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Letter to Editor

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Dear Editor,

As you might remember, as one of the invited speakers in Kish Island in December 2020, during the first international congress on the application of Artificial Intelligence in medicine, I contributed a controversial subject in regard to AI responsibility and its legal status [1]. Indeed, as you know, almost all speeches at the hall focused on positive aspects of AI application in medicine like medical imaging, AI techniques, etc. Hence, the my interesting attitude had not been concerned as a vital question at the time. However, the AI concept consideration todays has been converted to one of the most important AI topics. for example, calling AI as the digital persons or analogizing AI and animal legal status are only the byte discussions regarding AI legal status. However, the lawyers and technologists have not able to answer correctly who is responsible agent in relation to AI wrongful act yet. This problem will be significant where an AI solution applies to medical fields.

Accordingly, I am writing to state that again the medical community should be awake more regarding probable responsibilities to the society on the whole; where AI would be used in risky or harmful ways. Indeed, the domain of medical providers' responsibility could be determined variably in accordance with AI legal status. On the one hand, in the light of the school that believes AI could be defined as an independent legal person, this school of thought cannot be able to justify the concept of responsibility gap where the wrongful act of an AI solution has not been attributed to its providers. In such situations, the providers would be irresponsible unfairly. As a result, the consumer rights may be breached. On the other hand, in the light of the school that believes AI must be defined as a tool, the scholars cannot justify correctly some AI's unexplainable behavior (black-box problem)- where provider(s) has (have) had

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no control on the wrongful act. Consequently, based on the latter view, the absolute responsibility of providers in contrary to "*Ex Aequo et Bono*" rule will be appeared in all cases. As a result, from my attitude, the scholars should be observed an intermediate solution in regard to resolve AI responsibility in medicine based on degree of AI autonomy. In light of such solutions, the medical providers' responsibility will be restricted while the patient rights as well as entirely respected and protected.

Whereas such topics are typically addressed in legal journals, by considering JPBE chapeau, I strongly propose that you accept and publish some remarkable contributions in JBPE in regard to AI governance, essence, ethics, legal status, liability, and responsibility too. Further, the third goal of Sustainable Development Goals (SDGs) aims to ensure healthy lives and promote well-being for all at all ages [2]. Therefore, such measures could provide an opportunity to establish a sustained rules of law to expand the applications of AI in medical sciences with minimal risks in light of SDGs. Nevertheless, if you intend, I would be honored to prepare some contributions in relation to AI personhood and ethics in order to review and publish in JBPE.

Conflict of Interest

None

References

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