

Electronic Agents and Legal Personality: Time to Treat them as Human Beings

Waleed Al-Majid

PhD Candidate, Law School, Lancaster University

Email: waleed_978@hotmail.com

Abstract

Today, most computer programs are no longer those sorts of normal softwares function depending on their users. Artificial intelligence's creators offer particular softwares can do things with little or no human discretion. Such softwares which, at present, became so called "e-agent" can operate without any direct intervention or control from human beings. In fact, the entire point of e-agent is to allow transactions to take place without any need for human traders to review or even be aware that the transaction has been made. It can generate agreements without the individual being even aware that a contract negotiation has been initiated, let alone concluded.

These sorts of autonomous agents opened the door to review the fact that law still treats them as mere instruments. If e-agent sometimes forms agreements are not intended or expected, should such agreements be attributed to the user? In the fact of lacking legal capacity of e-agent, the law seems has no option only to attribute the agreements to the user. Although it is the current trend of most legislations today, two problems are the result of taking such approach. First, which is most important, it threatens the traditional principle where there was no meeting of two minds. Second, it ignores the fact that e-agent works autonomously.

This paper, in order to avoid such results, suggests e-agents to become part of the contracts by conferring them legal personality. This would entitle them to enter into contracts, acquire rights and duties on their own and therefore enable them to sue and to be sued as well. The discussion though, would argue that although this idea may solve the issue of using e-agent in contract formation, it is not free from criticism. Rather, the criticism is given here seems more than the support is received. Therefore, the paper shows the various views created toward this approach. For example, while some commentators stood against the entire idea, considering tools can impossible be treated as human beings, others went to claim that conferring legal personality to e-agent is not of great importance and would not solve any legal problem.