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Words, phrases, thoughts without heart and soul...

Abstract

Artificial intelligence now permeates almost all of our lives in some form or another. The title also discusses the impact of the emergence of artificial intelligence on legal language. On the other hand, whether AI is capable of interpreting legal concepts that are not mere terms but have a number of underlying meanings.

Keywords: Language and AI, legal language and artificial intelligence, AI, our mother tongue, our common national treasure, the relevant legal interpretation.

1. Language and AI

When Isaac Asimov formulated the three laws of robotics in his 1941 novel Runaround, he could foresee that a world was imminent in which we would have to live with artificial intelligence, its technical vehicles and all the moral and legal issues that would arise from it. We are now at a point where the European Parliament on 13 March 2024 and the Council of the EU on 21 May 2024 (URL1) have approved a regulation, the artificial intelligence Act [2]. This Act aims to establish a minimum level of regulation, with different categories of risk for each AI system (hereinafter referred to as "artificial intelligence") and applies to all such systems placed on the market or used in the EU (URL2).

There is therefore a guideline for EU Member States to act upon, but as lawyers we cannot sit back complacently because the work is only just beginning. For now, there are more questions than answers in the legislation. There are many new legal questions about self-directing, self-improving, decision-making programmes modelled on human beings and their physical embodiment, robots. Each branch of law will have to think through how to create guarantees and how to adjudicate the legal liability associated with the decisions taken by self-improving machines, learning algorithms. For example, how to assess statements made by AI in terms of freedom of expression, civil contractual relations, criminal liability. What about the copyright of a work written, painted or created by a machine? Can such an entity inherit, have legal capacity or limited legal capacity? Can it be put on the right moral path by punishment, can it recognise the consequences of its actions or is the

only sanction for it to be unplugged? Thousands of detailed questions arise when we consider the rights of the human being and the future entitlements of the AI in relation to those rights, to which legal experts are seeking answers in the different legal systems of different countries.

This of course requires not only the development of legislation but also of legal language. The term of artificial intelligence has been translated and the Hungarian abbreviation MI has become a part of the Hungarian legal languages, but what do we do with a concept such as deepfake? Do we need to create a Hungarian equivalent of this word, replacing it with the Hungarian equivalent, which has a different connotation and different associations? Do we simply adopt the mostly English-derived terms without changing them or perhaps "explaining" them? Especially in the light of what follows.

We asked the best expert, the ChatGPT itself, about the impact of the development of artificial intelligence on legal language. Its short response was that artificial intelligence (AI) is having a significant impact on the development and use of legal language in a number of ways. It increases the accuracy, efficiency and effectiveness of legal language by automating routine tasks, improving access to information and providing tools to better understand and apply legal concepts. This transformation will not only benefit legal professionals, but will also make legal services more accessible and understandable to the general public. This can also serve to meet the requirement of norm clarity (Czine 2022; Arató 2022; Arató–Balázs 2022) [3].

Standardisation, automation, accuracy, handling information dumping, accessibility, speed of information flow are the key words that characterise the benefits that AI can bring to the development of legal language. This could be a significant advantage, since it enables us to know and understand in a matter of seconds the legislation that applies to a legal relationship in a foreign environment, even in a distant country. With a click of a mouse and without any ambiguity, legal experts in different jurisdictions can clarify legal issues between themselves with great precision. However, there may be, who or which argue with each other will no longer be human beings, but legal AI systems?

Well, the answer is not so simple, because we know that the interpretation of the law by judges, legal practitioners and legislative amendments behind legal concepts can and do constantly shape the content of legal concepts. When the legislator amends the law, the legal norm may also acquire a new content as a result. This is also a continuous process in judicial jurisprudence, because judicial application of the law interprets and applies different legal norms on a daily basis and could slightly modificated their contents. For an

algorithm [URL3] it is necessary to constantly monitor the relevant legal interpretation and language rules related to the solution of the given task. It is necessary to follow the changes in language, concepts that are developed by the legislator and the law enforcer.

1.1. To approach the impact of AI on legal language, we need to look at some of the risks of AI, so we need to start from a more distant perspective in search of an answer.

Why we afraid of this tool, although we can use it for translations, analysis, drafting documents and countless other applications? To give a short answer, it would be that we fear the autonomy of the machine. The loss of human control. What do I mean?

If we simplify it, we can say that an artificial-intelligence system is a software that can be created (evolved or developed) in different ways and that produces different outputs related to the goals set by humans, such as making decisions or recommendations, or even creating other content and thus influencing its environment (Tóth 2022: 164).

The "soul" of the software is a set of algorithms that contain the steps to be executed. Given that these sequences of steps are specified and controlled by the programming human intelligence, as long as the algorithms themselves are under control, we can be considered to be in control of the machine. However, there are already AI systems that can make autonomous decisions and react autonomously to the environment. The question is, however, to what extent this autonomous behaviour can be extended, to what extent it can deviate from the will of its creator. The extent of autonomy that can be achieved by the machine and how it can be kept under human control is therefore the key problem.

It is no coincidence that, after various formulations, this is the definition of artificial intelligence finally adopted by the European Parliament and the Commission [6]:

> "AI system means a machine-based system that is designed to operate with varying levels of autonomy and that may exhibit adaptiveness after deployment, and that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments" [Art. 3(1)] (URL4).

AI systems with a high degree of autonomy can certainly be a cause for concern. The most tangible example comes from the military. Since human

lives are at stake, cases have attracted the attention of the world, such as an automated drone attack. Autonomous weapon systems powered by artificial intelligence have huge risks. Modern armed conflict is becoming a computer game: destruction is monitored only remotely, via a display, and the lives of the soldiers carrying it out are not threatened by the collision, making the killing of others a matter of no consequence. I do not want to refer simply to the moral hazard here.

As one expert writes about the risk of such life-and-death situations:

> "[The] machine's decisions may not even be understood, this is called the black box problem. This means that because AI does not follow instructions, but learns and synthesizes, after a while the developer himself will not understand why the AI made this or that decision" (URL5).

1.2. Speaking of shortcomings, I will refer to the commonly known drawback to which the authors usually draw attention, namely that AI does not have the emotional intelligence of humans. AI is not capable, for example, of extracting the essence and identifying the legal problem from the often difficult to unravel, often incoherent, confused verbal communication of a litigant. It is not suited to dealing with an angry or desperate client with empathy, all within a tight timeframe. It cannot deal with a traumatised and then re-traumatised client who has been in the courtroom and then collapses as a result. The machine has no sense of fairness, no sense of vocation, no sense of companionship, no ability to draw the very fine line between law and morality (Péter 2022: 570).

I would like to add it: for the time being.

2. Nowadays, however, the two main shortcomings of AI: the lack of emotional intelligence and the risk of losing control over its autonomy, are behind all its actions and decisions. How does this relate to the issue of legal language?

Our mother tongue is our common national treasure, which has been polished, expanded, carved or even coloured by generations. Words are not just cold information, they have a mood, they are linked to historical or personal memories, they evoke emotions. Anyone who doubts this allegation should read a poem. Legal language is not without these overtones, moments, emotions, and if you don't believe it, visit a courtroom.

The current Penal Code also uses the concept of thief in defining robbery – a qualified case – as follows: "Robbery is also when the thief caught in the act uses violence or direct threats against life or limb to keep the property."[10]

Although the word "thief" is a perfectly ordinary word in this norm, to understand the true meaning of the word "thief" within the norm, we need a much broader knowledge.

In linguistics, thief language is a separate category (URL6) and has its own literature (URL7). It takes a huge amount of knowledge and a huge amount of intelligence for the AI to really, as I have indicated in this example, deal with legal concepts properly. Not to mention the fact that even within the European Union, the national translations and thus the content and interpretation of certain legal concepts are often not the same. Not to mention, for example, how can the principles of criminal procedure be interpreted by the MI? Article 1 of the current Criminal Procedure Act lays down the presumption of innocence, which must prevail and be enforced until the court has ruled that the accused is criminally liable.

The formulation of the concept does not pose a problem for the MI, but how can this concept, together with its prosecutorial content, be reflected in a substantive decision closing criminal proceedings delegated to the MI?

Another example could be the legal methaphorsa legal technical terms. To say that there is a "chilling effect" on freedom of expression by some punishment, or to apply the "fruit of the poisonous tree" principle to evidence, is much more emphatic and effective than to talk about the prevention of freedom of expression or that evidence was obtained illegally. There is a significant difference between someone making a request and someone presenting it. The latter carries greater respect in Hungarian. The series of examples can be continue as you like it.

An unemotional intelligence cannot create a term, develop a concept, that does not require mere cold information. One might say to this, let us write an algorithm that includes emotion.Think it throught, how would we describe happiness or love?

For example, different dictionaries interpret the word like differently. According to the wiki dictionary (URL8), the word like means "to feel a sincere affection for a person, living or not living thing. He or she is attached to, identifies with, appreciates; wants to be with."

According to the Interpretive Dictionary of the Hungarian Language "it loves someone (person) is to feel affection for someone or something; to have a tender feeling or affection for him or her" (URL9).

In the dictionary of synonyms, the following terms and concepts can be found for the word love: likes, adores, is attracted to, adores, is inclined to, is fond of, is worshipping, idolizes, adores, is sympathetic to, is attracted to, etc. (URL10).

This would have to be coded for a machine that has no human body, that cannot feel the warmth that fills the human "heart" when it loves or is happy, not to mention the fact that the hormones and chemical processes involved are different in each person.

The other deficiency is not easy to remedy. At most, we would find that our machines think and act according to rules and legal concepts that we do not understand. It delivers justice according to its own arbitrary law, which is impermissible in law. However, it is capable of performing tasks that seem monotonous, and emotional intelligence is irrelevant, based on a large amount of data from given criteria.

It is well known that the development and role of AI is now unstoppable. Where is it present in everyday life? Most of us encounter its activity when using our mobile phones to run various search engines. Another important area is the world of translation systems. Official translators are now using these translation systems. Smart cars that brake against our will if they detect a collision hazard or park for us. They are also slowly becoming indispensable in healthcare, and more.

In the months, perhaps years to come, the rise and constant renewal of generative artificial intelligence is already a reality. Recent news includes Meta, which is not trying to catch up with Microsoft and OpenAI, Google and the Chinese giants. The focus of development is a new language model that will form the basis of an AI system (URL11).

The new system will be accessible to LLaMA researchers, governments, NGOs and academics. The significance of the system lies in the fact that it analyses huge amounts of text, but does not stop there, it then summarises information and generates content to answer questions, and does so in a very human and direct-looking style. Moreover, the diversity of languages is not an obstacle in this work, as it works in almost 20 languages. We must therefore feel a sense of responsibility towards national languages, our own languages.

Well, I think it is important to underline that the already mentioned European Union Regulation [17] emphasizes the following ideas regarding human decision making and AI:

> "For the purposes of this Regulation, an artificial intelligence system that does not substantially influence the outcome of a decision shall be understood as an artificial intelligence system that has no influence on the substance of the decision and thus on its outcome, whether human or automated. AI systems that do not substantially affect the outcome of decision-making may be situations in which one or more of the following conditions are met." [18]

The first assumption is that the AI system is intended to perform only a narrow procedural task. For example, these systems convert unstructured data sets into structured sets, organise incoming receipts and documents. A second condition is that the task carried out by the AI system must be aimed at improving the result of a human activity that has been completed previously. The EU regulation contains important messages for decision-makers.

2. Is the language of AI our language?

For years, scientific articles have been published about how OpenAI and UC Berkeley have created AI that uses its own language. In fact, it not only uses it, but can even develop it further when needed. Well, it doesn't need any instructions to do that (URL12). Language has been a mediator since time immemorial, expressing thoughts, emotions and so much more. A human being is incapable of learning all the languages on earth, but the human brain has been able to enable AI to do so. An important question is whether the language of the AI can evolve without a human brain and human thoughts, or whether thoughts can exist without language. Research seems to suggest that mechanical language can arise and evolve without a conscious brain.

However, it must be said that writing scientific papers, summarising research results and formulating de lege feranda proposals, or solving mathematical problems is not an easy task even for AI. A good example of this is the fact that the Galacticat thunderbolt published by Meta was quickly cancelled because it was unsuitable for solving problems, it kept giving wrong answers. In the answering process, linguistic content plays a huge role in the interpretation of texts, the fact that languages and our language are not a simple algorithm that gives an exact answer to every question, but a wonderful world with which we express our thoughts, emotions, creativity or emotional intelligence. In the process, we "manage" our own emotions, we also strive to get into the emotional state that will help us best solve the problem at hand, and we also recognise the emotions of others in the process of finding the keys to a solution. As a result, we also manage relationships. A smile, an encouraging look, or as Dezső Kosztolányi wrote in Sweet Anna, "... when the eyes vote", is no substitute with the most intelligent AI.

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