

Legal Risks and Preventive Measures in ChatGPT Applications in China

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ABSTRACT

On November 30, 2022, the American artificial intelligence company OpenAI released the large language model ChatGPT. ChatGPT, as an AI language model, is not only capable of interacting with humans but can also write articles, develop strategies, create poetry, and even write code and check for vulnerabilities. However, along with its capabilities, there are also legal risks associated with the application of ChatGPT, making it important for us to research and consider how to properly prevent these risks.

The main research focus of this project is on ChatGPT's ethical responsibilities, the relationship and order of human-machine coexistence, the protection of individual safety, and the governance of ChatGPT by both the nation and society. Through our research, we aim to maximize the convenience that ChatGPT offers us and effectively mitigate its potential risks.

KEYWORDS: ChatGPT, Artificial Intelligence Generated Content, Legal risks

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1. Background of ChatGPT Trending

Firstly, there is support from national policies. The 19th National Congress of the Communist Party of China introduced new tasks for comprehensive rule of law in the country, and in the Two Sessions held in 2022, the "Plan for the Reform of Party and State Institutions" was passed, which included the establishment of a National Data Bureau, highlighting the importance the nation places on internet data security.

Secondly, AI is an unstoppable trend. As early as the 3rd World Internet Conference in 2016, discussions about artificial intelligence accounted for over 90% of the topics.

Most importantly, the capabilities of ChatGPT itself should not be underestimated. ChatGPT gained worldwide popularity at the beginning of the year, with over a billion monthly active users in just two months.

2. The potential risks exposed behind the trending

With the rapid development of artificial intelligence applications like ChatGPT, human society is

undergoing a transition from a digitally driven society to an artificial intelligence-driven society. Our lives are changing in response, and human society may face four potential losses.

Unemployment is a widespread concern across various sectors of society. Artificial intelligence is highly efficient and cost-effective, which poses a significant challenge to low-skilled laborers. Balancing the relationship between AI and human workers and ensuring the protection of workers' rights will require further social governance and legal safeguards.

Misinformation. Research has revealed that there are instances of "unreliable" responses in ChatGPT. Through conversations with ChatGPT, we have observed that some of its answers are not necessarily correct but are delivered in a seemingly authoritative manner. If not properly discerned, this could impact our communication and social interactions, and more seriously, it may lead to cognitive errors.

Denormalization and the inappropriate use of ChatGPT can result in a loss of order and norms. The

dissemination of misleading information is a significant concern, as exemplified by a homeowner in a Hangzhou community who attempted to write a news article using ChatGPT about the cancellation of traffic restrictions. Other residents, unaware of the source, screenshot and forwarded the article, ultimately leading to the spread of false information. The issue lies in the fact that the wording appeared highly professional and legitimate, making it easy for people to believe in its accuracy. Such seemingly authoritative misinformation should prompt us to reflect and take it seriously. Child protection is another important concern. ChatGPT's generated content may not always be accurate, and the varying quality of content poses a threat to minors who may lack judgment. However, at the current stage, ChatGPT has not taken any specific measures or made any declarations. When it comes to content issues, there's an additional point to consider, which is copyright. ChatGPT's text data mining technology may lead it to borrow content from works in which others hold copyright. If this usage does not constitute fair use, it could potentially trigger copyright disputes. Furthermore, there is the issue of technological monopolies and new barriers. The artificial intelligence industry tends to have a "winner takes all" tendency, which can exacerbate the concentration of profits and wealth. Additionally, ChatGPT can facilitate inappropriate and illicit activities, such as creating scripts for dark web markets or providing automated platforms for illegal transactions. Most importantly, there are significant concerns regarding national security risks. Deceptive AI technology has already seen extensive use in the Russia-Ukraine conflict, resulting in adverse consequences. Cognitive warfare has been initiated, challenging the notion of "seeing is believing." Therefore, our research aims to focus on how to prevent these legal risks.

Out of control, from GPT to ChatGPT and now to GPT-4, model parameters are increasing by an order of magnitude each year, and the complex algorithms are difficult to explain. To prevent the misuse of large models, it is essential for society to be involved in the regulation of artificial intelligence.

3. Understanding the Relationship and Order of Coexistence between Humans and AI in ChatGPT Applications

Firstly, the road ahead is arduous, and we should make good use of preventive jurisprudence. Once artificial intelligence technology is misused and abused, it can potentially impact societal ethical norms and existing legal systems, leading to significant ethical issues. Strengthening the ethical

governance of artificial intelligence has become an important issue facing nations. As ChatGPT is still in its developmental stage, to better harness ChatGPT's capabilities, we are inclined towards innovating in the field of preventive jurisprudence, predicting, preventing, and alerting to the legal risks that ChatGPT may encounter in its applications. This provides a broad scope for the development of artificial intelligence, fully realizing its potential, while avoiding extreme measures.

Secondly, it is essential to clarify the obligations and responsibilities in the application of artificial intelligence. Currently, the law does not recognize the independent personality of robots, and responsibilities typically fall on manufacturers, designers, and users. Therefore, the obligations and responsibilities in the application of artificial intelligence need to be analyzed on a case-by-case basis. For instance, in consumer applications, consumers may be exempt from liability, whereas in business applications, various legal entities and companies are involved, making it a complex and extensive framework. By specifying and clarifying these obligations and responsibilities, we can effectively prevent situations where no one is held accountable for issues and ensure effective accountability and management.

Finally, it is essential to strengthen governance in the field of artificial intelligence at the national and societal levels. Facing the legal risks posed by the application of ChatGPT, the most critical aspect of governance comes from the national and societal levels. The various issues that currently exist include problems related to data itself, the environmental network of data, and the technology of data behavior processing. All these issues collectively raise a new question: how to adapt to the digital age and the new legal challenges it presents. The solution to these issues must involve the establishment of new legal systems. The process of establishing a legal framework includes legislation, enforcement, and compliance. The legislative process essentially involves the allocation of rights, obligations, and responsibilities. In other words, the legislative process is a process of distributing justice. Through legislation, the allocation of rights, obligations, and responsibilities must be made scientifically and reasonably, making it, to some extent, a mechanism for the fair distribution of justice. Justice is allocated by the state, as legislation represents the will of the state. However, it cannot remain solely at the legislative level; it is a law on paper that must be transformed into a legal system in action. This requires the enforcement of the law. The implementation of the law primarily involves two

mechanisms: administrative enforcement and the judiciary. Enforcement further ensures the implementation of rights and responsibilities as allocated by legislation. The judiciary means that when the allocation of rights, obligations, and responsibilities defined by the law is not justly enforced in real-life situations, there is a need for state protection. So, if legislation is about the allocation of rights and responsibilities, enforcement is about implementing these rights and responsibilities, and the judiciary is a means to safeguard them. If legislation is about the distribution of justice, enforcement is the mechanism to realize justice, and the judiciary is a means to safeguard justice. In addition, it is also crucial to enhance citizens' legal awareness through legal education and ensure that citizens comply with the rights and responsibilities allocated by the law.

4. Preventive Measures under the Application of ChatGPT

The formulation of preventive measures should not be detached from our existing context, and we must pay full attention to the current governance direction. Firstly, it is crucial to focus on the statements made by the Central Committee of the Communist Party of China (CPC). In the meeting held by the CPC Central Political Bureau on April 28, it emphasized the development of general artificial intelligence, the creation of an innovative ecosystem, and the importance of risk prevention. In the wording of this document, we can observe the repeated emphasis on these aspects. This conveys significant information, namely, how we can simultaneously prioritize the development of ChatGPT while effectively addressing the issue of risk prevention. Our research will explore different preventive measures from individual, societal, and national perspectives.

On a personal level, it is crucial to clearly define the responsibilities of algorithm designers and application developers, continuously optimize and mitigate algorithm flaws, and eliminate deficiencies in algorithm accountability. Simultaneously, it is important to establish preventive measures and necessary security protocols for potential risks. The public and users of application platforms should exercise discernment in the dissemination of true and false information, combining the more common practices of user reporting and proactive oversight in internet space governance.

At the social and national level, facing China's digital development, we must have a clear understanding of

the characteristics of data, recognize the development patterns of the digital economy, and integrate national governance with social regulation to scientifically construct a legal framework for data. Firstly, at the institutional level, we should strengthen the protection of personal information security and privacy and prevent excessive regulation. Secondly, it is important to clarify data ownership and prioritize legislation to enhance fair and equitable distribution of interests. The Central Committee of the Communist Party of China and the State Council have categorized data rights into three distinct rights: the right of possession, the right of processing and usage, and the right to share in the benefits. The arrangement of these rights is to protect legitimate interests, and it is essential to allocate corresponding rights to the parties concerned through legislation. To safeguard these rights, corresponding obligations must be assigned to other relevant parties. In the process of building a data governance framework, we must fully respect the principles of security, fairness, and efficiency, encouraging innovation, promoting competition, and upholding fair competition. At the same time, establishing a standardized data trading market and establishing consumer sovereignty in data-driven services is crucial. Finally, we need to prevent machine bureaucracy and technological supremacy from suppressing individual freedoms. This can be achieved by leveraging blockchain technology, DAOs, and smart contracts to establish the technical due process for the operation of the digital world.

5. Conclusion

Finally, through our research, we hope to establish a standardized regulatory framework for the future in areas such as human-computer synergy, government oversight, lawful utilization, and staying in step with the times.

Beijing Wuzi University Student Innovation and Entrepreneurship Project: Legal Risks and Preventive Measures in ChatGPT Artificial Intelligence Applications

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