REGULATION FEATURES OF ARTIFICIAL INTELLIGENCE IN LAW

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Направление: Бизнес право

ANNOTATION:
This article explores the ethical dimensions of regulating artificial intelligence (AI) from a legal standpoint. It examines the implications of AI regulation on fairness, privacy, and access to justice within the legal context. Through analyzing existing legal frameworks, the author suggests strategies for addressing ethical concerns arising from the deployment of AI technologies by legal professionals.

KEYWORDS: AI Regulation, legal Ethics, transparency, bias Mitigation, accountability, fairness, privacy, access to Justice

The regulation of artificial intelligence is the development of public sector policies and laws for promoting and regulating artificial intelligence (AI); it is therefore related to the broader regulation of algorithms. The regulatory and policy landscape for AI is an emerging issue in jurisdictions globally, including in the European Union[6] (which has governmental regulatory power) and in supra-national bodies like the IEEE, OECD (which do not) and others. Since 2016, a wave of AI ethics guidelines have been published in order to maintain social control over the technology. Regulation is considered necessary to both encourage AI and manage associated risks. In addition to regulation, AI-deploying organizations need to play a central role in creating and deploying trustworthy AI in line with the principles of trustworthy AI, and take accountability to mitigate the risks. Regulation of AI through mechanisms such as review boards can also be seen as social means to approach the AI control problem.

According to AI Index at Stanford, the annual number of AI-related laws passed in the 127 survey countries jumped from one passed in 2016 to 37 passed in 2022 alone.Experts and advocates in responsible AI, AI ethics, consumer protection, and cybersecurity have vocalized the need for guardrails around AI development since at least the 1960s.[failed verification. In 2017, Elon Musk called for regulation of

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AI development. According to NPR, the Tesla CEO was "clearly not thrilled" to be advocating for government scrutiny that could impact his own industry, but believed the risks of going completely without oversight are too high: "Normally the way regulations are set up is when a bunch of bad things happen, there's a public outcry, and after many years a regulatory agency is set up to regulate that industry. It takes forever. That, in the past, has been bad but not something which represented a fundamental risk to the existence of civilization." In response, some politicians expressed skepticism about the wisdom of regulating a technology that is still in development. Responding both to Musk and to February 2017 proposals by European Union lawmakers to regulate AI and robotics, Intel CEO Brian Krzanich has argued that AI is in its infancy and that it is too early to regulate the technology. Many tech companies oppose the harsh regulation of AI and "While some of the companies have said they welcome rules around A.I., they have also argued against tough regulations akin to those being created in Europe" Instead of trying to regulate the technology itself, some scholars suggested developing common norms including requirements for the testing and transparency of algorithms, possibly in combination with some form of warranty.

In a 2022 Ipsos survey, attitudes towards AI varied greatly by country; 78% of Chinese citizens, but only 35% of Americans, agreed that "products and services using AI have more benefits than drawbacks". A 2023 Reuters/Ipsos poll found that 61% of Americans agree, and 22% disagree, that AI poses risks to humanity. In a 2023 Fox News poll, 35% of Americans thought it "very important", and an additional 41% thought it "somewhat important", for the federal government to regulate AI, versus 13% responding "not very important" and 8% responding "not at all important".

The regulation of artificial intelligences is the development of public sector policies and laws for promoting and regulating AI. Regulation is now generally considered necessary to both encourage AI and manage associated risks. Public administration and policy considerations generally focus on the technical and economic implications and on trustworthy and human-centered AI systems, although regulation of artificial superintelligences is also considered. The basic approach to regulation focuses on the risks and biases of machine-learning algorithms, at the level of the input data, algorithm testing, and decision model. It also focuses on the explainability of the outputs.

There have been both hard law and soft law proposals to regulate AI. Some legal scholars have noted that hard law approaches to AI regulation have substantial challenges. Among the challenges, AI technology is rapidly evolving leading to a "pacing problem" where traditional laws and regulations often cannot keep up with emerging applications and their associated risks and benefits. Similarly, the diversity of AI applications challenges existing regulatory agencies, which often have limited jurisdictional scope. As an alternative, some legal scholars argue that soft law approaches to AI regulation are promising because soft laws can be adapted more flexibly to meet the needs of emerging and evolving AI technology and nascent applications. However, soft law approaches often lack substantial enforcement potential.

Cason Schmit, Megan Doerr, and Jennifer Wagner proposed the creation of a quasi-governmental regulator by leveraging intellectual property rights (i.e., copyleft licensing) in certain AI objects (i.e., AI models and training datasets) and delegating enforcement rights to a designated enforcement entity. They argue that AI can be licensed under terms that require adherence to specified ethical practices and codes of conduct. (e.g., soft law principles).

AI regulation could derive from basic principles. A 2020 Berkman Klein Center for Internet & Society meta-review of existing sets of principles, such as the Asilomar Principles and the Beijing Principles, identified eight such basic principles: privacy, accountability, safety and security, transparency and explainability, fairness and non-discrimination, human control of technology, professional responsibility, and respect for human values. AI law and regulations have been divided into three main topics, namely governance of autonomous intelligence systems, responsibility and accountability for the systems, and privacy and safety issues. A public administration approach sees a relationship between AI law and regulation, the ethics of AI, and 'AI society', defined as workforce substitution and transformation, social acceptance and trust in AI, and the transformation of human to machine interaction. The development of public sector strategies for management and regulation of AI is deemed necessary at the local, national, and international levels and in a variety of fields, from public service management and accountability to law enforcement, healthcare (especially the concept of a Human Guarantee), the financial sector, robotics, autonomous vehicles, the military and national security, and international law.

REFERENCES

1. Henry Kissinger, Eric Schmidt, and Daniel Huttenlocher published an joint statement in November 2021 entitled "Being Human in an Age of AI", calling for a government commission to regulate AI.

2. Nemitz, Paul (2018). "Constitutional democracy and technology in the age of artificial intelligence". Philosophical Transactions of the Royal Society A: Mathematical, Physical and Engineering Sciences. 376 (2133): 20180089. Bibcode:2018RSPTA.37680089N. doi:10.1098/rsta.2018.0089. PMID 30323003.

3. Cath, Corinne (2018). "Governing artificial intelligence: ethical, legal and technical opportunities and challenges". Philosophical Transactions of the Royal Society A: Mathematical, Physical and Engineering Sciences. 376 (2133): 20180080. Bibcode:2018RSPTA.37680080C. doi:10.1098/rsta.2018.0080. PMC 6191666. PMID 30322996.

4. Buiten, Miriam C. (2019). "Towards Intelligent Regulation of Artificial Intelligence". European Journal of Risk Regulation. 10 (1): 41–59. doi:10.1017/err.2019.8.

5. Erdélyi, Olivia J.; Goldsmith, Judy (2020). "Regulating Artificial Intelligence: Proposal for a Global Solution". arXiv:2005.11072 [cs.CY].

6. Ebers, Martin (2020). "Regulating AI and Robotics: Ethical and Legal Challenges". Algorithms and Law. Cambridge University Press. pp. 37–99. ISBN 978-1-108-34784-6.