

## Liability of AI in Workplace: A Comparative Approach Between Shari'ah and Common Law

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**Abstract :** In the workplace, Artificial Intelligence has, in recent years, emerged as a transformative technology that revolutionizes how organizations operate and perform tasks. It is a technology that has a significant impact on transportation, manufacturing, education, cyber security, robotics, agriculture, healthcare, and so many other organizations. By harnessing AI technology, workplaces can enhance productivity, streamline processes, and make more informed decisions. Given the potential of AI to change the way we work and its impact on the labor market in years to come, employers understand that it entails legal challenges and risks despite the advantages inherent in it. Therefore, as AI continues to integrate into various aspects of the workplace, understanding the legal and ethical implications becomes paramount. Also central to this study is the question of who is held liable where AI makes any defaults; the person (company) who created the AI, the person who programmed the AI algorithm or the person who uses the AI? Thus, the aim of this paper is to provide a detailed overview of how AI-related liabilities are addressed under each legal tradition and shed light on potential areas of accord and divergence between the two legal cultures. The objectives of this paper are to (i) examine the ability of Common law and Islamic law to accommodate the issues and damage caused by AI in the workplace and the legality of compensation for such injury sustained; (ii) to discuss the extent to which AI can be described as a legal personality to bear responsibility; (iii) examine the similarities and disparities between Common Law and Islamic Jurisprudence on the liability of AI in the workplace. The methodology adopted in this work was qualitative, and the method was purely a doctrinal research method where information is gathered from the primary and secondary sources of law, such as comprehensive materials found in journal articles, expert-authored books and online news sources. Comparative legal method was also used to juxtapose the approach of Islam and Common Law. The paper concludes that since AI, in its current legal state, is not recognized as a legal entity, operators or manufacturers of AI should be held liable for any damage that arises, and the determination of who bears the responsibility should be dependent on the circumstances surrounding each scenario. The study recommends the granting of legal personality to AI systems, the establishment of legal rights and liabilities for AI, the establishment of a holistic Islamic virtue-based AI ethics framework, and the consideration of Islamic ethics.

**Keywords :** AI, health- care, agriculture, cyber security, common law, Shari'ah

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