



ARTIFICIAL INTELLIGENCE AS A CATALYST FOR CHANGING INTERNATIONAL LAW

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Abstract : The purpose of this work is to highlight some harsh realities with which modern society is confronted, discussing the growing discrepancy between the evolution of artificial intelligence capabilities to intervene in people's lives and the set of laws that regulate, and especially, impose some practical barriers within the development framework of this technological domain. Laws and draft laws tangential or of immediate applicability will be analysed in what follows, they will be commented on and interpreted. Likewise, we will address the micro and macro perspective, both national and international, and conclude with proposals for laws that, from our point of view, need to be subject to debate in order to reach a consensus. The importance of the issue is often debated in academic circles, as well as in everyday discussions. So, how far do we let artificial intelligence make our lives easier? What is the limit between "enough" and "too much"? Is it worth giving up our individual freedom to increase comfort and security? To these questions and many others, we will try to provide answers with the help of this writing, inviting those who wish to engage in constructive argumentation.

Key words : Adaptation, artificial intelligence, freedom, legislative framework, legal progress, liberalism, technological progress, totalitarianism, security.

1. INTRODUCTION

In the continuously evolving technological landscape, the emergence of Artificial Intelligence (AI) stands as a monumental landmark, reshaping the very fabric of human existence across various domains. From automating mundane tasks to revolutionizing industries, AI has undoubtedly become a driving force behind unprecedented progress. However, as AI continues to permeate societies worldwide, its integration raises profound questions regarding ethics, responsibility, and legality. In this context, the role of international law becomes essential. As technology progresses, it is imperative for all legal frameworks to adapt accordingly, ensuring the effective regulation and governance of "AI" technologies. This essay explores the transformative impact of this new technology on international law, examining how AI acts as a catalyst for the evolution of legal norms and principles on a global scale. Technological evolution has been truly remarkable, with each era marked by revolutionary innovations that fundamentally altered human civilization. From the industrial revolution to the digital age, technological advancements have reshaped economies, societies, and governance structures. However, perhaps none have had a similar impact to the emergence of AI. Unlike previous technologies, AI possesses the ability to learn, adapt, and

make autonomous decisions, blurring the boundaries between human and machine intelligence. As AI systems become increasingly sophisticated, their applications span various sectors, from healthcare and finance to transportation and warfare. With the rapid proliferation of AI, the need for robust legal frameworks to govern its use has become increasingly evident. Traditional legal paradigms are ill-prepared to address the complex ethical and regulatory challenges posed by AI technologies. Aspects such as "algorithmic bias," data privacy, intellectual property rights, and liability in autonomous systems require comprehensive legal solutions that transcend national boundaries. Furthermore, the decentralized nature of AI development and implementation further complicates matters, highlighting the inadequacy of unilateral regulatory approaches in addressing transnational challenges. In light of these developments, international law plays a crucial role in shaping the governance of AI on a global scale. Unlike domestic laws, which are bound by jurisdictional constraints, international law provides a framework for harmonizing disparate legal systems and promoting cooperation among nations. However, the current landscape of international law is fraught with complexities and gaps that hinder its effectiveness in regulating emerging technologies such as AI. Existing treaties and conventions, formulated in a previous era,



often fail to address the new challenges posed by innovation fuelled by this new technology. Therefore, the integration of AI requires a paradigm shift in international law, one that embraces innovation while upholding fundamental principles of human rights, responsibility, and transparency. This entails not only reassessing existing legal instruments but also promoting dialogue and multilateral collaboration to develop new norms and standards tailored to the unique characteristics of AI. Moreover, the dynamic nature of this new technological frontier demands regulated frameworks capable of keeping pace with technological advancements and addressing emerging risks in real-time.

In preparing this scientific work, the primary research method used was bibliographic research, involving analysis and interpretation of texts found in official documents, as well as articles referring to relevant and highly interesting information.

2. PRINCIPLE OF PERMANENT LAW UPDATING / LAW ADAPTABILITY

Throughout the history of human civilization, the concept of law has been a constant and continuously evolving entity, reflecting the evolution of society itself. From the earliest tribal customs to the complex legal systems of modern nations, the history of law is a testament to humanity's relentless pursuit of order, justice, and stability. Central to this historical narrative is the principle that law must be continuously updated to reflect the dynamic changes in society. This principle is not just a pragmatic necessity; it is a fundamental principle that underscores the adaptability and resilience of legal systems in the face of societal transformation. The origin of law can be traced back to the dawn of human civilization when early societies developed rudimentary systems of governance to regulate communal affairs and resolve disputes. These early legal systems, often incorporated into religious or cultural traditions, laid the groundwork for more formalized legal structures that would emerge over the centuries. In ancient Mesopotamia, for example, the Code of Hammurabi, dating back to 1754 BCE, provided a comprehensive set of laws regulating various aspects of daily life, from property rights to criminal justice. Similarly, ancient Greece and Rome developed sophisticated legal systems that exerted a profound influence on the development of Western jurisprudence. As societies became more complex and interconnected, the need for more refined and comprehensive legal frameworks also grew. The medieval period saw the emergence of feudal law in Europe, characterized by a complex network of rights and obligations between lords and vassals. Meanwhile, Islamic jurisprudence flourished in the Middle East, producing legal codes based on Islamic principles and scholarly interpretation. These legal systems, while reflecting the cultural and religious norms of their respective societies, also

exhibited a remarkable degree of adaptability evolving in response to changing political, social, and economic conditions. The Renaissance and Enlightenment periods ushered in a new era of legal thought, marked by a resurgence of reason, individual rights, and the rule of law. The works of legal philosophers such as Hugo Grotius, John Locke, and Montesquieu laid the foundations for modern legal principles, including the concept of natural law and the separation of powers. These ideas found expression in the founding documents of democratic nations, such as the Magna Carta, the US Constitution, and the Declaration of the Rights of Man and of the Citizen. The Industrial Revolution brought profound changes to society, precipitating urbanization, industrialization, and the rise of capitalism. As new social and economic relationships emerged, so too did new legal norms to govern them. Labour laws, property rights, and contract law underwent significant transformations to adapt to the requirements of the growing industrial economy. Likewise, the struggle for civil rights and social justice in the 19th and 20th centuries led to significant legal reforms aimed at combating discrimination, inequality, and oppression. In the contemporary era, the rapid pace of technological innovation has brought new challenges and opportunities for law. The emergence of the internet, artificial intelligence, and biotechnology has raised new legal questions regarding privacy, intellectual property rights, and ethical conduct. Furthermore, globalization has made national legal systems increasingly interconnected, necessitating greater collaboration and harmonization among nations. In conclusion, the history of law is a testament to humanity's relentless pursuit of justice, order, and social cohesion. At its core is the principle that law must be adaptable and responsive to the changing needs and values of society. As we navigate the complexities of the modern world, it is imperative that legal systems remain vigilant and proactive in updating and refining their frameworks to ensure that justice remains accessible to all.

3. ARTIFICIAL INTELLIGENCE - THE NEW NUCLEAR BOMB?

Artificial Intelligence (AI) can be described as "a branch of computer science and technology that aims to create intelligent machines capable of simulating human cognitive processes, such as learning, reasoning, problem-solving, perception, and language understanding. Essentially, AI seeks to reproduce and automate tasks that typically require human intelligence, enabling machines to perform complex functions autonomously. AI systems are designed to analyse vast amounts of data, identify patterns, make predictions, and adapt their behaviour based on feedback, all without explicit programming for every possible scenario. AI encompasses various subfields, including machine learning, natural language processing, computer vision, robotics, and expert systems. Ultimately, AI has the



potential to revolutionize industries, transform social norms, and shape the future of human-machine interaction." [1]

But just as dynamite was created for peaceful purposes to facilitate mining operations, artificial intelligence seeks good while possessing destructive, if not lethal, capabilities. To better understand this idea, we need to move beyond the narrow understanding of artificial intelligence as simple text analysis engines and content generation. It has applications in a myriad of other fields, such as facial recognition for social scoring (a technology long implemented in China) or handling high-precision weapons to enhance the lethal potential of globally deployed state armies.

Throughout history, it has been imperative for law to adapt to new technological changes, so the atomic bomb led to a series of Treaties on the management of nuclear weapons. For example: The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) - Adopted in 1968 and entered force in 1970, the NPT's main objective is to prevent the spread of nuclear weapons and promote nuclear disarmament. The Comprehensive Nuclear-Test-Ban Treaty (CTBT) - Adopted in 1996 and entered into force in 1996. The treaty prohibits explosive nuclear tests in the atmosphere, space, and underwater. The Intermediate-Range Nuclear Forces Treaty (INF) - Signed in 1987 between the United States and the Soviet Union, this treaty banned the development, production, and deployment of intermediate-range nuclear missiles. The Strategic Arms Reduction Treaty (START) - There have been several START treaties between the United States and Russia, aimed at limiting the number of strategic nuclear weapons and reducing the nuclear arsenals of both countries. The Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Tlatelolco Treaty) - Signed in 1967, this treaty created a nuclear-weapon-free zone in Latin America and the Caribbean, whereby signatory states undertake not to produce, test, or possess nuclear weapons on their territory.

4. EUROPEAN PIONEERING IN AI LEGISLATION

On December 9, 2023, the European Parliament adopted the "Artificial Intelligence Act" as the first law addressing the AI domain in the European Union. The regulation, agreed upon in negotiations with member states in December 2023, was approved by MEPs with 523 votes in favour, 46 against, and 49 abstentions. The aim is to protect fundamental rights, democracy, the rule of law, and environmental sustainability from the high risks associated with AI, while promoting innovation and strengthening Europe's leadership in the field. The regulation imposes obligations on AI depending on potential risks and the level of impact. Prohibited applications The new rules prohibit certain AI applications that threaten citizens' rights, including biometric categorization systems and the unintended

collection of facial images from the internet or surveillance camera recordings for the creation of facial recognition databases. Also prohibited are emotion recognition at work and school, social scoring, predictive policing based solely on individual profiling, and AI that manipulates human behaviour or exploits human vulnerabilities.

Exceptions for law enforcement The use of biometric identification systems by law enforcement is, in principle, prohibited, with exhaustively listed and strictly defined exceptions. Real-time use of these systems can only be done if strict conditions are met. For example, use is limited in time and geographic area and subject to specific prior judicial or administrative authorization. Such uses may include targeted searches for missing persons or preventing a terrorist attack. The use of these systems post-facto ("post-remote RBI") is considered a high-risk use case, requiring judicial authorization related to a criminal offense.

4.1 Obligations for high-risk system

Clear obligations are also provided for other high-risk AI systems (due to their significant potential to cause harm to health, safety, fundamental rights, the environment, democracy, and the rule of law). Examples of high-risk AI uses include critical infrastructure, education and vocational training, employment, private and public essential services, certain law enforcement systems, migration and border management, justice, and democratic processes (e.g., election influencing). Such systems must assess and mitigate risks, maintain usage logs, be transparent and accurate, and ensure human oversight. Citizens will have the right to lodge complaints regarding high-risk AI systems and receive explanations about decisions based on high-risk AI systems affecting their rights. Transparency requirements General-purpose AI systems (GPAI), and the GPAI models they are based on, must meet certain transparency requirements, including compliance with EU copyright law and the publication of detailed summaries of the content used for training. Stronger GPAI models, which could present systemic risks, will be subject to additional requirements, including model evaluations, systemic risk assessments and mitigation, and incident reporting. In addition, artificial or manipulated images, audio, or video content ("deep fakes") must be clearly labelled as such. Brando Benifei (S&D, Italy) stated: "We finally have the world's first mandatory law on artificial intelligence to reduce risks, create opportunities, combat discrimination, and bring transparency. Thanks to Parliament, unacceptable AI practices will be banned in Europe, and the rights of workers and citizens will be protected. The AI Office will now be established to help companies start complying with the rules before they come into force. I ensured that human beings and European values are at the centre of AI development" [2].



The co-reporter of the Committee on Civil Liberties, Dragos Tudorache (Renew, Romania), stated: "We have linked the concept of artificial intelligence to the fundamental values underlying our societies. However, much work lies ahead of us, which goes beyond AI itself. AI will force us to reconsider the social contract underlying our democracies, our education models, our labour markets, and how we conduct wars. The AI Act is a starting point for a new governance model built around technology. Now we need to focus on implementing this law "[3].

The regulation is still subject to final scrutiny by specialized lawyers and is expected to be definitively adopted before the end of the legislature (through the procedure called *corrigendum*). The law must also be formally approved by the Council. It will enter into force twenty days after publication in the Official Journal and will be fully applicable twenty-four months after its entry into force, with certain exceptions due to the technical nature of the complex field. The Artificial Intelligence Act directly responds to citizens' proposals within the Conference on the Future of Europe (COFE), most concretely to proposal 12, concerning enhancing EU competitiveness in strategic sectors, proposal 33 concerning a safe and trustworthy society, including combating disinformation and ensuring human control, proposal 35 concerning the promotion of digital innovation while ensuring human oversight of the evolution of these technologies, and proposal 37 concerning the use of AI and digital tools to improve citizens' access to information, including persons with disabilities.

It is noteworthy that the first place where laws regulating the field of artificial intelligence appeared in Europe itself, the cradle of civilization, which understood the necessity for the law to be adapted to new realities before it was too late [4], [5]. It is remarkable that democracy, represented by the liberalism of the countries of the old continent, and their respect for human rights, are what preserve the idea that man is at the centre of Creation and that everything we do must be towards our evolution in line with history, not outside of it. On the other hand, totalitarian countries like communist China have used, are using, and will continue to use artificial intelligence as a convenient tool to restrict human rights.

5. HOW CAN ARTIFICIAL INTELLIGENCE BE ABUSED? THE BIG BROTHER PHENOMENON TAKEN TO A BIG LEVEL-A CASE STUDY

5.1 *The social credit system in China: A threat to human rights*

China's Social Credit System (SCS) has attracted global attention due to its extensive surveillance and control measures over citizens' behaviour. While proponents argue that the SCS promotes social harmony

and compliance with laws, critics highlight its detrimental impact on human rights raising significant ethical concerns.

Firstly, the SCS violates the right to privacy. By extensively monitoring individual activities, including online behaviour and financial transactions, the government collects vast amounts of personal data without consent. This indiscriminate surveillance erodes individuals' autonomy and creates a chilling effect on freedom of expression, as citizens fear reprisals for expressing divergent opinions.

Moreover, the SCS undermines the right to freedom of movement. Individuals with low social credit scores face travel restrictions, including bans on purchasing train or plane tickets. Such punitive measures hinder individuals' ability to exercise their fundamental right to freely move within and outside the country, effectively reducing their liberties.

Additionally, the SCS exacerbates social inequality and discrimination. By linking social credit scores to access to employment opportunities, education, and public services, the system perpetuates socio-economic disparities. Marginalized groups, such as minorities or dissidents, are disproportionately targeted and face systemic discrimination, further marginalizing already vulnerable populations.

Furthermore, the lack of transparency and accountability in the SCS poses a serious threat to the rule of law. The criteria for evaluating individuals are opaque, and citizens have limited opportunities to challenge or appeal their scores. This lack of due process undermines principles of fairness and justice, allowing for arbitrary decision-making and the abuse of power by authorities.

In conclusion, China's Social Credit System represents a significant violation of human rights, posing a threat to privacy, freedom of movement, equality, and due process. The system's invasive surveillance and punitive measures undermine fundamental rights and freedoms, eroding the fabric of society. As the international community grapples with the involvement of such systems, it is imperative to defend the principles of human rights and advocate for accountability and transparency in governance.

6. CONCLUSIONS

In today's fast-paced technological era, Artificial Intelligence (AI) integration brings both opportunities and challenges to society. As AI becomes more prevalent in daily life, concerns about its unregulated expansion and its impact on human rights grow. Consequently, there's an urgent need for comprehensive regulation to govern AI ethically and responsibly. This requires international legal bodies to take decisive action in formulating and implementing such regulations. AI has indeed revolutionized various industries, offering efficiency and innovation, yet it also introduces ethical



complexities and social inequalities. Without proper oversight, AI systems can perpetuate biases and violate privacy rights. Additionally, uncontrolled AI expansion raises existential risks like autonomous weapons endangering global security. To address these issues, legal frameworks must prioritize human rights in AI development and use. They should align with international standards, ensuring transparency, accountability, and fairness in AI decision-making. Incorporating principles from existing human rights instruments is crucial. Given AI's transnational impact, international legal forums must proactively regulate its use, fostering collaboration among states, organizations, and civil society. International regulation is vital for building public trust in AI and ensuring it respects human rights. To conclude, regulating AI according to human rights principles is not just morally imperative but also essential for safeguarding individuals' well-being. By enacting comprehensive regulations, international bodies can mitigate AI risks while harnessing its transformative potential for societal benefit. Global cooperation is crucial to navigate AI's ethical and social challenges and ensure a future when technology enhances our common humanity.

6. ACKNOWLEDGMENTS

I bring thanks and gratitude to the Maritime University of Constanta for the financial support to publish the article presented at the International Session of Scientific Communications of the Students, in Constanta, May 2024, Romania..

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