Artificial intelligence and civil liability

The issue of civil liability for damage caused by artificial intelligence applications has several areas of relevance, the investigation of which requires, through the use of other sciences, an adequate understanding of the boundaries of the phenomenon enclosed in the fascinating syntagma just recalled (artificial intelligence). And this, for the purposes that it deals with here, instrumental to a representation of the risks associated with its use, and therefore a critical analysis of the management techniques contained in some regulatory solutions (those relating to the unlawful processing of personal data contained in Reg. EU 679/2016), or in some interpretative proposals from doctrine of our legal system.

In particular, apart from the hypothesis relating to the discipline referred to in the European Regulation referred to above, the survey which is the subject of our study poses first and foremost a methodological problem, since, in fact, to verify whether the damage caused by applications of artificial intelligence is attributable to one of the models of liability provided by our law, or whether it is necessary to identify for it an autonomous model.

Indeed, the unquestionable advantages of artificial intelligence systems lead us to examine the regulatory solutions adopted and the interpretative proposals put forward so far, taking into account their ability not to hinder the dissemination of new technologies and, therefore, not to undermine the confidence of their users. In this perspective, research necessarily implies a reflection on the functional dimension of civil liability.