

Chapter 12

Liability in Labor Legislation: New Challenges Related to the Use of Artificial Intelligence

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ABSTRACT

The study analyzes the influence of artificial intelligence on labor relations and the related need to adapt to the legal institute of liability in labor law with the new social realities. The sources at European level are studied and the current aspects of liability in the labor law at a national level are analyzed. Based on the analysis, the challenges are outlined and the trends for the doctrine, the European community, and the legislation for the introduction of a regulatory framework are identified.

INTRODUCTION

Responsibility is a social phenomenon and a category that accompanies the development of human society. The types of responsibility: moral, ethical, political, legal, etc. have arisen and followed the development of the state and society. In accordance with the historical and social stages, the various means used by the states to regulate the ongoing processes have also changed. Legal liability is one of the types of responsibility, and it is a guarantee for the implementation of legal orders. Each branch of law is related to a specific type of legal liability, which corresponds to its peculiarities and is adequate to the degree of public danger of

DOI: 10.4018/978-1-7998-4285-9.ch012

offenses (Dimitrova,D,Mateeva,Zv,Dimitrova,D, 2020, pp. 108-119). At the same time, legal liability is associated with the development of public relations and, respectively, the overall evolution of the legal theory and the legal system. On the one hand, each stage presupposes that the legal institutes correspond to the needs of the specific time and actually cover and regulate both the positive and negative processes with the necessary means. However, the introduction of new concepts, necessarily following the social development, presupposes the timely adaptation of the existing institutions. In its original form, legal liability has been adapted to influence individuals who have committed offenses in the different spheres of law. Subsequently, it has expanded its perimeter, and currently all known legal entities can be its addressees, as per the relevant legal branch, and according to the specific varieties of legal liability.

The importance of the topic of liability as a legal concept is indisputable, as it is embedded in and forms an integral part of the law, and along with the specifics of the legal departments it is associated with basic concepts such as offense, sanction, subjective rights, etc.

Modern society has entered a new dimension of its development, which is associated with the fourth industrial revolution. It is reflected in all spheres of society, but also provokes a need for reaction on the part of the states, institutions at the international and national levels, as well as on the part of the civil society. In the hands of socially irresponsible companies, digitalisation can lead to huge profits at the expense of circumventing the rules. (Blagoycheva, 2020, p. 55). Law as a whole is facing a time of cardinal changes, requiring rethinking and upgrading of legal concepts (Andreeva,A,Yolova,G., 2020, pp. 11-18) (Andreeva,A,Yolova,G., 2020, pp. 22-35), (Andreeva, A., Yolova, G., Dimitrova, D., 2020, pp. 43-48) (Andreeva, A., Yolova, G., 2019, стр. 178-188) (Andreeva, A., Yolova, G., Dimitrova, D., 2019, стр. 44-47) (Andreeva,A,Yolova,G., 2018, стр. 320-328) (Andreeva,A,Yolova,G., 2018, стр. 293-307) supplementing legal institutes, as well as introduction of new principles of public relations regulation. Among these issues is also the topic of liability when using artificial intelligence.

As already mentioned, legal liability is a complex concept that comprises different types, some of which are typical for a certain branch, for example, civil liability in the civil and commercial law, criminal liability in criminal law, administrative criminal liability in administrative law (Tsankov, P., Andreeva, A., Yolova, G., Dimitrova, D, 2006, стр. 124-127), etc.

Labor law does not stipulate a liability that covers the offenses in their totality, ie there is no complex and unified type of “labor liability” applicable to the different types of violations of labor law. (Mrachkov, 2013, стр. 11).

On the other hand, three main types of liability are applicable in labor law - disciplinary, property and administrative penal liability. These three types of legal

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