Modern American Journal of Social Sciences and Humanities
ISSN (E): 3067-8153
Volume 01, Issue 08, November, 2025
Website: usajournals.org

LEGAL RESPONSIBILITY FOR DECISIONS MADE BY ARTIFICIAL INTELLIGENCE

Mardonova Aziza Jamolovna
A Recent Graduate with a Bachelor's Degree
in Law from Termez State University
[azizamardonova2004@mail.com]
[+998 95 433 4640]

Abstract
The rapid advancement of Artificial Intelligence (AI) has revolutionized decision-making across sectors such as healthcare, finance, and public administration. However, as AI systems become increasingly autonomous, determining legal responsibility for their actions has emerged as a major global challenge. This article analyzes the legal liability frameworks surrounding AI decisions, focusing on the European Union's AI Liability Directive, Uzbekistan's national AI initiatives, and comparative approaches in the United States, Japan, and China.

Keywords: Artificial Intelligence, legal responsibility, Directive, civil law, international cooperation, national strategies.

With the current acceleration of globalization and internet technologies, artificial intelligence (AI) systems are increasingly penetrating almost all areas of human activity. Artificial intelligence is now widely applied in various fields — from diagnosing diseases in medicine, making financial decisions in economics, managing transportation systems, to analyzing and making decisions in the legal sector. The use of AI provides vast opportunities in organizing work, solving complex problems, and improving efficiency across many practices. However, at the same time, one of the most critical issues remains the question of legal responsibility in situations where AI systems make decisions independently or without human involvement. In such cases, one fundamental question arises that concerns everyone: if an artificial intelligence system makes a wrong decision

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that causes harm, who should be held accountable — the programmer, the user, the creator of the system, or the system itself?

As AI systems continue to evolve, particularly those capable of making autonomous decisions, a new concept has begun to emerge in legal relations — the concept of the "electronic person." This idea raises the question of whether such AI systems should be recognized as legal subjects. It is essential to note that AI systems lack fundamental human characteristics such as legal consciousness and self-awareness.

Moreover, modern AI systems are often so complex and multi-functional that even their developers cannot fully explain how certain decisions are made. Therefore, when such autonomous decisions result in harm or loss, determining legal liability becomes increasingly complicated.

3.1 European Union – AI Liability Directive

The AILD is a legislative proposal put forward on 28 September 2022, titled "Proposal for a Directive on adapting non-contractual civil liability rules to artificial intelligence (AI systems)".

The aim of the Directive is to modernize and harmonize civil liability rules across EU Member States, in order to address damages caused by AI systems. It is complementary to the EU AI Act (which regulates AI systems by risk-level) and to existing liability frameworks (like the Product Liability Directive).

It targets extra-contractual liabilities — i.e., damage claims outside of a contract between claimant and defendant.

Scope: Damage caused by AI systems (or by their failure to produce an output) → regardless of whether they are "high-risk" under the AI Act.

A "rebuttable presumption of causality": If certain conditions are met (fault/non-compliance + reasonably likely link to the output/failure) then causality is presumed. The defendant can rebut the presumption.

Enhanced evidence-disclosure: Courts in Member States would get power to order, for certain AI systems (especially high-risk ones), the disclosure of relevant technical log, documentation, etc., to facilitate claims.

It aims to reduce legal uncertainty for both victims (so they can claim compensation) and for businesses (so they understand exposure) by defining uniform rules.

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As AI systems become more complex, tracing fault, causation, and identifying who is liable becomes harder. The AILD was designed to tackle those structural issues. For example: AI system makes a decision, causes damage; who is responsible? The developer? The provider? The operator? The user? The proposed rules try to make the path to liability clearer. It reflects recognition that existing liability frameworks (product liability, tort law) may not fully cover the specific challenges posed by AI (e.g., opaque algorithms, complex value chains, difficulty in proof).

For victims: easier access to redress.

For developers/providers: clearer regulatory environment, which may encourage innovation under legal certainty.

Despite the proposal in 2022, the AILD has not been adopted. Negotiations stalled. On 11 February 2025, the European Commission's 2025 Work Programme announced that the AILD would be withdrawn (i.e., removed) from the list of upcoming initiatives, citing "no foreseeable agreement". Some discussion continues in the Parliament and among stakeholders about whether liability rules for AI should be pursued via a regulation (directly applicable) rather than a directive (which Member States must transpose) and whether scope should be broadened (e.g., software generally, not just AI systems) — see impact assessments and commentary. Meanwhile, the related revision of the Product Liability Directive (now "Directive (EU) 2024/2853") has been adopted, and explicitly includes software, digital manufacturing files and components (thus overlapping with AI considerations).

Given your interest in AI, decision-making, liability etc., here are some key implications: The AILD (if adopted) would have provided stronger tools for persons harmed by AI systems to claim compensation (via presumption of causality + disclosure of evidence).

The fact that it's currently shelved means the legal landscape in the EU is less certain on AI-specific liability—actors (developers, users, operators) must still rely on national liability rules + existing EU rules (product liability, tort liability) for AI-related harms. For jurisdictions outside the EU (or for companies operating globally), the EU approach is influential (the "Brussels effect") – so the principles behind AILD (e.g., burden of proof, causality, disclosure) may inform regulatory

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thinking elsewhere. From a policy / academic angle: the difficulty of passing the AILD underscores the challenge of balancing innovation incentives (for AI development) vs. protection of rights and compensation mechanisms. If you are analyzing liability of AI decisions (as in your earlier text: programmer vs user vs system vs developer), the AILD provides a structural template of how the law might allocate responsibilities (fault/non-compliance, provider/developer/user) and adjust proof burdens.

2. Uzbekistan's Legal Approach

Uzbekistan has taken proactive steps toward AI development. Presidential Decree No. PQ-4996 (2021) outlines measures to integrate AI technologies in various sectors and to create a legal environment conducive to innovation. While specific liability regulations are still evolving, the decree emphasizes ethical use, accountability, and international cooperation. Uzbek scholars advocate for a "shared responsibility model", where AI developers, operators, and users bear proportional responsibility depending on their role in system deployment. Uzbekistan has not yet enacted a fully comprehensive law regulating liability for AI decisions, but significant legislative efforts are in progress. In April 2025, the Legislative Chamber of the Oliy Majlis (Parliament) adopted in the first reading a draft law titled "On Regulating Relations Arising from the Use of Artificial Intelligence Technologies." In August 2025, reports confirmed that the Law on the Use of Artificial Intelligence had been officially adopted.

3. United States

The U.S. follows a market-driven approach with sector-specific regulations. Liability is often determined under existing tort and product liability laws. Courts assess whether harm resulted from defective AI products or human negligence in system oversight. The Blueprint for an AI Bill of Rights (2022) and NIST AI Risk Management Framework encourage accountability but stop short of imposing strict legal duties. Contracts often include limitation-of-liability clauses or indemnification provisions related to AI use. Under agency law, if an AI acts as a "tool" of its operator, the operator or employer is usually liable for its actions.

4. Japan and China

Japan promotes a "human-centered" AI philosophy. The Social Principles of Human-Centric AI (2019) prioritize ethical use and trust. Legal responsibility

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usually falls on developers or deployers, following civil law standards. However, Japan also explores co-regulation, encouraging industry-led self-governance under government supervision.

China's AI governance framework emphasizes state control and risk management. The Regulations on Deep Synthesis Technology (2023) impose liability for harmful AI-generated content. Responsibility can extend to platforms hosting AI services, ensuring multi-level accountability. China's approach blends strict government oversight with industry compliance.

The above analyses show that the issue of **legal responsibility for decisions made by artificial intelligence (AI) systems** is today one of the most complex problems — not only from a technical perspective, but also from legal and philosophical viewpoints. So far, there is **no unified international approach** to recognizing AI as an independent legal subject. On the contrary, existing international and national legal practices demonstrate that **liability for damage caused by the operation of AI systems** is generally attributed to the **human factor** — that is, to the developer, the user, or the owner of the system.

AI's transformative power necessitates new legal concepts of responsibility. The EU's AI Liability Directive offers a comprehensive model, while Uzbekistan's forward-looking policies show readiness to join global standards. Learning from the experiences of the U.S., Japan, and China, states must craft hybrid systems combining ethical guidelines, risk-based regulation, and shared liability mechanisms.

Future international cooperation should aim to establish a global AI responsibility framework, ensuring both technological progress and protection of human rights.

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