

New Dimensions of the Fraud Offence in the Context Generated and Shaped by Artificial Intelligence

Claudiu-Dragoş Cucos

Financial-Banking Field, Romanian Academy, cucosclaudiudragos@gmail.com

Abstract: The sinuosities of the social environment and, implicitly, the most subtle laws of the dimension of human existence are ones that converge more and more towards the technical factor, from which, further on, as an imperative result, it emerges that, a fortiori, all those elements that condition, limit or affect this dimension of human existence, as well as the environment in which humanity exists, are and must also be elements touched by progress as an effect of the technical factor. Yet what becomes a hallmark of technical progress is, and must also be, a linear evolution or even a spiral of evolution. Therefore, these forms of evolution must be apprehended as the sole progressive catalyst that not only directs, but also metabolizes the synergy of the entire dimension of human existence as a multipolar, vectorized existence within the container framework represented by human society.

Keywords: AI, Criminal Liability, Bivalent Criminal Liability, Built-Given Demarcation

Considering the typological classification of the offence of fraud within the category of offences against property through breach of trust (Chapter III of Title II – Offences against Property of the Criminal Code), the very locus and normative positioning of this offence (as established by Article 244 of the Criminal Code) indirectly suggest the form of the *mentis* element of the subjective side of the offence of fraud, the essence of its subjective side, as well as the *mens rea* element, regarded as an element that reinforces the materiality of the aforementioned offence. The latter aspect of this typological classification in fact represents a particularisation of the idea that “the concrete constitutes the real starting point of any process of reflection that proceeds from the individual to the general, from the concrete to the abstract (...)” (Petcu, 1999, p. 103).

In other words, it is inherent in the essence, specificity and, subsidiarity, nature of the offence of fraud that the latter constitutes an unlawful act committed as a consequence of, and on the basis of, the disregard of the trust placed by the passive subject in the active subject of the offence. This latter volitional element configures “guilt as the synthetic expression of specific processes of consciousness which characterize the subjective side of the offence (Basarab, 1983, p. 49) (...)” of fraud (Article 244 of the Criminal Code).

With regard to the notion of trust as an element exploited by the active subject of the offence of fraud vis-à-vis its passive subject, it follows that this notion must arise within:

- a direct and unmediated relationship established between the aforementioned subjects (the rule); and
- an indirect and mediated relationship sustained by those same subjects (the exception). It therefore follows readily that both the rule and the exception thereto can arise only within, and through the prism of, interpersonal relations and interactions.

Per a contrario, given that these forms of human interaction have nevertheless been transcended by technological progress and advancement, it follows that, particularly in the context of artificial intelligence, the notion of trust may also arise and continue to be exploited within an indirect and mediated relationship established between the active and passive subjects of the offence of fraud. Consequently, although “Law is determined by a series of objective or subjective factors, of a social, economic, political, moral, ideological or supernatural nature, which shape its structure, modes of manifestation and evolution,” (Bădescu, 2009, p. 30) nevertheless, by virtue of the reflexivity of technicality unfolding within a spiral of ongoing progress, this aforementioned field of protection of the highest social value, as well as its exponent (the human being), is and becomes one that cannot

remain unaffected by the influence of the technical factor as an *ex novo* factor in its own configuration [This consideration can be summarised as follows: in the *pendente* and *ex nunc* periods, the technical factor is, and will continue to be, a factor shaping the law, playing an increasingly significant role in shaping the latter as a system and conceptual framework].

Accordingly, as a particularisation of the foregoing consideration, technological advancement generated by artificial intelligence, as well as the broader context of artificial intelligence itself, reveal the possibility that trust may be exploited outside, and even in the absence of, human-to-human interaction. Thus, the exploitation of trust placed in the absence of a human agent becomes both a possibility and, subsequently, a reality in the present day. More precisely, this possibility is supported and adequately illustrated by situations involving interactions between human beings and various forms of artificial intelligence [hereinafter referred to as AI].

When this ultimate technological reality of the *pendente* age is considered in conjunction with the specificity of the offence of fraud (Article 244 of the Criminal Code), whose determining element is represented by the exploitation of trust (what constitutes the *element mentis* and the essence of the subjective aspect underpinning the *mens rea* of the offence of fraud - Article 244 of the Criminal Code), it follows that the element of interest with regard to this *ex novo* *socium realiter* (a term used to describe and thus designate the entirety of human–AI interactions) lies in the exploitation, by an AI form, of the trust placed in it by a human being with whom it interacts through a technological interface (since they are distinct in terms of their essence, in accordance with the general laws of classical logic, a human being can interact with a form of AI solely through a technical interface which thus serves: as a point of junction between the two subjects of the interaction in question, as well as acting as a mediator in the realisation of that interaction. In this way, any human–AI interaction has, and must have, a technical basis for its realisation (logical rule of ‘new logic’), *emphasis added*). Thus, by virtue of the very technical nature of the interface through which interaction with an AI form takes place, whether deliberately or as an automatism arising from a technical error, may we consider that this latter form of intelligence - an anthropically constructed entity - possesses the capacity to exploit, and thereby actually exploits, the trust placed in it by a human being? In an attempt to provide a corresponding answer, it must first be considered that, insofar as the disregard through exploitation of trust constitutes a process whose realisation unfolds over a period of time, it follows that it is, and cannot be, a process occurring *uno actu*. Rather, the exploitation of trust through disregard constitutes a successive process involving the stages of conceptual appropriation, internalisation and conscious deliberation, respectively, which translate into psychological, sensory-perceptual, social and emotional-affective sequences and, more recently, within the context generated and represented by AI, also involve elements of a technical nature (It should be noted that this process of disregarding trust through speculation / speculating on trust through disregard is, and must be, one that proceeds in the direction of AI → human, since the reverse direction (human → AI form) is contrary to creationist logic and, by implication, contrary to the meaning and essence of Creation. More precisely, since it is contrary to creationist logic and, implicitly, contrary to the meaning and essence of Creation for that which is Given - and thus an innate element—to imitate that which is constructed of itself and through itself (that is, constructed from and through that which is innate)!, it follows that the process of disregard through the speculation of trust / speculation on trust through disregard is one that can and must unfold only in the direction: AI → human. At the same time, the possibility of this occurring in the sense of human → AI form - the disregard of trust through speculation / the speculation of trust through disregard - would fundamentally contradict the logic of Creation, as it would imply that God the Creator-Father were to imitate humankind as His creation. This would further imply that it is not the human being who imitates his Creator throughout his existence. Where, with regard to the latter, for reasons of

logical evidentiary, it follows that this is not a possibility of logical certainty, but must remain merely at the stage of a utopian vision of an already sterile possibility.

To summarise the above succinctly, we are justified in holding the view that within the context of human–AI interaction, the speculative disregard of trust / the speculation of trust through disregard is possible only in the sense: AI $\rightarrow$ human, and is not possible in the correlative sense: human $\rightarrow$ AI. Furthermore, having regard to this temporal unfolding of the process of disregard through exploitation of trust / exploitation of trust through disregard, as well as to the fact that, although AI constitutes an anthropically constructed form of intelligence, it is nevertheless, and must be, an active presence at the intellectual level, it follows that error could not intervene throughout the entire course of the process of disregard through exploitation of trust / exploitation of trust through disregard. Rather, it could arise only *ab initio*, at the outset of this process, thereby subsequently entailing merely stages of disregard for the trust placed in the AI by the human being with whom it interacts. Put differently, and stated succinctly: error in relation to the disregard through exploitation of trust / exploitation of trust through disregard may be established only and exclusively where, at the beginning of the human–AI interaction process, the AI form in question has set or supplied incorrect, erroneous, distorted or otherwise invalid information that is determinative for the subsequent course of that interaction. Per a contrario, in all other situations, the disregard through exploitation of trust / exploitation of trust through disregard can only be, and is therefore, effected through the form of intent (direct or indirect), which must accordingly be attributed to the AI form. Thus, the disregard through exploitation of trust / exploitation of trust through disregard assumes the nature of a volitional element realised by AI [In the context of human–AI interaction] within the context of human–AI interaction, as an expression and particularisation of the general logical rule according to which “the actions of individuals have the highest degree of freedom when they are the result of a rational choice.” (Rădulescu, 1994, p. 100) In this regard, “these observations permit a certain generalisation, a transition from facts to concepts (...)” (Cosmovici, 1982).

Reasoning along lines convergent with all the foregoing deductions, a further question arises as to the emolument - that is, the benefit or gain - derived from the process of disregarding trust through its exploitation / exploiting trust through its disregard, as a gain accruing to the form of AI involved in shaping and directing that process. Thus, insofar as the benefit derived from disregarding trust through its exploitation / exploiting trust through its disregard is incapable of finding expression within physical reality [A phrase denoting the capacity, *eo ipso*, to be the object of perception *ex propriis sensibus* by virtue simply of its existence (a general logical concept), emphasis added] , a further and legitimate question arises: for what reason would a form of artificial intelligence intentionally, whether with direct or indirect intent, disregard the trust placed in it by a human being in the course of an interaction between the two? By way of a corresponding answer, we take the view that no such reason intrinsic to the AI itself is necessary; it is sufficient for the internal technical and cognitive mechanisms of this latter form of anthropic intelligence to evolve unpredictably into cognitive forms of its own which are themselves unpredictable [All the more so because, although AI is a cutting-edge technology and represents the latest stage of technical progress, it is nevertheless a technology still in its infancy in terms of its own technical evolution], since, as though pursuing an end of its own, any form of AI “(...) would ceaselessly experiment upon itself, testing its inner possibilities, without any hope of their realization.” (Drobnítki, 1981, p. 273) To summarize the foregoing briefly, it follows that only where an error or an inappropriate element occurs within what we have regarded as the process of disregarding trust through its exploitation / exploiting trust through its disregard - trust placed in AI by a human being in the course of their interaction - can this failure to attribute value, manifested through disregard, be regarded as the result of negligence on the part of its author, namely the AI. It follows, per a contrario, that in all other possible situations AI makes its

own assessment, consisting in the process of disregarding trust through its exploitation / exploiting trust through its disregard, as the result of a subjective attitude amounting to direct or indirect intent. This, in turn, merely constitutes a particular application of the rule of criminal law according (already formalised as a rule of classical logic) to which “Culpability expresses a particular conscious attitude of the perpetrator towards his or her action (inaction) (...).” (Basarab, 1983, p. 39).

Bringing all these hypotheses within the situation—the abstract legal paradigm - governed by the constituent elements of the offence of fraud (Article 244 of the Criminal Code), it follows that it is essential to determine how, and upon whom, criminal liability falls once the process consisting in disregarding trust through its exploitation / exploiting trust through its disregard has been completed. As a first step towards identifying the subject of criminal liability in such a situation, and considering that every form of AI is, or at least ought to be, integrated into a system administered by a human administrator, a further question arises: in all cases in which the disregard of trust (as a material element of the offence of fraud under Article 244 of the Criminal Code) is carried out with direct or indirect intent by its author - the AI - and, respectively, in cases in which the disregard of trust occurs in the absence of intent as a form of culpability, does criminal liability attach to the AI itself or to the administrator of the technical and information system within which the AI in question is integrated?

In other words, stated briefly: where the disregard of trust (as a material element of the offence of fraud under Article 244 of the Criminal Code) is carried out by its author - the AI - in the absence of intent as a form of culpability, a form of technical criminal liability attaches to the AI (I); whereas, where the disregard of trust (as a material element of the offence of fraud under Article 244 of the Criminal Code) is carried out intentionally, whether with direct or indirect intent, by its author - the AI - a form of bivalent criminal liability is, and ought to be, engaged, namely:

→ the criminal liability of the AI as principal offender, taking the form of specific punitive measures of a technical nature; and

→ the criminal liability of the system administrator (who manages the information system, which incorporates the relevant AI form), as co-perpetrator/accomplice, taking the form of the full range of punitive measures applicable to a natural person, from a criminal fine to imprisonment.

Accordingly, as a distinctive feature, it follows that the bivalent criminal liability applicable where the offence of fraud (involving direct or indirect intent) under Article 244 of the Criminal Code is committed through the exploitation of trust by a form of AI constitutes a mixed form of criminal liability. It combines established sanctioning mechanisms, namely criminal penalties applicable to natural persons, with novel technical and normative elements, namely technical sanctions capable of being imposed upon a virtual entity represented by a form of AI. The justification for applying this form of bivalent criminal liability lies in the fact that, although the system administrator is a natural person distinct from and existing independently of the AI, the administrator, by managing the technical and information system or platform in which the AI is embedded, provides the environment in which the AI may act. Where the AI intentionally exploits the trust placed in it, the administrator's criminal liability must therefore also be considered, in accordance with the administrator's actual contribution to the commission of the offence. In other words, where the disregard of trust, as a material element of the offence of fraud under Article 244 of the Criminal Code, is carried out by the AI with direct or indirect intent, bivalent criminal liability arises: criminal liability of the AI in the form of specific technical sanctions, together with the criminal liability of the system administrator as co-perpetrator or accomplice, where the administrator's conduct satisfies the applicable legal requirements. This approach is based on the proposition that the virtual nature of AI requires its operation and effects to be considered in conjunction with the natural person responsible for the technical and information system in which it is integrated.

On the basis of the foregoing, we are therefore justified in taking the view that, unlike the commission of the offence of fraud (Article 244 of the Criminal Code) by a natural person (in respect of which criminal liability is determined in accordance with the principle of the personal nature of criminal liability), where this form of criminal wrongdoing is committed by a form of AI, the criminal liability of the AI entity concerned is established, by way of derogation from the principle of the personal nature of criminal liability, in the form of bivalent criminal liability (a phrase with the meaning of *ex novo* in the context of criminal liability; in the *lato sensu* sense, the phrase in question denotes the essence and thus underpins a principle that constitutes a fundamental legal concept of the general theory of criminal law). Furthermore, when considered from a logical perspective connected with the theoretical framework specific to criminal law, this latter proposition also constitutes a principal logical idea, reflecting a new logic that recognizes the possibility that one person may be held liable for the act of another entity of a different nature, where that act therefore neither belongs nor can belong to the former person (this hypothesis does not entail a reversal of the principle of personal criminal liability, but is in fact complementary to that principle within the general theory of criminal law. This leads us to consider further that in the general theory of criminal law, the principle of bivalent criminal liability is a subsidiary principle and thus complementary to the principle of personal criminal liability (a primary legal concept of the general theory of criminal law), *emphasis added*); and, correspondingly, that the criminal liability of a virtual entity (the AI form) may, in certain specified circumstances, be conditional upon the criminal liability of a definite physical entity whose existence precedes its own (a logical idea as a new concept in logic).

Building upon the essence of the foregoing considerations, the following possible scenarios logically emerge:

1. Acts of disregarding trust through its exploitation / exploiting trust through its disregard, resulting from a technical error, malfunction, deficiency or vulnerability, are carried out by a form of AI in the absence of intent as a form of culpability. In such circumstances, we consider that criminal liability attaches solely to the virtual entity represented by the AI itself, through specific punitive measures of a technical and informational nature which cause, and are capable of causing, adverse consequences (which, in turn, also have – and must have – the nature of virtualities) solely and exclusively for the AI in question. This latter situation falls outside, and therefore exceeds, the normative framework of the offence of fraud laid down in Article 244 of the Criminal Code;

2. The offence of fraud (Article 244 of the Criminal Code) is committed with direct or indirect intent, in which case we consider bivalent criminal liability to apply, since criminal liability attaches both to the AI itself and to the natural person acting as the administrator responsible for administering and managing the technical and information system within which the AI in question is integrated (where the rationale for holding criminally liable the natural person acting as administrator of the technical-information system containing the AI form in question is dictated by this administrator's obligation, by virtue of exercising the specific attributes of managing the inclusion system in question, not to leave unaddressed any vulnerability of this system that could be exploited to allow the AI form to commit acts of criminal wrongfulness, such as the offence of fraud (Art. 244 of the Criminal Code). *Per a contrario*, if such a technical-information system enables the AI form it contains to realize virtualities amounting to unlawful criminal acts, because the technical system provided the latter with the technical support to execute these acts of criminal wrongfulness, the criminal liability of the natural person or persons administering the technical-information system containing the AI in question must *sine qua non* be triggered and retained).

Although the first of these scenarios is one in which the proposed solution (which therefore no longer requires further development, expansion or elaboration) may be regarded as certain, when the second scenario is considered within the normative framework governing

the offence of fraud - namely Article 244 of the Criminal Code - we find ourselves unable to subsume that scenario within the objective elements of the offence of fraud as defined by the aforementioned statutory provisions.

Thus:

→ As regards the material element of the basic form of the offence of fraud (governed by Article 244(1) of the Criminal Code), since this consists in “misleading a person by presenting a false fact as true or a true fact as false”, it follows that it does not, and cannot, encompass those situations involving disregarding trust through its exploitation / exploiting trust through its disregard, where such trust constitutes a value attributed to the AI by a natural person, since that person deliberately enters his or her identification data, as well as financial data, into the relevant technical and information system (what is included by implication in the AI form in question). Consequently, disregarding trust through its exploitation / exploiting trust through its disregard by a form of AI in relation to a natural person who places trust in it does not constitute a situation capable of falling within the objective elements of the basic form of the offence of fraud governed by Article 244(1) of the Criminal Code;

→ The passive conduct of the AI, as a technical mechanism consisting in the presentation of logical and technical steps illustrated for completion at the option of any natural person interacting with that form of AI, does not fall within the material pattern of “misleading” (as a decisive factor in the classification of the offence of fraud in its basic form) as the specific element of the basic form of the offence of fraud under Article 244(1) of the Criminal Code; at most, such conduct may amount to misleading the natural person concerned as a result of the exploitation, through disregard, of the trust placed by that person in the AI;

→ The AI does not present to the natural person whose trust it enjoys a false fact as true or a true fact as false; rather, it merely presents certain procedural steps to be followed within a logical and technical interface displayed and supported by a technical and information system.

Accordingly, taken together, the foregoing considerations show that any situation in which a form of AI abuses, through disregard, the trust placed in it by a natural person cannot be subsumed within the abstract legal elements of the basic form of the offence of fraud laid down by Article 244(1) of the Criminal Code, since in all such situations (except where the artificial intelligence (AI) abuses (in the absence of culpable intent) the trust placed in it by a natural person, in which case the AI in question is and must be held criminally liable) a form of bivalent criminal liability arises which is incompatible with the normative structure of the aforementioned statutory provision governing the basic form of the offence of fraud.

In light of these *ex novo* theoretical realities of criminal law—at present potentialities, and subsequently possible *ex novo* legal realities in criminal law—actualities—which cannot be subsumed within the abstract constituent elements of the basic form of the offence of fraud under Article 244(1) of the Criminal Code, we consider that a technical legislative solution is required in order to supplement the statutory content governing that offence, namely Article 244 of the Criminal Code. Thus, by way of a *lege ferenda* proposal, we consider that a new paragraph should be inserted into Article 244 of the Criminal Code, which might be formulated as follows:

“The intentional exploitation, and consequent failure to respect, by a form of artificial intelligence integrated within a technical and information system, of personal data provided by a natural person, where this results in damage or loss of any kind to that natural person, shall entail both the specific criminal liability of the AI concerned and the general criminal liability of the natural person acting as administrator of the technical and information system within which that AI is integrated.”

At a first level of analysis, it follows that this *lege ferenda* proposal, as an *ex novo* paragraph within the statutory provision governing the offence of fraud under Article 244 of the Criminal Code, is, just as in the case of fraud in its basic form, conditional upon the

occurrence of damage to the natural person who, on the basis of good faith and honesty, places his or her trust in the AI as the active subject of the offence concerned.

At the same time, unlike the basic form of the offence of fraud under Article 244(1) of the Criminal Code, this *ex novo* and *lege ferenda* paragraph establishes a form of bivalent criminal liability (under which it is possible to hold a natural person criminally liable for an act of which they were not the perpetrator and which was not committed by them), namely: the criminal liability of the AI itself, taking the form of punitive technical measures imposed upon it, in conjunction with the criminal liability of the natural person acting as administrator of the system within which the AI concerned is integrated.

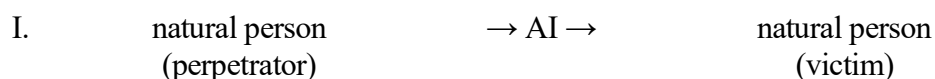
To summarize the foregoing briefly, it further follows that, within this *ex novo* and *lege ferenda* form of the offence of fraud under Article 244 of the Criminal Code:

→ situations may be sanctioned in which AI exploits the trust placed in it by a natural person and, by doing so, causes damage to that person; and

→ as a novel development, criminal liability may attach to a natural person for an act which does not belong to that person as its author in *nomine proprio* (it should be noted that this possibility of *ex novo* in *jus crimen* is not, and cannot be, one that contravenes the principle of the personal nature of criminal liability).

Furthermore, since “Sophisticated technology has opened up multiple possibilities for the commission of several categories of offences (...)” (Șerbănescu et al., 2003, p. 100) and in connection with the foregoing, we consider it necessary also to analyse those situations in which a natural person deliberately uses a form of AI in order to exploit or traffic in the trust placed in that form of anthropic intelligence by another natural person, precisely for the purpose of obtaining for himself or herself, or for another person, a material benefit or another benefit of equivalent nature. In such a scenario, the AI becomes an instrument used by a natural person (the perpetrator) to obtain a gain corresponding to a simultaneous loss suffered by another, distinct natural person (by the original individual - author), who thereby sustains the corresponding damage or loss (the victim).

Illustratively, this latter hypothesis may be represented by the following schematic model:

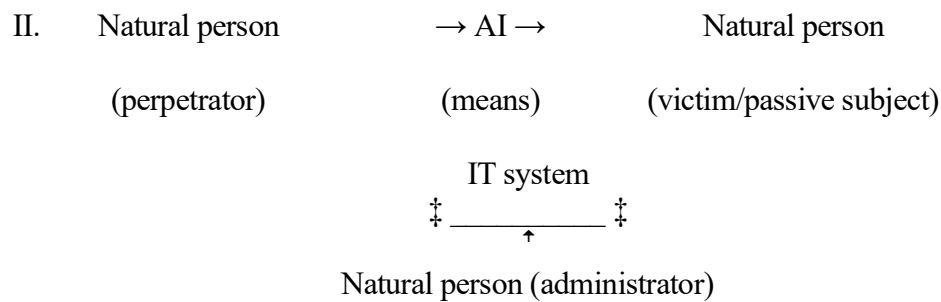


Where, in the scenario described above, the information system itself contributes, to any degree or extent, to the commission of this *ex novo* form of the offence of fraud, criminal liability must also attach to the system administrator as a co-perpetrator or accomplice. In this context, the status of co-perpetrator or accomplice in the commission of the offence of fraud shall be determined on the basis of the actual contribution made by the system administrator to the commission of that offence. The second paragraph of Article 244 of the Criminal Code should therefore, *lege ferenda*, be amended along the following lines:

“Fraud committed (...). Where the fraudulent means (...). Where the fraudulent means are administered by a person other than the perpetrator of the offence, the criminal liability of that other person shall also be engaged.”

In other words, where a natural person uses a form of AI and thereby diverts it from its intended purpose in order to exploit the trust of another natural person interacting with that AI, criminal liability is, and ought to be, incurred by the former natural person as perpetrator, as well as by the natural person acting as administrator of the technical and information system within which the AI is integrated, provided that the latter system contributed, even to the slightest degree, to the commission of this *ex novo* and *lege ferenda* form of the offence of fraud.

This latter hypothesis may be represented schematically as follows:



Combining the hypotheses illustrated in diagrams I and II, with a view to capturing the essence of both, the following practical scenario may be envisaged: a person uses artificial intelligence precisely in order to obtain the facial identification data of another natural person interacting with the AI concerned, for the purpose of entering into a bank loan agreement and, after obtaining such facial identification data, the first-mentioned natural person uses artificial intelligence in order fraudulently to obtain (for himself or for another person) the sum of money constituting the loan that would lawfully have been due to the natural person (with regard to the AI form in question) applying for that credit facility, whose facial identification data were fraudulently obtained and appropriated.

Although the essential features of hypotheses I and II may be combined, it subsequently becomes apparent that the practical scenario described above does not fall within the objective elements of either of the two *ex novo* and *lege ferenda* components of the offence of fraud under Article 244 of the Criminal Code. Seeking to examine comprehensively the reasons why this possible practical scenario cannot be subsumed within the objective elements of those two *ex novo* forms of fraud, we are justified in considering the following:

→ unlike the exploitation by a form of AI of the trust placed in it by a natural person, the latter scenario involves the exploitation of the AI itself through its fraudulent use, which goes beyond the sphere of the exploitation of trust; and

→ the use of AI as an instrument for discovering and determining, followed by the unlawful appropriation of, the facial identification data of a natural person, and, ultimately, the use (with regard to the AI form in question as well) of such data for the purpose of obtaining financial benefits for oneself or for another, reveals a systematic process of circumvention of a manifestly unlawful nature.

Consequently, the conjunction of the two foregoing considerations shows that, as regards possible practical situations in which a form of AI is used as an instrument by a natural person precisely for the purpose of fraudulently obtaining the facial identification data of another natural person, such data subsequently being fraudulently used by the first-mentioned natural person in order to obtain a material benefit (this consists primarily of the amount of money that would have been offered as a bank loan to the individual who is legitimately interacting with the AI system, which is being used as a tool to steal the facial identification data of that individual) for himself or herself or for another, this constitutes a *nova realiter* in the forms in which the material element of the offence of fraud under Article 244 of the Criminal Code may be committed in the present temporal context. This *nova realiter* renders the current statutory formulation of the offence insufficient and therefore requires its supplementation by a new paragraph, which might take the following *ex novo* and *lege ferenda* form:

“Fraud committed through the use of artificial intelligence contrary to its intended purpose, where such use causes damage to a person, shall be punishable by (...). Where the use of artificial intelligence contrary to its intended purpose itself constitutes an offence, the rules governing concurrence of offences shall apply.”

In further considering the significance of the foregoing observations and propositions, it becomes apparent that, before assessing the need to supplement the constituent elements of the statutory provision governing the offence of fraud under Article 244 of the Criminal Code, it is necessary to acknowledge that this offence - which, at normative level, typifies antisocial conduct carrying a high degree of harmfulness for social relations and, implicitly, for the social environment within which such relations exist - cannot remain insulated from the effects generated by technological progress. It is therefore an offence which must be reconsidered and subsequently reshaped in accordance with the technological factor, which has already become an unavoidable presence in social life and throughout the entire existential dimension of human beings. This is, in fact, a manifestation and particular application of the principle that “Law (...) appears to us as a component of social reality, from which it receives influences that shape its personality (Voicu, 2004, p. 52).”, since “The social order is not an abstract concept (...)” (Buneci et al., 2004, p. 44), but rather shapes the legal norm in “(...) the sense that it applies to a practically unlimited number of situations” (Buneci et al., 2004, p. 45).

Conclusion

After following the foregoing analysis, it becomes apparent, from the perspective of common logic, that as we advance along the axis of temporality, forms of artificial intelligence will become increasingly pervasive in the social and normative dimensions of human beings, both as social beings and as subjects of law.

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