

The Risks of Using Artificial Intelligence on Privacy and Human Rights: Unifying Global Standards

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ABSTRACT

Artificial intelligence (AI) presents significant opportunities and challenges, particularly balancing innovation with protecting privacy and human rights. The increasing integration of AI into daily life has amplified risks to digital privacy, access to information, and online communication, raising concerns about human rights violations. Governments must address these risks by implementing practical measures to ensure safe AI usage and redressing harm caused by unethical practices. This article explores the impact of AI on privacy and human rights, utilizing the 2024 Council of Europe Framework Convention on AI, Human Rights, Democracy, and the Rule of Law as a basis for ethical considerations. Employing an analytical methodology, the study examines international charters and national legislation to highlight disparities in addressing AI-related privacy concerns and to identify gaps between global human rights standards and digital technologies. Comparative analysis is conducted to evaluate international and national approaches to AI governance. The findings emphasize the urgent need for unified global standards to protect digital human rights, harmonize AI ethics, and reduce risks associated with AI applications. Recommendations include adopting comprehensive legal frameworks and promoting international cooperation to ensure ethical AI deployment aligned with human rights principles.

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1. Introduction

Artificial intelligence (AI) systems have become increasingly useful in real-world applications, expanding their scope and increasing the risk of unsafe abuse. As AI systems become more capable and fully integrated into society's infrastructure, the consequences of losing control will be more worrying. AI also raises serious concerns about privacy, bias, inequality, threats, and emerging trends in safety and cybersecurity.¹ AI can seriously impact the right to privacy

¹ A L Semenov, 'Artificial Intelligence in Society', *Doklady Mathematics*, 108.2 (2023), S168-78. <https://doi.org/10.1134/S106456242355001X>.

and personal data protection; it can be used on facial recognition devices or, for example, to track individuals online. In addition, using AI allows us to incorporate parts of a person's personal information into new data, which can lead to results that a person does not expect.²

AI allows computers to carry out activities that are simple for humans to do but challenging to articulate formally. These tasks usually take place in intricate or unpredictable contexts. While there are ongoing discussions regarding Artificial General Intelligence, which refers to computer programs capable of self-control and problem-solving in various domains, most AI systems currently in use are designed for specific applications known as Narrow AI. There are multiple methods available for designing narrow AI systems. Researchers have shown significant interest in knowledge bases in the past. Machine Learning (ML) is the predominant method for developing AI-based systems.

ML-based systems comprise a model that depicts a mathematical function mapping input data to output data. Typically, machine learning models must undergo a training process. During the training phase, an optimization algorithm adjusts the model parameters with the goal of minimizing a loss or maximizing a reward. Various sorts of training are available depending on the specific application.³ During the training phase of supervised machine learning, both the input and the associated output data are already known.⁴ In unsupervised machine learning, the input data is available, while the output data is unknown. In a reinforcement learning scenario, a learning agent carries out activities that lead to an immediate reward, while the agent's objective is to maximize a future reward that accumulates over time. Typically, the training step necessitates substantial quantities of data and, as a result, is frequently computationally demanding. This is particularly true for deep neural networks, which are intricate machine learning models with several parameters that have facilitated numerous recent improvements in machine learning.⁵

Therefore, AI applications in finance, health care, education, legal systems, and other fields are becoming increasingly popular. So, learning algorithms could process data sets accurately and quickly beyond human capabilities. However, there are risks associated with relying on AI, especially when decisions are made without human supervision. Therefore, machine learning depends on identifying patterns in data sets, and problems arise when existing data reflect social biases.⁶

From this point of view, the article aims to demonstrate what AI is and the risks associated with the use of AI by determining the impact of AI on privacy and the impact of AI on human rights. The significance of the article lies in many respects, perhaps the most important of which is that AI is now an effective means of doing business for individuals, which is an undeniable fact. It is unfair to deny a person the use of AI techniques while emphasizing the

² Cody Holl, 'The Content Intelligence: An Argument against the Lethality of Artificial Intelligence', *Discover Artificial Intelligence*, 4.1 (2024), 13. <https://doi.org/10.1007/s44163-024-00112-9>.

³ Tareq Al-Billeh, 'Disciplinary Measures Consequent on the Judges' Misuse of Social Media in Jordanian and French Legislation: A Difficult Balance between Freedom of Expression and Restrictions on Judicial Ethics', *Kutafin Law Review*, 10.3 (2023), 681-719. <https://doi.org/10.17803/2713-0533.2023.2.25.681-719>.

⁴ Tetyana M Vakhoneva and others, 'Legal Challenges to the Protection of Labor Rights of Refugees in the Digital Age', *Legality: Jurnal Ilmiah Hukum*, 31.2 SE-Journal's Articles (2023), 245-65. <https://doi.org/10.22219/ljih.v31i2.26576>.

⁵ Yanqi Zhao and others, 'Machine Learning Based Privacy-Preserving Fair Data Trading in Big Data Market', *Information Sciences*, 478 (2019), 449-60. <https://doi.org/10.1016/j.ins.2018.11.028>.

⁶ Simrata Bindra and Richa Jain, 'Artificial Intelligence in Medical Science: A Review', *Irish Journal of Medical Science (1971 -)*, 193.3 (2024), 1419-29. <https://doi.org/10.1007/s11845-023-03570-9>.

importance of unifying global standards around human rights and digital technology to reduce the risks resulting from the use of AI.

Digital social data, encompassing user-generated content, explicit or implicit interpersonal relationships, and behavioral traces, is fundamental to prevalent applications and platforms. The potential benefits of social data are numerous. Biases and errors arise both at the data source and during processing. Methodological constraints and difficulties, with ethical bounds and unforeseen repercussions, are frequently neglected. So, in this study, we will try to answer the questions that represent the research problem: What are the risks associated with using AI? What is the impact of AI on human rights? How can the use of AI affect the right to privacy and protection of personal data? What are the legal and judicial guarantees to protect individuals when using AI? What legal safeguards does the 2024 Council of Europe Framework Convention on AI, Human Rights, Democracy, and the Rule of Law?

2. Research Method

Based on the foregoing, this study will follow a comparative approach to the diversity of international charters and national legislation that differed in addressing the risks of using AI on privacy. And indicate differences between the world's countries in terms of global human rights and digital technology standards. The study also requires an analytical approach to analyze, criticize, and comment on all texts of international instruments and national legislation relating to the risks of using AI and identify their contents, implications, and objectives.

The study also required reference to international sources such as the Council of Europe's 2024 Framework Convention on AI, Human Rights, Democracy and the Rule of Law and the recommendations of UNESCO on enhancing AI ethics. The reports of Amnesty International and the World Health Organization on the legal and ethical framework for dealing with challenges arising from the use of AI to respect human rights and ensure that data is not used illegally. Reports of the European Union's Organization for Security and Cooperation in Europe and the European Commission on the Protection of Personal Data through the development of guidance and recommendations for the ethical use of AI in areas such as robotics, automated education, and AI in health, reports issued by the Office of the High Commissioner for Human Rights on cases in which human rights were violated as a result of the use of AI and the directions of the United Nations for the control of AI. In addition to reviewing the U.S. Supreme Court's jurisprudence on the importance of using AI and global standards on privacy, human rights, and digital technology.⁷

3. Result and Discussion

3.1. Concept of AI

AI is an integral part of individuals' lives, so it is widely resorted to. So, through this use, there are several issues specific to the mechanism of dealing with AI in various fields of legal sciences.⁸ The roots of AI date back to the mid-20th century when scientists suggested that machines capable of thinking and based on specific rules could be designed. However, AI has

⁷ James Dawes, 'Speculative Human Rights: Artificial Intelligence and the Future of the Human', *Human Rights Quarterly*, 42.3 (2020), 573–93. <https://doi.org/10.1353/hrq.2020.0033>.

⁸ Stamatis Karnouskos, 'Symbiosis with Artificial Intelligence via the Prism of Law, Robots, and Society', *Artificial Intelligence and Law*, 30.1 (2022), 93–115. <https://doi.org/10.1007/s10506-021-09289-1>.

developed remarkably because of technological advances, information, and big data availability.⁹

AI is linked to mental abilities, such as adapting to life conditions, drawing on past experiences and expertise, analyzing and solving problems, simulating human intelligence, and understanding nature.¹⁰ Therefore, AI has become available in everyday life, from smartphones to education, health, and security. So, there is a marked development in the use of AI technologies, and the world's countries are seeing rapid and significant progress in AI technology.¹¹

AI is a set of theories and algorithms that allow computer systems to perform tasks that require human intelligence to recognize sound, visual perception, or interpretation of texts.¹² Another aspect of the doctrine defined it as a combination of devices and programs that perform human functions and carry out complex processes based on available data.¹³ AI refers to systems or machines that simulate human intelligence in the performance of tasks. AI could improve based on information and data collected, including various technologies such as machine learning, deep learning, and artificial neural networks.¹⁴

Other attempts to legally define AI have emerged, described by some legal scholars as the cloud part of the world's ability to achieve goals while enumerating the functions needed to achieve artificial forms of AI: research, learning, identification of patterns, extrapolation, and planning. Recent definitions of AI regulations include Article 2 of the Council of Europe's 2024 Framework Convention on AI, Human Rights, Democracy, and the Rule of Law, which states: "For this Agreement, 'AI' means a machine-based system that for explicit or implicit purposes derives from inputs received and shows how outputs such as predictions, content, recommendations or decisions that may affect physical or virtual environments are generated. Different AI systems differ in their levels of independence and adaptability after publication."

Several definitions primarily focus on the scientific discipline rather than the technology itself. For instance, AI is often described as a field within computer science that investigates the characteristics of intelligence through the synthesis of intelligent systems. Emphasize the technical objects and propose that AI refers to utilizing digital technology to develop systems that can carry out duties typically believed to necessitate intelligence. This definition has demonstrated its attractiveness to policymakers, perhaps due to its straightforwardness, and can be seen in policy-related publications, such as the European Commission's.¹⁵

⁹ Mathias Risse, 'Human Rights and Artificial Intelligence: An Urgently Needed Agenda', *Human Rights Quarterly*, 41.1 (2019), 1-16. <https://doi.org/10.1353/hrq.2019.0000>.

¹⁰ Sumathy Ramesh, 'A Checklist to Protect Human Rights in Artificial-Intelligence Research', *Nature*, 552.7685 (2017), 334-356. <https://doi.org/10.1038/d41586-017-08875-1>.

¹¹ Sayed Fayaz Ahmad and others, 'Impact of Artificial Intelligence on Human Loss in Decision Making, Laziness and Safety in Education', *Humanities and Social Sciences Communications*, 10.1 (2023), 311. <https://doi.org/10.1057/s41599-023-01787-8>.

¹² Ragnar Fjelland, 'Why General Artificial Intelligence Will Not Be Realized', *Humanities and Social Sciences Communications*, 7.1 (2020), 10. <https://doi.org/10.1057/s41599-020-0494-4>.

¹³ David Lorge Parnas, 'The Real Risks of AI', *Communications of the ACM*, 60.10 (2017), 27-31. <https://doi.org/10.1145/3132724>.

¹⁴ Ekaterina D. Lukyanova, 'Artificial Intelligence: Achievements and Postponed Risks', *Sociologicheskaja Nauka i Social Naja Praktika*, 7.1 (2019), 142-48. <https://doi.org/10.19181/snsp.2019.7.1.6275>.

¹⁵ Bernd Carsten Stahl and others, 'Exploring Ethics and Human Rights in Artificial Intelligence - A Delphi Study', *Technological Forecasting and Social Change*, 191.1 (2023), 122502. <https://doi.org/10.1016/j.techfore.2023.122502>.

So, AI aims to guide the computer to perform better through specialized programming languages aimed at the computer simulating human behavior. So that AI could learn and adapt to situations by performing tasks performed by humans. AI systems can also sense their surroundings, solve complex problems, and provide quick solutions through available data.¹⁶

AI applications facilitate access to various services, positively affecting their political, social, and economic rights. However, several concerns have arisen regarding violating human rights and fundamental freedoms. Modern AI technology offers many benefits by expanding knowledge through data processing that contributes to policy decision-making in society.¹⁷ When we talk about AI, we think of a supercomputer with powerful processing abilities. This includes adapting, using sensors, and performing tasks like humans. These capabilities enhance the supercomputer's interaction with humans. Various films have been created to demonstrate the capabilities of AI, particularly in the context of smart buildings. These capabilities include managing air quality, controlling temperatures, and playing music based on the occupants' detected mood. In education, there has been a growing utilization of AI, expanding beyond the traditional concept of AI as a powerful computer to include integrated computer systems.

3.2. The Importance of Using AI

AI can process large amounts of data at higher speeds than human beings. AI software can make initial decisions based on that data, so AI techniques are used in various industrial, military, technical, economic, medical, and educational fields, such as AI technologies in self-driving cars or AI technologies in aircraft.¹⁸ Programmed robots can also be used for the work and motor skills of individuals in society. They also use robots for hazardous work, such as detecting mines and repairing wire extensions and nuclear reactors.¹⁹

AI is used in machine learning and learning networks to solve complex problems by arranging information in specific patterns and providing various answers to solve problems. In addition, AI can operate continuously without interruption or deterioration in performance by doing manual tasks, streamlining all tasks, and reducing the burden on employees.²⁰ AI can also be used in legal fields such as document drafting, which leads to saving time, effort, and cost, providing information with high accuracy, improving the management of legal documents such as laws, regulations, and court records, analyzing legal data, improving aspects based on

¹⁶ Ivy Munoko, Helen L Brown-Liburd, and Miklos Vasarhelyi, 'The Ethical Implications of Using Artificial Intelligence in Auditing', *Journal of Business Ethics*, 167.2 (2020), 209–34. <https://doi.org/10.1007/s10551-019-04407-1>.

¹⁷ Matthew U. Scherer, 'Regulating Artificial Intelligence Systems: Risks, Challenges, Competencies, and Strategies', *Harvard Journal of Law & Technology*, 29.2 (2016), 1–23. <https://doi.org/10.2139/ssrn.2609777>.

¹⁸ Alexey Turchin and David Denkenberger, 'Classification of Global Catastrophic Risks Connected with Artificial Intelligence', *Ai & Society*, 35.1 (2020), 147–63. <https://doi.org/10.1007/s00146-018-0845-5>.

¹⁹ Tareq Al-Billeh, 'Teaching Law Subjects by Using Educational Robots: Does the Use of Robots Lead to the Development of Legal Skills Among Law Students?', *Asian Journal of Legal Education*, 11.2 (2024), 188–200. <https://doi.org/10.1177/23220058241227610>.

²⁰ Ahmet Gocen and Fatih Aydemir, 'Artificial Intelligence in Education and Schools', *Research on Education and Media*, 12.1 (2020), 13–21. <https://doi.org/10.2478/rem-2020-0003>.

legal data in courts or law firms, and assisting judges and lawyers in different legal practices.²¹ AI can also play an important role in developing legal services by accelerating legal and judicial procedures and developing legal work. Judges may make decisions through so-called predictive algorithms based on the Constitution, case law, and jurisprudence in the justice field. It is possible to assist in the prompt, thorough, and precise issuance of judicial decisions, thereby reducing judges' time for research and improving judicial practice. The US Supreme Court has addressed the importance of using AI in the legal and judicial system, acknowledging its application in courts while warning against “dehumanizing the law” and that there are many instances where AI can be used to help the judicial system resolve cases quickly and fairly.²² However, the US Supreme Court has clarified that AI is not necessarily appropriate for all cases and situations and that courts must consider its appropriate and fair uses in litigation as technology rapidly advances.²³ AI also plays an important role in health care by diagnosing diseases with accuracy and high speed, such as medical image analysis techniques using deep neural networks that can detect early-stage diseases such as cancer and developing modern drugs through analysis of chemical reactions.²⁴

AI also improves business processes and manages resources accurately and effectively. AI techniques help analyze big data and provide robots supported by AI technologies, providing fast and effective services and reducing the vast costs that burden business operations.²⁵ AI technologies have also entered the transport field by developing self-driving cars based on deep learning techniques and precision sensors to detect the surrounding environment, reduce traffic accidents, and make transportation safer and more efficient. AI techniques can also manage and improve traffic and provide better services to the public transport sector.²⁶

Interest in AI is also growing in several areas, such as research on the environment, sustainable development, and global climate, as well as earth science models and climate models and monitoring of environmental elements using AI techniques. These technologies must, therefore, be managed from a sustainability perspective by recognizing the complex features of diverse ecosystems in light of the world's climate change, which is one of the global issues.²⁷

AI has significantly improved agricultural production, harvesting, and marketing in agriculture. Modern technologies like AI can replace human intelligence in troubleshooting and decision-making. AI can be applied to the food system with the Internet of Things (IoT),

²¹ Onur Bakiner, 'The Promises and Challenges of Addressing Artificial Intelligence with Human Rights', *Big Data & Society*, 10.2 (2023), 20539517231205476. <https://doi.org/10.1177/20539517231205476>.

²² Yordan Gunawan and others, 'Does the Protection of Minority Groups in Xinjiang Fail?', *Sriwijaya Law Review*, 4.2 (2020), 205–20. <https://doi.org/10.28946/slrev.Vol4.Iss2.432.pp205-220>.

²³ Pedro Rubim Borges Fortes, Pablo Marcello Baquero, and David Restrepo Amariles, 'Artificial Intelligence Risks and Algorithmic Regulation', *European Journal of Risk Regulation*, 13.3 (2022), 357–72. <https://doi.org/DOI:10.1017/err.2022.14>.

²⁴ Sheshadri Chatterjee and Sreenivasulu N.S., 'AI and Human Rights: A Comprehensive Study from Indian Legal and Policy Perspective', *International Journal of Law and Management*, 64.1 (2022), 110–34. <https://doi.org/10.1108/IJLMA-02-2021-0049>.

²⁵ Jana Koehler, 'Business Process Innovation with Artificial Intelligence: Levering Benefits and Controlling Operational Risks', *European Business & Management*, 4.2 (2018), 55. <https://doi.org/10.11648/j.ebm.20180402.12>.

²⁶ Muhamad Haris Aulawi and others, 'Governing Indonesia's Plan to Halt Bauxite Ore Exports: Is Indonesia Ready to Fight Lawsuit at the WTO?', *Bestuur*, 11.1 (2023), 26–42. <https://doi.org/10.20961/bestuur.v11i1.69178>.

²⁷ Victor Galaz and others, 'Artificial Intelligence, Systemic Risks, and Sustainability', *Technology in Society*, 67.1 (2021), 101741. <https://doi.org/10.1016/j.techsoc.2021.101741>.

from agriculture to food waste management. AI could optimize production processes, leading to significant advancements in attaining the United Nations Sustainable Development Goals about food systems.²⁸ AI will significantly influence the entire process of producing and delivering food, from the farm to the consumer. It will create new possibilities for precise farming techniques, such as real-time monitoring and management of crop fields. These methods will aim to minimize the negative impact on the environment. AI-driven solutions that do not deplete natural resources will effectively address the global imperative for achieving zero hunger and taking action on climate change. Moreover, AI technology could forecast weather patterns and assess farms for illnesses, pests, and insufficient plant nourishment. It allows for a remarkable ability to analyze data and computationally uncover intricate linkages and patterns, minimizing time wastage. AI has the potential to be a useful tool in promoting and supporting the shift towards sustainable and enhanced food systems, including school feeding programs. It can assist in alleviating the onerousness of administrative procedures.²⁹

To optimize the advantages of AI and simultaneously reduce or eliminate its potential hazards, the notion of trustworthy AI (TAI) advocates for the belief that individuals, organizations, and societies can only fully harness the capabilities of AI if confidence can be established in its creation, implementation, and utilization. If both physicians and patients lack confidence in the diagnoses or treatment recommendations provided by an AI-based system, it is improbable that either party will adhere to the advice, even if the treatments have the potential to improve the well-being of the patients. If drivers and the public lack confidence in autonomous vehicles, these vehicles will not be able to replace traditional, manually operated cars, even if there are suggestions that fully driverless traffic may alleviate congestion or prevent accidents.³⁰

However, TAI is important in health care, autonomous driving, and other domains. Take the electronic markets, which are increasingly enhanced by AI-based systems like chatbots for customer service. A few cloud providers have also started offering "AI as a Service" (AIaaS), web services for companies and individuals interested in developing, training, and implementing AI-based systems. While time and money savings have led to a widespread adoption of AI-based systems and services in the electronic marketplace, trust continues to be a crucial component of any buyer-seller relationship. As such, TAI is becoming more and more relevant in the electronic markets and its research community.³¹

Burgeoning technologies and applications, such as the Internet of Things, are ubiquitous in everyday life. Consequently, substantial data has been generated, produced, and collected. For example, companies like Facebook, Alibaba, Amazon, and Tencent gather vast data from their user platforms. These organizations may leverage new techniques like machine learning and data mining to perform big data analytics, enabling them to make informed market decisions

²⁸ Muhammad Chairul Huda and Budi Ispriyarso, 'Contribution of Islamic Law in the Discretionary Scheme That Has Implications for Corruption', *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan*, 19.2 (2019), 147–67. <https://doi.org/10.18326/ijtihad.v19i2.147-167>.

²⁹ Innocent Kutyauro, Munyaradzi Rushambwa, and Lyndah Chiwazi, 'Artificial Intelligence Applications in the Agrifood Sectors', *Journal of Agriculture and Food Research*, 11.1 (2023), 100502. <https://doi.org/10.1016/j.jafr.2023.100502>.

³⁰ Scott Thiebes, Sebastian Lins, and Ali Sunyaev, 'Trustworthy Artificial Intelligence', *Electronic Markets*, 31.2 (2021), 447–64. <https://doi.org/10.1007/s12525-020-00441-4>.

³¹ Thibault de Swarte, Omar Boufous, and Paul Escalle, 'Artificial Intelligence, Ethics and Human Values: The Cases of Military Drones and Companion Robots', *Artificial Life and Robotics*, 24.3 (2019), 291–96. <https://doi.org/10.1007/s10015-019-00525-1>.

and enhance their offerings. Big data has become an invaluable asset and has given rise to a growing commercial trend of data trading in data markets, such as data exchange and coup. Data owners could receive monetary compensation by sharing their data. A data provider packages the gathered data and submits the dataset to the big data market. Next, the data consumer presents their requests, and the market aligns the demand with the dataset. Subsequently, the data consumer engages with a data supplier to carry out the transaction.³²

The United States Supreme Court highlighted the importance of the use of AI in Judgment No. 22/277 of July 1, 2024, which states: "Major social media platforms play no role in selecting billions of texts and videos that users try to transmit to each other and humans do not do the bulk of the platform's organizing and supervising content. Instead, algorithms remove a small fraction of non-conforming publications and prioritize content based on factors the platforms did not disclose and may not know. So, many major platforms started using AI algorithms to help them edit content, and then AI algorithms made the decision." Based on the foregoing, by demonstrating the importance of using AI technologies, it is necessary to enact legal legislation to ensure the effective and ethical use of AI technologies and to avoid the risks that occur during the use of AI technologies.³³

3.3. Risks Associated with the Use of AI

AI refers to systems and devices that can simulate human intelligence and perform all tasks performed by individuals based on information collected. AI takes several forms. It may be in the form of robotics to understand individuals' problems or an AI program that analyzes data and makes recommendations based on the data being analyzed. AI systems are considered computer systems and are at risk of cyberattacks. Even the latest AI technologies have not been spared from cyberattacks by manipulating data entering AI systems and delivering the wrong result.

Article 16 of the 2024 Council of Europe Framework Convention on AI, Human Rights, Democracy and the Rule of Law states: "1. Considering the principles set out in chapter III, each Party shall adopt a set of measures to identify, assess and mitigate the risks posed by AI systems by considering the actual and potential impacts on human rights, democracy and the rule of law. 2. Such measures shall be gradual and differentiated, as appropriate, and: a. Considers the context and intended use of AI systems, particularly about risks to human rights, democracy, and the rule of law. b. Consider potential impacts and their severity. c. Consider, whenever possible, the views of relevant stakeholders, especially those whose rights may be affected. d. Frequently applying them in all activities within the life cycle of the AI system. h. Monitoring risks and negative impacts on human rights, democracy, and the rule of law. i. Document risks, actual and potential impacts, and risk management approaches. g. Testing AI systems when making amendments and before the first use".

Therefore, there are several questions about the extent to which the national laws in force in the country are absorbed to keep abreast of radical developments using AI to safeguard and

³² Zuhairah Ariff Abd Ghadas and Hartinie Abd Aziz, 'Analysis on The Doctrine of Limited Liability under Company Law and Shariah', *Al-Shajarah Journal of Islamic Thought and Civilization of IIUM*, 24.293–310 (2019). <https://doi.org/10.31436/shajarah.v24i2.947>.

³³ Patricia Higham, 'Communicating with Technology, Computers and Artificial Intelligence: Are Human Rights and Privacy Being Neglected?', *Journal of Data Protection & Privacy*, 3.4 (2020), 363–75. <https://doi.org/10.69554/DNYT8227>.

protect human rights.³⁴ The use of AI may restrict individuals' rights and freedoms through human rights violations by governments of the world's nations and the use of AI applications. Complex legal issues may arise because of AI technologies, which requires lasting legal development to cope with those developments regarding individuals' data. And a continuous change in legal legislation to match the significant technological development in the use of AI.³⁵

3.4. The Impact of the Use of AI on Privacy

AI is an expeditiously advancing domain of inquiry with numerous pragmatic implementations. With the progress of technology facilitating large data, deep learning, and neural networks for training, learning, and prediction, AI introduces unforeseeable and challenging hazards. These threats encompass economic instability, existential dilemmas, and the erosion of personal privacy. Unchecked, artificially intelligent systems have the potential to seriously jeopardize privacy by either posing a fundamental threat during their operation or leaking information when faced with adversarial conditions.³⁶

AI is about creating technological systems that can perform tasks that simulate human intelligence by analyzing individuals' data. Therefore, it is essential to preserve the privacy and integrity of personal information about individuals, such as addresses, names, and contacts collected using AI techniques to ensure that such data is not exploited illegally and unethically and the need to comply with international standards on privacy and to provide mechanisms for the protection of personal data.

Article 11 of the 2024 Council of Europe Framework Convention on AI, Human Rights, Democracy and the Rule of Law states: "Each Party shall take a range of measures necessary to ensure activities relating to the life cycle of AI systems as follows: a. Protect individuals' privacy rights and personal data in applicable domestic and international laws, standards and frameworks. B. Set effective safeguards and preventive measures for individuals, by applicable domestic and international legal obligations."

As the use of AI becomes more advanced and interconnected with our lives, the types of personal data these systems can collect are expanding rapidly. You may not even realize how much data AI systems collect about you during your day.³⁷ Therefore, the privacy of AI is a set of practices and concerns that focus on the collection, storage, and ethical use of personal information through AI systems. Therefore, the problem of protecting personal data and maintaining confidentiality arises when AI algorithms process large amounts of personal data. In an era when data has become a high-value commodity, ensuring the privacy of AI's use involves creating a balance between technological innovation and preserving individuals'

³⁴ Stanley Greenstein, 'Preserving the Rule of Law in the Era of Artificial Intelligence (AI)', *Artificial Intelligence and Law*, 30.3 (2022), 291–323. <https://doi.org/10.1007/s10506-021-09294-4>.

³⁵ Oyeniyi Abe and Akinyi J Eurallyah, 'Regulating Artificial Intelligence through a Human Rights-Based Approach in Africa', *African Journal of Legal Studies*, 14.4 (2021), 425–48. <https://doi.org/10.1163/17087384-12340084>.

³⁶ Marco Emilio Sánchez Acevedo, 'La Inteligencia Artificial En El Sector Público y Su Límite Respecto de Los Derechos Fundamentales', *Estudios Constitucionales*, 20.1 (2022), 257–84. <https://doi.org/10.4067/S0718-52002022000200257>.

³⁷ Jose Ramon Saura, Domingo Ribeiro-Soriano, and Daniel Palacios-Marqués, 'Assessing Behavioral Data Science Privacy Issues in Government Artificial Intelligence Deployment', *Government Information Quarterly*, 39.4 (2022), 101679. <https://doi.org/10.1016/j.giq.2022.101679>.

personal privacy.

Therefore, article 26 of the 2024 Council of Europe Framework Convention on AI, Human Rights, Democracy, and the Rule of Law provides for effective oversight mechanisms through the establishment of effective mechanisms by each party to the Convention to comply with its obligations under the Convention. And to ensure that each party exercises these mechanisms and duties independently and impartially and has the expertise to fulfill its obligations.”

Data collection must be done by obtaining the explicit consent of individuals and determining the legitimate purposes of using such personal data. Also, personal data can be securely stored for theft by developing AI techniques to respect individuals' privacy and protect their data. This requires the existence of legislation protecting such personal data by identifying who is responsible for the illicit and immoral use of such data.³⁸

The US Supreme Court has warned of the dangers of AI in the legal profession. Using AI to assess flight risks and return to crime has raised concerns about due process and reliability in criminal cases. Studies show a human-AI justice gap. So, despite its defects, human judgment remains better than anything from AI. The comprehension of AI among legal professionals is currently trailing behind its enthusiastic use in several instances, with machine learning technology having exerted a questionable influence on the US legal system to date.

Lastly, to ensure that the right to privacy is respected, all nations must create consistent, unambiguous guidelines for the safe use of AI technologies. To safeguard the right to privacy, all nations must adopt laws about employing AI techniques for privacy protection, which have been adopted by international human rights law.³⁹

3.5. The Impact of the Use of AI on Human Rights

The ethical and human rights issues stemming from AI technology continue to be a significant subject of discussion among the public and scientific community. The considerable economic and broader societal advantages AI offers are offset by concerns that these technologies can disadvantage certain persons and communities and adversely affect people's rights and legitimate expectations.⁴⁰ Concerns encompass a broad spectrum of issues, including safeguarding data, ensuring information security, addressing algorithmic biases, tackling unemployment, exacerbating economic inequality, and countering manipulation of political processes. Scientific researchers seek technical answers, professional associations help, standards bodies promote good practice, and governments aim to establish appropriate regulatory procedures. This entire process occurs under meticulous observation by the media and the public.⁴¹

Ensuring human rights is an important issue in the international community. The use of AI-

³⁸ Muhammad Ikhsan Lubis, 'The Relationship of International Human Rights Law with International Humanitarian Law in Situations of International Armed Conflicts', *Journal of Indonesian Legal Studies*, 1.1 (2016), 13–34. <https://doi.org/10.15294/jils.v1i01.16565>.

³⁹ Muhammad Khaeruddin Hamsin, Rizaldy Anggriawan, and Farisma Jiatrahman, 'Unveiling Ethical Implications: AI Robot Accountability in Islamic Context', *Jurnal Media Hukum*, 30.2 (2023), 117–35. <https://doi.org/10.18196/jmh.v30i2.18524>.

⁴⁰ Bart Verheij, 'Artificial Intelligence as Law', *Artificial Intelligence and Law*, 28.2 (2020), 181–206. <https://doi.org/10.1007/s10506-020-09266-0>.

⁴¹ Mohammad Hazyar Arumbinang, Yordan Gunawan, and Andi Agus Salim, 'Prohibition of Child Recruitment as Soldiers: An International Regulatory Discourse', *Jurnal Media Hukum*, 30.1 (2023), 21–32. <https://doi.org/10.18196/jmh.v30i1.19322>.

based technologies affects the lives of individuals in society. Therefore, the negative effects of using AI techniques on human rights must be understood.⁴² Using AI techniques leads to many political, social, and economic objectives. However, using AI techniques raises several concerns about human rights violations, such as freedom of expression, privacy, and electronic personal data protection. This calls for universal rules, ethics, and standards governing the use of AI technologies.⁴³

Therefore, there must be effective limits to not violating human rights when using AI techniques. Some of the jurisprudence went to the need to focus on risk and self-regulation by AI developers rather than relying on detailed rules so that self-regulation reduces and accurately identifies risks and consequently achieves the desired results.⁴⁴

Another jurisprudence suggested that human rights principles should be incorporated into using AI through collecting and selecting data and designing and using models. AI techniques in the criminal justice system that foresee future criminal conduct have compromised human rights by deeming the individual guilty and infringing upon the presumption of innocence enshrined in the country's national constitutions and laws.⁴⁵ Article 4 of the 2024 Council of Europe Framework Convention on AI, Human Rights, Democracy, and the Rule of Law states: "Each party shall adopt or maintain the necessary measures to ensure that activities within the life cycle of AI systems are consistent with human rights protection obligations, as provided for in applicable international law and domestic law."

Governments must, therefore, take action to protect human rights when using AI technologies. The United Nations may be vital in inviting stakeholders to advise on using AI technologies at the international level. A list of people who have suffered damage because of the use of AI should, therefore, be drawn up, considering the growing risk around the misuse of AI systems.⁴⁶

The risks involved in using AI systems and the implications for human rights when using AI technologies should be assessed. Moreover, AI technologies incompatible with international human rights law requirements must be banned until legal safeguards are set for their secure use.⁴⁷ Accordingly, article 5 of the 2024 Council of Europe Framework Convention on AI, Human Rights, Democracy, and the Rule of Law states: "1. Each Party adopts various measures to ensure that AI systems are not used. 2. Each Party shall adopt a set of measures that seek to protect its democratic processes in the context of activities within the life cycle of AI systems, including equitable access to and participation in public debate by individuals and their ability

⁴² Isabella Banks and Leonore Ten Hulsén, 'Human Rights Weekend: Artificial Intelligence, Big Data & Human Rights: Progress or Setback?', *Amsterdam Law Forum*, 11.3 (2019), 70. <https://doi.org/10.37974/alf.340>.

⁴³ Pradeep Paraman and Sanmugam Anamalah, 'Ethical Artificial Intelligence Framework for a Good AI Society: Principles, Opportunities and Perils', *AI & SOCIETY*, 38.2 (2023), 595–611. <https://doi.org/10.1007/s00146-022-01458-3>.

⁴⁴ Eileen Donahoe and Megan MacDuffee Metzger, 'AI and Human Rights', *Journal of Democracy*, 30.2 (2019), 115–126. <https://doi.org/10.1353/jod.2019.0029>.

⁴⁵ Leonardo Banh and Gero Strobel, 'Generative Artificial Intelligence', *Electronic Markets*, 33.1 (2023), 63. <https://doi.org/10.1007/s12525-023-00680-1>.

⁴⁶ Paul Timmers, 'Ethics of AI and Cybersecurity When Sovereignty Is at Stake', *Minds and Machines*, 29.4 (2019), 635–45. <https://doi.org/10.1007/s11023-019-09508-4>.

⁴⁷ Dennis Broeders, 'Aligning the International Protection of "the Public Core of the Internet" with State Sovereignty and National Security', *Journal of Cyber Policy*, 2.3 (2017), 366–76. <https://doi.org/10.1080/23738871.2017.1403640>.

to form opinions freely."

Article 7 of the 2024 Council of Europe Framework Convention on AI, Human Rights, Democracy, and the Rule of Law further stipulates: "Each party shall adopt a set of measures necessary to respect human dignity and the independence of the individual about activities within the life cycle of AI systems." Companies must also fulfill their responsibility to respect human rights in line with the guiding principles of business and human rights on dealing with AI. This calls for an international advisory body that supports the risks of AI technologies by providing different perspectives and standards on the mechanism for dealing with the risks of using AI technologies and their relevance to international human rights requirements.⁴⁸

Article 16/3 of the 2024 Council of Europe Framework Convention on AI, Human Rights, Democracy, and the Rule of Law states: "Each Party shall adopt a set of measures that seek to ensure that the negative effects of AI systems on human rights, democracy and the rule of law are adequately addressed. These negative effects and the measures needed to address them should be documented to solve them. Each Party shall assess the need for a suspension, prohibition, or appropriate measures concerning certain uses of AI systems incompatible with respecting human rights, the functioning of democracy, or the rule of law."

Article 21 of the 2024 Council of Europe Framework Convention on AI, Human Rights, Democracy, and the Rule of Law further stipulates that: "Nothing in this Convention shall be regarded as limiting, detracting or affecting the human rights and other relevant legal rights and obligations which may be guaranteed under the relevant laws of any party or any other relevant international convention to which it is a party."

By referring to the European Ethical System on the Use of AI, we find that we are interested in ensuring the use of AI technologies in an ethical manner to protect the rights of individuals and communities and ensure that institutions adhere to legal ethical standards. So, guidelines have been developed by various European Union organizations to regulate the use of AI while ensuring its compatibility with the ethics and fundamental rights of individuals to find some balance between technological progress and the protection of individuals' rights. The European Union's Organization for Security and Cooperation in Europe and the European Commission for the Protection of Personal Data have also developed guidance and recommendations for the ethical use of AI in areas such as robotics, automated education, and AI in health.

EU projects on AI rules have also been approved to safeguard human rights and the right to protect personal data, such as prohibiting AI techniques in monitoring biometrics such as facial and audio fingerprints. Users of AI systems should be obliged to disclose the content and any materials protected by intellectual property rights and analyze and classify systems used according to the risks to users.⁴⁹

International charters have also called for protecting human rights from the risks of using AI. Among them are the UN issues on the impact of AI as the UN's directions of responsibility for controlling AI with the need to use these technologies in a manner that does not lead to human rights violations. Amnesty International and the World Health Organization have also

⁴⁸ Alexander KRIEBITZ and Christoph LÜTGE, 'Artificial Intelligence and Human Rights: A Business Ethical Assessment', *Business and Human Rights Journal*, 5.1 (2020), 84–104. <https://doi.org/DOI:10.1017/bhj.2019.28>.

⁴⁹ Arzetta Zahra Metthania and Siti Nurul Intan Sari Dalimunthe, 'Legal Protection for Parties in Sale and Purchase Transactions of Virtual Objects', *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, 5.2 SE-Articles (2022), 267–77. <https://doi.org/10.24090/volksgeist.v5i2.7066>.

developed a legal and ethical framework to deal with challenges arising from the use of AI to respect human rights and ensure that data is not used illegally.

Several reports from the Office of the High Commissioner for Human Rights (OHCHR) have indicated that many cases of human rights violations resulting from the use of AI have arisen. Some people were treated unfairly because of AI, such as being denied social security compensation because of defective AI tools or arresting individuals because of a flaw in facial recognition systems. The United Nations High Commissioner for Human Rights indicated in his report issued on July 12, 2023 that artificial intelligence must be based on human rights by providing safety barriers for international efforts aimed at exploiting the enormous potential of artificial intelligence while preventing and mitigating its enormous risks that violate human rights. UNESCO's recommendation for 2021 on enhancing AI ethics urged member states to ensure that the harms caused by AI technologies are investigated and repaired. Using mechanisms to implement measures to address their consequences and take effective action to redress harm. To ensure respect for human rights and the rule of law in the digital world.

In 6 March 2020, the District Court of The Hague issued its ruling in *NCJM et al. and FNV v The State of the Netherlands ('SyRI')*. The case contested the Dutch government's implementation of System Risk Indication (SyRI), an algorithm intended to detect probable social support fraud. The Court determined that neither the legislation regulating SyRI nor its application satisfied the criteria established in Article 8(2) of the European Convention on Human Rights (ECHR) for interference with the right to private life to be deemed essential and proportional. This is among the initial rulings globally that examine the human rights ramifications of artificial intelligence (AI) use in the public sector and the corresponding responsibility of states to provide transparency in AI procedures.

In the future, autonomous machines equipped with AI will replace humans in almost all occupational roles. Implementing this technology will undoubtedly enhance accuracy, convenience, and efficiency, but it will also raise several ethical, social, and legal challenges. Given that machines are assuming all the activities previously carried out by humans, they cannot be granted exemption from the ethical norms that govern human behavior. However, due to the limited capacity of digital devices to comprehend just binary code (0 and 1), encoding intricate philosophical concepts into binary would be a laborious undertaking. These significant challenges provide a chance to re-examine the fundamental and well-established normative moral theories put out by contemporary philosophers. The moral concepts associated with AI have the potential to bring about substantial benefits for various stakeholders, including producers and consumers.

One of the issues introduced in the Council of Europe's 2024 Framework Convention on AI, Human Rights, Democracy, and the Rule of Law is the protection of the rights of persons with disabilities and children. Article 18 of the same convention states: "Each Party shall, by his domestic law and applicable international obligations, take due account of any specific needs and weaknesses in respect of the rights of persons with disabilities and children."

As a result, the international community must establish a global digital compact to promote a digital security future without any risks to ensure that human rights are not compromised and sustainable development requirements are met. Digital technologies have led to a massive economic revolution focused on a few States, which has given rise to the problem of global inequality.⁵⁰

⁵⁰ Tim Hinks, 'Artificial Intelligence Perceptions and Life Satisfaction', *Journal of Happiness Studies*, 25.1 (2024), 5. <https://doi.org/10.1007/s10902-024-00727-w>.

The connection between AI and human rights is undeniable, and there has been increasing endorsement for an approach to AI that aligns with the framework of international human rights law in both academic and practical circles. Nevertheless, despite continuous advancements, the international legal framework for human rights regarding AI is still incomplete, especially when defining the roles and duties of the various players involved, particularly commercial enterprises engaged in the research and implementation of AI. Uncertainties persist regarding these individuals' accountability limits and how they can be held accountable.⁵¹ In addition, numerous AI governance projects prioritize AI ethics rather than human rights. While these efforts typically include principles or rules that align with human rights norms for both States and enterprises, the impact of these instruments on human rights protection is not always apparent. There is a strong need for clarity, not just for persons whose rights are impacted but also for other important parties like States and enterprises involved in the development or use of AI.

4. Conclusion

AI is a hotly debated topic, with little agreement on the differences and similarities between human intellect and AI. Conversations concerning key topics, including trustworthiness, explainability, and ethics, frequently include underlying notions prioritizing humans and human-like attributes, such as the goal for artificial intelligence to have human-like intellect as the ultimate benchmark. Algorithmic bias presents significant ethical questions since it might negatively impact inclusivity and diversity. Nevertheless, research into the moral dilemmas raised by large-scale, international practices that affect AI development and design is desperately needed. Therefore, Remarkable developments in the use of AI technologies without legal safeguards for the protection of individuals have led to human rights violations. The right to privacy is violated in several ways through the collection, storage, and exploitation of personal data about our lives in a variety of abusive ways. Criminals can access this sensitive information and arbitrary surveillance by government agencies in countries around the world using complex spyware. Many States have not set basic, straightforward legal safeguards to govern computer hacks. Although some States have developed legal legislation that complies with international human rights law, others have maintained their traditional legislation without any amendments consistent with modern technological developments. Given the rapid advancement of AI technology and its applications, developing a more adaptable understanding of intelligence and recognizing its various potential manifestations and combinations is necessary. A redefined notion of intelligence encompasses a comprehensive comprehension of the fundamental attributes, potentialities, and constraints of various cognitive system qualities, biological and artificial while avoiding any misconceptions centered on or resembling human characteristics. It is crucial to understand and address the various potential problems of machine intelligence, such as determining when to utilize or implement AI for specific jobs and their circumstances. As a result, it is recommended that unique, concentrated, and easily adaptable training formats and learning environments for human-AI systems be integrated into the educational curriculum. Future research should focus on building flexible and diverse training tools, methodologies, and materials to keep up with AI's rapid advancements and the vast diversity of target groups and learning objectives. Finally, all countries must establish uniform and clear standards about

⁵¹ José-Miguel Bello y Villarino and Ramona Vijayarasa, 'International Human Rights, Artificial Intelligence, and the Challenge for the Pondering State: Time to Regulate?', *Nordic Journal of Human Rights*, 40.1 (2022), 194–215. <https://doi.org/10.1080/18918131.2022.2069919>.

the unsafe use and misuse of AI technologies and ensure the enjoyment of the right to privacy. Adopting legislation on protecting privacy in AI techniques conforms with international human rights law to ensure the effective protection of the right to privacy.

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