who are the least exposed to the risk of receiving a negative result, because most often they turn to bots to receive a standard document or a short answer to the request and are able to assess the quality of the material provided independently. Also, legal practitioners help to improve the program by testing it, tracking changes in the legislation (again, we conclude that the chatbot is an assistant to the lawyer, but not a complete substitute for the lawyer).

A practicing lawyer of bankruptcy consulting in the city of Kazan asked us a question: how do we guarantee the security of personal data of the principals? We answer — the risk of leakage of personal information can't be reduced by one hundred percent, neither by a real lawyer nor a whole company, nor a chatbot. It is elementary at the level that information about principals is stored in spreadsheets, on electronic media, in databases. Like the chatbot, these systems are hypothetically hackable (not to mention the lockers in the filing rooms turnkey, although 4 out of 5 law firm employees surveyed responded that they store this kind of information on electronic media).

For both — a live lawyer and a chatbot — the general conditions of liability for personal data leakage can be applied. In order to minimize such incidents, we suggest not set questions when answers can reveal personal data in the chatbot program or to regularly monitore the work of services responsible for information security.

Analyzing the structure and functionality of modern chatbots, we came to the halfway conclusion that chatbots can be used quite successfully for template work, but will hardly be adapted to intellectual work, empathy, and search for non-standard, creative solutions, like a live lawyer.

The decision to create chatbots for a law firm stems from a desire to optimize the technical work of employees, increase the flow of clients and reduce the speed of information processing without limiting the process to the time of day.

Besides, chatbots have no days off, are devoid of human factor, due to which they could make a mistake, and also have special algorithmic protection.

However, we have identified a few problems that have not been resolved to date:

— The concept and legal status of a chatbot. The lack of a concept and consolidation of the legal status of a bot deprives it of the possibility to be part of a legal entity and officially express the position of the organization. In addition, an issue arises for the client: how to evaluate the actions and recommendations of the bot? Who is responsible in the case of an error?

— Information security. We singled out the issues of information security as a separate issue, because today the developers and owners are not obliged to provide chatbots with programs protecting against leakage of received data.

As possible ways of solving the identified issues in the legal regulation of chatbots, we consider it necessary to make the following additions:

— Federal Law "On information, information technologies and information security" dated 27.07.2006 No. 149-FZ, with provisions on the concept and legal status of chatbots as the subject of legal relations, as well as specific paragraphs of articles on the obligations of chatbot owners to provide information and instructions on the use of robots, for example, a statement on the official website: "This chatbot is an automated help service and is for informational purposes only".

— Federal Law "On Personal Data" dated 27.07.2006 N 152-FZ by provisions obligating persons who use in their activities automated systems to collect and store personal information to ensure the maintenance of such systems with professional algorithms of protection against leakage of data obtained and its transfer to third parties.

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