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TÍTULO: La inteligencia artificial en las actividades políticas y jurídicas modernas de la sociedad: problemas y contradicciones de la transformación digital.

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RESUMEN: Este artículo analiza el contenido de los conceptos de "inteligencia" e "inteligencia artificial". Los autores discuten los principales problemas de digitalización de la esfera del derecho público, y realizan modelos de las direcciones y perspectivas para la implementación de sistemas de inteligencia artificial en la sociedad moderna. En particular, el artículo analiza las contradicciones y perspectivas para la implementación de sistemas de inteligencia artificial en actividades socio-legales específicas relacionadas con la protección de los derechos, libertades e intereses legítimos de una persona y un ciudadano.

PALABRAS CLAVES: Inteligencia, Conciencia, Estado, Inteligencia Artificial, Modelado.

TITLE: Artificial intelligence in modern political and legal activities of the society: problems and contradictions of digital transformation[1].

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ABSTRACT: This article analyzes the content of the concepts of “intelligence” and “artificial intelligence. The authors discuss the main problems of digitalization of the public law sphere, carry out modeling of the directions and prospects for the implementation of artificial intelligence systems in modern society. In particular, the article analyzes the contradictions and prospects for the implementation of artificial intelligence systems in specific socio-legal activities related to the protection of the rights, freedoms, and legitimate interests of a person and a citizen.

KEY WORDS: Intelligence, Consciousness, State, Artificial Intelligence, Modeling.

INTRODUCTION.

Currently, most civilized countries of the world entered the period of the fourth industrial revolution. Klaus Schwab, President of the World Economic Forum in Davos, in the preface to his book “The Fourth Industrial Revolution”, noted that “we are at the origin of a revolution that will fundamentally change our lives, our work, and our communication. In terms of scale, volume, and complexity, this is a phenomenon I consider to be the Fourth Industrial Revolution, which has no analogs in all previous experience of mankind” [1].

The fourth industrial revolution is characterized by such basic components as the complete digitalization of the life activity of society, relations, services, the virtualization of public relations and interconnections, the digital algorithmization of the overwhelming majority of social processes, control systems, etc. As is known, a revolution in any sphere of activity inevitably entails profound qualitative changes in society’s worldview, its life forms, and in changing the fundamental methods

and tools used in organizing and carrying out social activities, maintaining the integrity and reproduction of social systems.

The latter can be completely attributed to a qualitative change in law enforcement. The digitization of this activity is not limited to the rationalization and automation of various processes in law enforcement but should lead to fundamental structural changes affecting both the relationship between elements of the law enforcement system, as well as between the very law enforcement system and society. The research is devoted to these acute problems and modeling of the directions and prospects, and key problems of the digital transformation of legal activity. In particular, the article analyzes the contradictions and prospects for the implementation of artificial intelligence systems in specific socio-legal activities related to the protection of the rights, freedoms, and legitimate interests of a person and a citizen.

DEVELOPMENT.

Overview of positions, approaches, and interpretations.

In the Russian Federation, as in most other modern states, the problems of boosting the development and implementation of artificial intelligence systems in the life of society are raised and themed at the highest level. For example, President of the Russian Federation Vladimir Putin noted that "artificial intelligence is not only the future of Russia but also the future of all mankind. There are enormous opportunities and threats difficult to predict today. The one who becomes the leader in this sphere will run the world" [2].

It is obvious that today many areas of activity are rapidly approaching the full digital model of the organization. However, the modern Russian state, in our opinion, has somewhat lagged behind in this process from the advanced Euro-American and many Asian states. This is especially characteristic in the aspect of the digital transformation of law enforcement; the latter is also rapidly moving to digital technologies in the modern world [3; 4; 5].

Chairman of the Constitutional Court of the Russian Federation V. Zorkin in the article “Reflection on the margins of the St. Petersburg International Legal Forum”, outlined his view on the digital revolution and predicted the onset of the use of artificial intelligence, including in legal proceedings. Experts predict a revolution in the cognitive and evidential base (digital traces as electronic evidence; new types of forensic examinations); the increase in the number of electronic means of organizing court work (electronic document circulation, electronic business, intellectual systems for analyzing case materials, legal regulation); development of an electronic participation system in the process (video conferencing, electronic agendas and SMS notifications, electronic copies of case files) [6].

Publications appeared suggesting that artificial intelligence would soon find application in the judicial system to generate model court decisions and create an automated system for controlling judicial practice [7].

Meanwhile, in the US, the law company - Baker&Hostetler, since 2016, has been using a ROSS robot with artificial intelligence to select precedents for specific bankruptcy cases, taxes, and medical insurance. What takes hours for a man-lawyer, takes seconds for a robot lawyer. Developed at Stanford University, the DoNotPay robot litigates fines for car owners. For two years, the robot lawyer has served over 250,000 clients, most of whom have escaped punishment. JPMorgan's COIN program has automated the work of its lawyers on the analysis of loan agreements. Previously, this work required hundreds of thousands of man-hours of labor costs annually. Now cases are decided in seconds [8].

Professor I.N. Glebov believes that half a step is left to mankind before the robots appear: judges, prosecutors, lawyers, collectors, realtors. They will be able with mathematical precision to solve almost any legal matter, to impartially withstand the given parameters of objectivity and humanism. At the same time, they will not be lazy, stupid, take bribes, or even “demand” privileges and immunities unaffordable for the state budget. The human judge will only have to control and program the robot judge [9].

The judge of the Constitutional Court G. Gadzhiev believes that robots will not be able to consider criminal and civil cases in the foreseeable future, since they are not able to take into account all the details, including the human factor [10].

Thus, there are very different points of view on the issue of the use of artificial intelligence in the field of law. Both the President of Russia and the chairman of the Constitutional Court of the Russian Federation, like most other authors dealing with the topic of artificial intelligence, did not disclose the content of this ambiguous phenomenon.

The main approaches to the interpretation of the concept of "artificial intelligence".

In this regard, it is appropriate to recall the statement attributed to French mathematician, philosopher, physiologist, mechanics, and physics, whose ideas played a key role in the development of several scientific branches - Rene Descartes: having precisely defined the meanings of words, you will save Mankind from half of the delusions [11]. It seems that Descartes's statement fully refers to the need to define the concept of "artificial intelligence" due to the fact that there is no strict definition of the concept of "natural intelligence".

Intelligence is a concept that has many meanings and conceptual interpretations. Thus, according to the Universal Dictionary, the word "intelligence" is borrowed from German or French in the first third of the XIX century. French *intellect*, German *intellect* goes back to the Latin *intellectus*, derived from *intellege* - "to understand, to have a concept". [12]. The Explanatory Dictionary defines intelligence as the mind, mental ability, mental beginning in a person [13]. The encyclopedic dictionary interprets intelligence as knowledge, understanding, reason. This is the ability of thinking, rational knowledge [14].

The content of the concept of intelligence can be classified according to the sphere where this concept is used. Thus, in philosophy, intelligence is revealed as the mind, the ability to think, insight, the totality of those mental functions that turn perceptions into the knowledge or critically review and analyze existing knowledge.

Thomas Aquinas believed that the intellect subordinates the will of man. Duns Scott and William Ockham believed that intelligence is subordinate to the will. G. Hegel connected intelligence with knowledge, understanding, ability to abstract analysis. E. Kant connected intelligence with the ability to form concepts. Today, the prevailing view is that, although intelligence, as well as will, depends on the relevant circumstances, however, being a matter of spiritual sphere, it is higher than the will that is from the mental sphere [15].

S.N. Trufanov noted that intelligence is the creative workshop of our spirit. Its task is: a) to produce knowledge about the world; b) to keep (remember) them; c) to convert them into various plans and projects for the reorganization of the world [16].

In biology, intelligence means the ability of certain objects to display an adequate response when exposed to external stimuli. According to Bergson, “intelligence invariably acts as if it is fascinated by the contemplation of inert matter. Intelligence is life looking outward, becoming outward relative to itself, accepting as a principle the techniques of an unorganized nature, in order to put them into action” [17].

In psychology, the content of intelligence is associated with the state of human mental development, which makes it possible to make decisions that adequately form its outer environment, choose the best options for action, and be able to build relationships with others [18].

In general psychopathology, intelligence is a combination of memory and thinking processes that provide human cognitive activity. Cognitive activity implies the existence of one who cognizes (the subject) and his volitional viability. Schizophrenia is a good example. This pathology does not affect intelligence but destroys the will and the emotional sphere. In this state, intelligence cannot manifest. Doctors talk about a specific "schizophrenic dementia”.

Thus, intelligence is an instrument of personality, which, in turn, is a system of innate and acquired qualities that characterize a person as an object and subject of biosocial relations endowed with consciousness and psyche, a carrier of the mind and will of the subject.

The content of the term "consciousness" also depends on the sphere it is considered in. Philosophers interpret consciousness as a property of highly organized matter (brain), revealing the subjective image of the objective world, which forms the subjective reality [19].

Sociologists understand consciousness as the reflection in the spiritual life of people, the interests and ideas of various social groups, classes, nations, and society as a whole [20].

Psychologists reveal consciousness as a special, highest level of organization of the mental life of a subject, distinguishing itself from the surrounding reality, reflecting this reality in the form of mental images that serve as regulators of purposeful activity. The most important function of consciousness is the mental construction of actions and the prediction of their consequences, the control, and management of personal behavior, its ability to be aware of what is happening both in the environment and in its own spiritual world. An important component of consciousness is the mind, which allows, through cognitive activity, revealing the essence of reality, forming new ideas that go beyond the established systems of knowledge.

Psyche, from Greek *psychikos* - mental, is a form of interaction of the animal organism with the environment, mediated by the active reflection of the signs of objective reality, the human ability to reflect reality in his consciousness, create models of this reality and build and regulate his behavior and activities on the basis of such models [21].

Summarizing the above, we can state that intelligence is a mental component of the psyche, reflecting the perception of rational human activity. This conclusion suggests that it is fundamentally impossible to create a model of artificial intelligence, reflecting the fullness of the human psyche, since this would require simulating not only a person but the whole system of his social and public relations.

Artificial intelligence is an artificial tool. The definitions of artificial intelligence speak the idea that it is a product that simulates live intelligence [22].

For the first time, the term "artificial intelligence" was introduced in 1956 by the American computer scientist John McCarthy. In a broad sense, it is the ability of machines to imitate human behavior, to perceive information, to make decisions; this is a machine learning-based algorithm system [23].

Artificial intelligence differs from ordinary computer algorithms in its ability to train itself based on accumulated experience. This unique feature allows artificial intelligence to act differently in similar situations, depending on previously performed actions. Therefore, in most cases, the effectiveness and potential of artificial intelligence are rather unclear [24].

Authors talking about the topic of artificial intelligence, each in their own way, understand what this concept carries.

Programmers view intelligence through a prism of numbers and symbols. Psychologists - through the system of individual reactions to external stimuli. Humanitarians often perceive artificial intelligence as a kind of panacea - they pressed the button and the higher mind will do everything exactly with the law and impeccably from the point of view of legal engineering.

Artificial intelligence in legal activities.

Jurisprudence is a phenomenon that, as both ordinary people and professionals think, sets formal goals and objectives. These goals and objectives are not always fully achieved, but they are nonetheless historically determined, formed, and maintained throughout the entire existence of mankind. The emergence of new technologies does not change the goals and objectives of jurisprudence in the eyes of most individuals.

Modeling of human cognitive activity in its entirety is impossible according to many authors, since human cognition, thinking is always contextual, determined by a system of attitudes, beliefs, and depends on emotional support. Artificial intelligence is nothing more than a technology that facilitates the processing of storage, control, use, and exchange of information. The use of this technology seems logical and expedient under the growing total information “logjam”.

From a technical, legal, and moral point of view, it is unacceptable to develop and even less apply technologies for assessing the compliance of actions with moral, ethical standards and conscience in the absence of a generally accepted and reliable understanding of the nature of morality, ethics, and conscience. These phenomena are relevant to the development of criteria for the effectiveness of the legal system.

If law is a system of generally binding, formally defined legal rules established and enforced by the state and aimed at regulating social relations [25], how can technological optimization of storage, exchange, use, control, and access to information affect the assessment and change of rules and standards of individual and social behavior?

The use of the term “artificial intelligence” in the implementation of law and law enforcement, in the opinion of many lawyers, is very problematic because the law, in addition to coherent and rigid language, is a psycho-emotional phenomenon [26; 27]. In fact, when solving legal issues, we try to find the truth, which often lies in the dead zone; it seems like it exists (considering reality) but is not perceived [28; 29].

Therefore, in the nearest future, artificial intelligence will not completely replace a lawyer, because law enforcement includes factors such as emotional perception, skills in interpreting speech, emotions, interpreting certain words and expressions that are not yet available to machines and probably never will be available to them. But these algorithms will help to speed up the work and improve its quality [30]. Therefore, the term *“artificial intelligence” is permissible to use only as a scientific metaphor.*

V. Zorkin, in the above-mentioned interview with Rossiyskaya Gazeta, noted that computers can perform a number of typical legally significant procedures, including the preparation of various kinds of documents, and therefore become an effective legal assistant. As a person who has worked for many years with information support for operational search activities, the creation of interdepartmental databases, automated information retrieval systems and an analyst's automated workplace, I can agree with V. Zorkin. The key task of artificial intelligence devices is to create

models for facilitating the activities of law enforcement officers, providing them with complete and comprehensive information for solving the problems of legal proceedings, technical audiovisual documentation of criminal activities, and accelerating the conduct of examinations and research. In essence, the creation of such a database, which would contribute to an objective and complete study of the circumstances and conditions of the commission of a crime, identifying their producing causes and factors, preventing emergencies and man-made disasters [6].

According to experts, artificial intelligence will soon enter legal practice on the principle of "robots will take your work, not your jobs", that is, robots will take on routine operations, but do not take jobs off, people. We are talking about the robotization of such processes as managing the cost of acquiring access to information, finding the right external expertise to obtain an evidence-based legal framework and determining whether documents comply with regulatory requirements [31].

Let us return to the above words of the President of Russia V. Putin that artificial intelligence opens up "tremendous possibilities and threats that are *difficult to predict today*". Including in the sphere of law, where in recent years amendments have been adopted to the regulatory acts on countering terrorism, it is essential, though controversial, to accumulate and use information by electronic providers and electronic service providers. Digital technologies are being improved in the operational-search and forensic activities. All this certainly corresponds to the essence of our time. At the same time, it gives the impression to some law enforcement officers and scientists that it will be possible to solve crimes soon, without leaving the office, but to judge people in the virtual space: press a button and the machine itself will process the materials, carry out a preliminary investigation, examination, will prove everything and pass a judgment.

Yes, we have learned even at a simple level to use the facial recognition system. Very often, social networks themselves bind a specific person to photos on websites, offer new acquaintances, remind people of their past... We solve a large number of tasks without leaving the apartment: we pay for receipts, transfer money, communicate with government agencies.

Recently, new technologies have been demonstrated that allow scanning people to identify not only people's faces, but also to penetrate remotely into their pockets and obtain data on their expenses, transactions, and purchases made with their bank cards.

However, the demonstration of such opportunities goes far beyond the framework of current laws, the Constitution of Russia, and, frankly, beyond the framework of elementary human decency. So what then is the right to privacy, correspondence secrets, bank secrecy declared by the Russian Constitution? Improving the machines, we forget about improving the person.

Will the digitalization processes lead to the so-called “digital addiction”, when people related to this field will strive to increase the dose of information? Is it permissible in terms of the law to immerse in the immoral contemplation of another's life, other people's secrets, if this is not authorized by the judicial authorities in connection with solving the crime? Where is the threshold of morality in digitalization a person should stop at?

It may happen that it will be too late when we are finally aware of all the consequences of the “digital revolution” for individuals and society and try to introduce the digitalization process into the legal mainstream. A significant part of the programs will work not for the benefit of the individual, society, state, but for its destruction. The story of the inability to deal with the Telegram messenger confirmed that the digital world in some areas has become detached from the human mind. The problems of blocking tens of thousands of sites that law enforcement agencies regularly report on also raise many questions. It is no use of this work when all these sites are restored in 30 minutes.

V. Zorkin rightly notes that part 4 of Art. 29 of the Constitution of the Russian Federation guarantees everyone the right to freely seek, receive, transmit, produce, and distribute information in any legal way; the list of information constituting a state secret is determined by federal law. This provision, in conjunction with the provisions of the Constitution on inborn, inalienable human rights exercised on the basis of equality and justice (art. 2, part 3, article 17, article 19, part 3 of article 55) means that the legislator is obliged to guarantee that constitutional law can only impose such restrictions as are necessary for Russia as a democratic legal state to protect constitutional values,

while respecting the criteria of proportionality and the balance of competing rights and interests [27].

Another important point is that the programs for artificial intelligence are developed on the import element base, and, therefore, on the vulnerable hardware. Programmers are already sounding the alarm that today the danger does not come from malicious programs (they have learned to fight with them) but from the possibility of influencing the "heart and soul" of the processor itself. Imagine a situation when updating or just going online all iPhones, iPads, and IOS will be blocked. This is a threatening reality.

Without creating our own hardware and software base, all our multimedia and virtual “projects” are a dangerous toy. And the arguments about global digitalization within the framework of the All-Russian scale remind the USSR’s aspiration to build communism in a single country.

There is one more problem. The world of digital technology is extremely transparent. And no matter how hard we try to “password” the databases and set access levels, the probability of unauthorized access to them is quite real. There will always be channels through which you can get to the biggest state secrets. Just recall that homegrown hackers got access to the information of the Pentagon and the State Department.

Arguing about the future of artificial intelligence in law enforcement, it should also be borne in mind that digitalization is only a means. Without human knowledge, experience, even with the necessary technical means, it is lifeless. It is easy to talk about the prospects of digitalization in big cities having reliable Internet functions, many programmers, places for mass citizens provided with a sufficient number of video cameras, scanners, etc. And what about law enforcement agencies in the province, where there is one police officer per 40 km^2? What kind of digitalization can there be today?

And the last. The digital space is for requires skilled and trained people. Who trains today employees for the courts, the prosecutor's office, the investigative committee, the special services in digitization? How many operational officers, investigators, judges, and prosecutors have risen to a

level above the computer user? How far does the level of education, moral and business qualities of the performers correspond to the conditions of work with "artificial intelligence" devices?

President of Russia V. Putin in his Address to the Federal Assembly of 20.02.2019 clearly formulated ways to solve this problem: “A large-scale program should be launched at the national level in the field of artificial intelligence. We need specialists able to create and use breakthrough solutions. For this purpose, it is necessary to provide training” [32].

Therefore, in parallel with the digitization of structures and procedures in the field of law, work should be organized on training law enforcement officers, and most importantly their managers, to work with “artificial intelligence” devices. We should agree with the opinion of the Rector of the RANEPA under the President of Russia V. Mau that on that in the coming years those specialists will be demanded whose activities are directly connected with the process of “digitalization” of all spheres of our life [33].

Summary.

Thus, the concept of "artificial intelligence" is very vague and, as a rule, is used in many studies as a scientific metaphor, without any clear conceptualization. At the same time, the content breadth and contextual use of this concept, in different spheres of life and branches of science, does not allow us to form the key strategies for the development of this digital technology, to ensure its deontological and legal regulation. In addition, we should remember that modern theoretical and methodological tools are unable to “grasp” in unity - a variety of semantic variations and practically developed technologies, areas, and contexts of their implementation. The latter is due to the fact that the system of “artificial intelligence” is characterized by “fluidity” (i.e., it constantly changes the form and relevant contexts of application, it is no coincidence that these technologies are labeled as “sliding” or “through” digital technologies” and “permeability” (i.e. they can be embedded and converged with other systems and technologies - social, biological, etc.).

Artificial intelligence systems, anyway, generate new forms of organization and management regimes that place power behind society “outside” the existing and operating system of social, political, legal and other relations, which requires a fundamental rethinking of the foundations of the political and legal organization of society in the XXI century. Obviously, modern relations are mediated and regulated not so much by sociocultural, value-normative, legal, and other codes, but by a complex infrastructure of digital codes, algorithms, etc. (hidden, being behind the processes in society).

Therefore, the fourth industrial revolution leads to a radical transformation of the normative and ideological foundations of the legal and political order. In this context, the main problem, as noted above, is the formation of new theoretical and methodological tools to describe modern processes, as well as the development of fundamentally new drafts of normative legal acts, deontological codes and ethical standards governing the process of developing and applying pass-through digital technologies and particular artificial intelligence systems. Today, an “artificial transfer” of existing and stable regulatory models to fundamentally new relations is no longer possible.

Accordingly, the educational that prepare society for new digital challenges and risks should also change. Universities should set themselves the task of providing students not only with high-quality fundamental knowledge but also universal competencies, which could not only facilitate the adaptation of graduates to the profession they acquired but also help them independently and meaningfully build their individual professional trajectories in a changing world.

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