

© 2023 Imran, Murtiza & Akbar This is an Open Access article distributed under the terms of the Creative Commons-Attribution-Noncommercial-Share Alike License 4.0 International (<http://creativecommons.org/licenses/by-nc-sa/4.0/>), which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly attributed, not used for commercial purposes, and, if transformed, the resulting work is redistributed under the same or similar license to this one.

Received:
November 13,
2022

Revised:
March 27,
2023

Published:
June 10, 2023

Journal of Politics and International Studies

Vol. 9, No. 1, January–June 2023, pp.15–29

The Impact of Artificial Intelligence on Human Rights, Democracy and the Rule of Law

Dr. Muhammad Imran

Assistant Professor, College of Law Government

College University, Faisalabad - Pakistan

Email: adv.drmmimran@gcuf.edu.pk

Dr. Ghulam Murtiza

Associate Professor / Chairperson College of Law

Government College University Faisalabad – Pakistan

Correspondence: ghulammurtiza@gcuf.edu.pk

Muhammad Sulyman Akbar

Lecturer, College of Law Government

College University, Faisalabad - Pakistan

Email: msulymanakbar@gcuf.edu.pk

Abstract

Although technology advances swiftly and embraces notions like internationalisation and globalisation, traditional law is usually sluggish to adjust to technological innovations and is generally constrained by geographical limits. Nonetheless, the notion of the rule of law provides an explanation for why the law is limited to within national borders and why this is generally accepted. Nonetheless, the development of Artificial Intelligence (AI) represents a grave danger to the rule of law AI. The development of AI has led to its widespread integration into automated decision-making systems. It's designed to take the place of humans in the decision-making process. The use of AI by judges to aid in decision-making is one example of this trend. Because of its intricacy and legal precautions, this gadget is commonly referred to as a "black box" in everyday language. The rule of law's traditional concepts are being called into question due to a lack of transparency and an inability to understand the functioning of these systems, which are increasingly being employed by the institutions of governance. Things like transparency, justice, and personal responsibility, all linked with the rule of law, are especially important. This paper uses the qualitative secondary research methodology. This article delves into the ways in which AI interact with constitutional government, individual liberties, and the rule of law. The findings of the study supported the idea that the concept of the rule of law offers a strong framework for comprehending the structure of any society. Therefore, it is essential to protect the rule of law against the development of AI.

Key Words: Artificial Intelligence, Democracy, Government, Human Rights, Rule of law

Introduction

As the majority of legal systems are still somewhat constrained by national constraints, it is paradoxical to study law and computer technology because technology incorporates concepts such as internationalization and globalization (Hoffmann-Riem, 2020). Despite the apparent inconsistency, this issue is sidestepped by the rule of law notion, which has as its stated goal that “the “rule of law” is good for everyone” and which presumably has worldwide backing. It's accepted that certain individuals may distort the rule of law in order to excuse actions that run opposed to its intentions. It is still hoped that the rule of law would be “analogous to the idea of the “good,” in that everyone will be for it, but they will have various notions of what it is. This goal has been around for a while and is still relevant today. There has been a general weakening of the rule of law around the world for the second year in a row, which is concerning if the rule of law is an idea that should be remembered as a gauge of a “good” worth pursuing. Nevertheless, a second, more subtle threat is expanding as digitalization spreads throughout society. This is the risk posed by technological advancements, especially those involving AI (Smuha, 2019). Amazing developments in AI and data-driven technologies over the past two decades have interestingly positioned modern civilization at a crossroads from which to determine the future direction of mankind. Socially beneficial AI

Innovation is on the rise, and this bodes well for addressing many of the social injustices and material inequalities that plague our world today, such as climate change and biodiversity loss; the quality of care, living conditions, transportation, and food development for all people; and many other issues.

Yet, the spread of unethical AI developments highlights warning flags of major challenges that may lie ahead if development of these technologies continues along its current worrisome track (Chakrabarti & Ray, 2023). One such red flag is the growing threat posed by digital monitoring infrastructures like live facial recognition to fundamental human rights including privacy, freedom of speech, assembly, and expression, as well as other civil liberties and social liberties. The widespread adoption of digital surveillance capabilities and predictive risk models in high-impact fields like law enforcement is another example of how these trends have served to further enshrine and solidify pre-existing patterns of structural discrimination, systemic marginalisation, and inequality. In September 2019, after concluding that human intervention, inspired by democracy, was necessary to steer AI progress in the right direction, the Committee of Ministers of the Council of Europe agreed on the terms of reference for the Ad Hoc Committee on AI (Donahoe & Metzger, 2019). To ensure that AI systems are created, deployed, and used in accordance with Council of Europe norms in the interconnected fields of human rights, democratic values, and the legal system, the Council for the Advancement of Artificial Intelligence is tasked with evaluating the feasibility and potential components of a legal framework.

European Economic and Social Committee's 2017 "inception report" on the broader societal effect of AI identified safety, ethics, laws and regulations, democracy, transparency, privacy, work, education, and (in)equality as the most significant social consequences domains. Safety, ethics, rules and regulations, labour, education, and (in) equality are among these domains. This indicates that

AI has an effect on the human rights, governance, and legal system in our society (Peterson, 2023). According to the AI High-Level Expert Group on artificial intelligence standards presented in 2019, trustworthy AI is defined as artificial intelligence that complies with the law, acts ethically, and is socio-technically sound (Zalnieriute et al., 2019). When it comes to the ethical aspect of trustworthy AI, the rules state unequivocally that basic human rights will be used as the foundation for artificial intelligence ethics. Although some of these principles are directly derived from pre-existing (human) rights, they are not yet legally enforceable on their own. This is because some of these notions have not yet been formalised. There has been an increase in the desire for more robust (current or new) binding legal frameworks for AI in recent months. In its whitepaper on artificial intelligence, the European Commission made a suggestion for potential legislative framework components (Fernández-Aller et al., 2021). Furthermore, the European Commission emphasises the importance of AI adhering to EU citizens' fundamental rights as well as the regulations that serve to protect those rights.

As the field of AI advances, this technology is beginning to replace human decision-makers in businesses, both public and private, that are striving to become more efficient. Digital decision-making systems are currently assisting the process of human decision-making, and this function is gradually being assigned to machines. Governance is not an exception to this trend, as digital systems for making decisions have become smarter as they have become more digital. Most of these systems that make decisions are called "black boxes" because they use very advanced technology that is hard for humans to understand. But the law has some restrictions on how much transparency can be shown (Winikoff & Sardelić, 2021). When these things come together, they put the rule of law to the test. In this setting, it is almost impossible to meet the standards of the rule of law, such as insight, transparency, AI, and the ability to understand artificial intelligence. This, in turn, raises questions about whether the idea of the rule of law is even possible in a society based on technology. In order to give a broad overview of this complex topic and to focus on the technological idea of AI, this article briefly describes the rule of law. Also, it seeks to give some background knowledge on democracy, human rights law, and related topics.

Literature Review

Artificial Intelligence

Artificial intelligence (AI) is a subdiscipline of computer science. Artificial intelligence (AI) has been defined as "the field of building things that can show, in a controlled, well-understood environment and over long periods of time, behaviors that we consider to be intelligent or, more generally, behaviors that we think are at the heart of what it means to have a mind" (Gibbons, 2021). Any understanding of how humans think may AI in the development of machines that function similarly. Several artificial intelligence applications have already been put into use in the real world, such as biometric (including face) identification, object classification, performance forecasting, risk estimation, computational decision-making or AI, automated interpretation, decision support systems, etc (Donahoe & Metzger, 2019). These applications have been useful in many fields, including as law enforcement, judicial, administration of human resources, economics, transportation, healthcare, and public service. As no single definition is agreed

upon, AI is still fundamentally a controversial topic. Nonetheless, definitions may be roughly divided into two groups: human-centric definitions and rationalist definitions. The Turing test is the most known example of a human-centered definition, in which a computer is considered to have passed when it demonstrates behavior typically associated with human (conversational) intelligence (Fernández-Aller et al., 2021). Rationalists believe that creating agents with decision making abilities rooted in perceptual understanding constitutes true artificial intelligence (AI). Common use of the word "AI" to refer to a wide range of technology tools that combine algorithmic techniques with data processing capability does a disservice to the complexity of real artificial intelligence.

The phrase "artificial intelligence" refers to a wide range of computer applications, some algorithmic and data-driven and others not (Salgado - Criado & Fernández-Aller, 2021). Moreover, several AI methods are available for implementation. These methods include argumentation, expert systems, knowledge reasoning and representation, reactive planning, and proactive planning. The bulk of the AI systems that have recently become widespread in our society have a negative impact on a variety of important values, including democracy, the rule of law, and human rights. First and foremost, AI systems are not simply the sum total of their software components (Cath et al., 2018). Also, it is an element of the socio-technical framework that underpins the development of AI technology. When it comes to governance, it is not enough to simply concentrate on the technology itself; we also need to take into consideration the individuals, organisations, and institutions that are involved in developing, deploying, utilising, and exercising control over the technology, as well as the citizens and the interactions they have with their respective governments, businesses, and co-workers.

The rule of law as an ideal

There are many different interpretations of the rule of law, making it difficult to nail down. According to the definition given by the term "the rule of law," it is "the mechanism, method, institution, practice, or norm that maintains equality of all persons before the law, ensures a non-arbitrary form of government, and more generally prevents the arbitrary exercise of authority." (Bingham, 2007). The concept that everyone is subject to the laws of a state and that no one is immune from those rules is central to the concept of legal equality. Human rights are an example of a social value that should be protected under the rule of law, which also refers to the attributes that a legal system should have. This definition expands beyond the concept that it checks the power of the state.

The rule of law relies heavily on the principle of mutual respect between rulers and ruled. Everyone should be protected by the law, everyone should be required to abide by legal norms, and the law should be applied consistently. Those in positions of authority also have a duty to uphold public standards and refrain from acting arbitrarily (government must operate within the bounds of the law) (Maravall & Przeworski, 2003). When people talk about the rule of law, they often talk about how different its formal requirements are from the real things it is supposed to cover. Evidence for this may be seen in the divergent understandings of the rule of law, with some people viewing it as nothing more than a set of legal positivist concepts based on the formal structures of government.

Lon Fuller is credited with developing one of the most well-known views on the rule of law in his book *The Morality of Law* (Lane, 2023). Fuller agrees that the

formal structures of society and what he refers to as "the interior morality of law" work together to create the rule of law. Eight formalistic concepts constitute the basis of Fuller's idea of the rule of law:

1. First, rules need to be established.
2. The second need is that they look ahead, rather than back.
3. Third, everyone should be aware of the guidelines.
4. Fourth, the regulations need to be clear.
5. Fifth, the regulations can't set competing standards.
6. Sixth, following the regulations should not be difficult.
7. Seven, there can't be constant rule changes.
8. Eighth, the declared regulations and the rules as enforced by authorities must be consistent (Bennett, 2007).

Hence, many theories (such as evolutionary, force, divine right, and social contract) present contrasting perspectives on the rule of law. These ideas often show the interconnectedness of the rule of law's practical and ethical dimensions. It can be used to describe the current political climate of a country or the way that state handles its diplomatic responsibilities." Together with the formal and substantive divides, Wennerström also discusses a third, "functional," understanding of the rule of law (Wennerström, 2007). According to the "functional" idea, a legal system is evaluated based on the amount and effectiveness of each of its separate functions, such as how predictable court decisions are and how long it takes to access the judicial system. The rule of law is evaluated in terms of how it manifests itself inside a state, with a focus on functioning. In Brownsword's view, defending the rule of law requires criticizing both autocratic administrations and careless citizenry (Lucy, 2020). According to this view, legislators, law enforcers, interpreters, and appliers are all responsible for upholding the rule of law for the benefit of all citizens (including lawmakers, law enforcers, law interpreters, and law appliers). The compact says that the governors have to make legal decisions, and the people have to follow them. So, everyone is equally subject to the law.

This indicates that the rule of law is a political ideal, despite the fact that its meaning is still hotly contested. According to Krygier (2016), the rule is a solution to a problem, but the difficulty itself is determining how to make the law the rule. He further argues that the rule of law can only be understood in terms of the effects it produces. People want to set up the rule of law because they are worried about how power is used, especially when it is used arbitrarily.

The concepts of power and the assumption that one possesses a moral right to control others are intricately linked. This ethical aspect makes it imperative that the rules be made public in the future in some fashion, that they are universally applicable, equal, and conclusive. The idea of openness being synonymous with publicity is one of the most widespread misconceptions. Others have suggested that the rule of law is founded on a two-pillar transparency concept that calls for public access to the decision-making process through political representation and that procedural protections, such as the ability to review rulings, be provided while the law is being implemented (Waldron, 2011). In other words, the rule of law necessitates political representation for the public in decision-making and the availability of procedural safeguards when the law is being implemented. The capacity to challenge decisions is essential to a well-functioning legal system since

it depends on the rule-making procedure's openness (Tamanaha, 2012). So, the observer is the one who must determine whether it is best understood as a notion that requires genuine morality or as the formal structures that are essential to establish rules. The latter's advocates emphasize its utility, arguing that it helps bring order out of social disorder and satisfies people's craving for the predictability. They believe that it helps bring order out of social chaos. Also, it may be articulated in either a theoretical or practical meaning.

Research Methodology

This study was qualitative in nature, and the secondary data collection tools used to get the data from internet articles and journals. Some of the information for this research has been gathered from the publications of various researchers. The information that is obtained through the use of this technique is in the form of words and sentences. In general, this methodology is used for social sciences, and it offers specific information regarding the subject of the research (Ruggiano & Perry, 2019).

The Link between Human Rights, the Rule of Law and Democracy

Respect for human rights, adherence to the rule of law, and democratic governance all have a close connection with one another (Spano, 2018). In order for legitimate governments to successfully protect human rights, it is vital for those governments to have robust democratic institutions, transparent and public decision-making processes, as well as a judiciary that is independent, impartial, and enforces the rule of law. From the moment of a person's conception until the moment of their natural death, they are entitled to the same inalienable liberties and protections regardless of their race, ethnicity, gender, age, sexual orientation, socioeconomic status, religion, language, nationality, or physical or mental ability (Versteeg & Ginsburg, 2017). This right extends from the moment of their conception until the moment of their natural death. Because of the importance of these rights and freedoms, governments have the responsibility to uphold, protect, and expand them. If these requirements are not satisfied, individuals have the right to pursue redress via the legal system for any violations of human rights that may have occurred.

Human rights, democracy, and the rule of law depend on one another because of their symbiotic relationship (Elbasani & Šabić, 2018). Legitimacy for democratic institutions rests on the belief that everyone has an equal right to participate in community life and to influence choices that affect them. Nevertheless, before people may use this right to participate in the administration of public affairs, they must also achieve a number of other related civil, political, social, cultural, and economic rights:

- They must be able to express themselves freely and freely associate.
- They need to be protected from any sort of discrimination that would prevent them from fully and fairly participating in community life and giving equal respect before the law.
- They must have access to the material means of participation and must have a suitable level of education, acceptable living and working conditions, health, safety, and social security (Merrills & Robertson, 2022).

- They must have access to efficient legal remedies if their fundamental rights are violated.

To this end, the rule of law provides the institutional framework necessary to safeguard democratic participation and protect fundamental liberties. To protect individuals' rights to due process in the courts and to ensure that everyone is treated fairly and equally under the law, a government must have a judiciary that is both independent and impartial.

Artificial Intelligence and Human Rights

Several fundamental liberties and protections for individuals are guaranteed by the European Convention on Human Rights (ECHR), such as the right to life, liberty, and security (Article 5), the right to a fair trial (Article 6), the right to be free from punishment without a court order (Article 7), and the right to one's own private and family life (Article 8) (Lane, 2023). The following are some ways in which AI may affect these rights;

i. Liberty and Security, Fair Trial, No Punishment without Law

The judicial and law enforcement systems are particularly sensitive to the possibility that AI has the potential to reinforce or intensify prejudice. When an individual's physical freedom or safety is at stake, as in the cases of predictive policing, recidivism risk assessment, and sentencing, the rights to liberty, security, and a fair trial becomes vulnerable. When used to anticipate or administer punishment for criminal behaviour, AI systems may exhibit prejudice (Zuiderveen Borgesius, 2020). When "black box" technologies make it difficult for legal experts like judges, lawyers, and district attorneys to comprehend the logic behind the system's results, the justification and appeal of a decision become more challenging.

The effects of AI on the ban of illegal detention and the right to reasonable suspicion are less evident. AI applications that are utilized for predictive policing do nothing more than look for correlations based on the features that are shared with previous "cases." (Krygier, 2016). In many cases, suspicion is not founded on specific evidence linking the suspect to criminal activity but rather on the suspect's similar features with known offenders (such as an address, income, nationality, debts, employment, and so on). Unfortunately, the exact traits of the AI system and how those traits are given "weights" are still a secret.

ii. Family and Personal Matters; Health; Mental and Moral Strength

AI based systems and apps have extensive and far-reaching effects on individuals' privacy rights. Concerns about data privacy and the careless management of sensitive (and non-sensitive) information are at the forefront of discussions about AI (Atabekov & Yastrebov, 2018). Yet, it must be acknowledged that while data privacy is a key factor, the impact of AI on our privacy goes much beyond that of our data. Art. 8 of the ECHR protect various areas of our privacy. Individuals have the right to protect their identity and individuality, as well as their bodily, psychological, and moral well-being and their right to privacy (in the broadest sense).

These sectors might be impacted by a number of uses and applications of AI, although they haven't gotten much attention up until this point. One form of AI driven (mass) surveillance is facial recognition, which requires acquiring, storing, and analyzing personally identifiable information (our faces) (Trimble, 2023). But it also affects our sense of being followed, identified, and observed in ways that undermine our sense of privacy and autonomy. The chilling effect of monitoring can invade the private space that is important for political debate and personal growth. This makes people feel like they have to act in a certain way. Facial recognition technology has the potential to shift power from the individual to the state or private organization.

It is essential to be aware of the fact that it is not feasible to correctly "read" the inner feelings or mental state of another person based on factors such as their face, heart rate, tone of voice, or body temperature, much less forecast their conduct in the future. AI driven emotion identification, as demonstrated by a recent meta-study, is limited to identifying how a person perceives artificial intelligence biometric characteristic in another (Książak & Wojtczak, 2023). Artificial intelligence is limited to labelling an interpretation that is very context and culture-dependent but does not capture the individual's genuine emotions. There is no scientific basis for claims that artificial intelligence could, for example, evaluate a person's competence in a given pitch based on their tone of voice or minor facial motions. When these artificial intelligence methods are widely implemented, as in law enforcement, schools, and recruitment, they can negatively affect an individual's private life by compromising their moral, psychological, or physical integrity (Larsson, 2021). There are many applications for profiling and appraising individuals based on collected data, from predicting who will be arrested and who will be accepted for insurance to determining who will receive social benefits and who will be fired based on their predicted performance. Vast volumes of "data points" regarding our everyday actions are also utilised to influence, convince, entice, and nudge us towards specific information and give us with customized advertisements.

Artificial Intelligence and Discrimination

One of AI's most commonly discussed impacts on human rights is how it affects the ban against discrimination and the right to equality (Tischbirek, 2020). As previously said AI has repeatedly shown a propensity to bolster discriminatory or unwanted attitudes. To further undermine social control mechanisms that direct human behaviour, data-driven technologies hide biases from view. For instance, due to its trainings on the qualities of successful male employees, Amazon's recruitment AI gave preference to men over women. This meant that women were less likely to get hired. In addition to excluding women, the AI system also removed resumes that lacked characteristics of successful workers, such as frequent phrases and wording. Due to the fact that existing AI algorithms only search for correlations based on similar traits with other "cases," biases of all types are prone to developing (Yeung et al., 2020). The issue with these systems is that they have no concept of what the meanings of such words are. Forget about the possibility that they will be able to comprehend what success is or even what an employee is; this would be the case even if they were exceptionally good at spotting patterns, such as the common language that successful workers use. It can only provide a name to a certain form.

Artificial Intelligence& Social and Economic Rights

Employers and governments use AI systems more frequently in ways that endanger social and economic rights. Companies utilize technology to monitor employee behavior, prevent unionization, and make hiring, compensation, and promotion decisions. Tasks that are hazardous, time-consuming, physically demanding, dirty, unpleasant, repetitive, or boring might benefit greatly from the use of AI (Gordon, 2021). However, artificial intelligence (AI) systems are now rapidly being used to monitor employees, automatically assign jobs, and make knowledgeable hiring and firing choices based on a detailed study of previous performance and expectations for the future. Unsafe applications of AI might threaten workers' freedom of association, health and safety, and the quality of their working circumstances (Art. 2 and 3 ESC) (Larsson, 2021). Workers may be less inclined to join a union if they believe their managers are always keeping an eye on them (Art. 5). AI systems are used to evaluate and predict employee performance. If they reflect the biases of their creators or the data they use, they could go against Article 20 of the European Social Charter, which says that everyone has the right to choose their profession and has the same chances of getting hired, regardless of gender (Nissan, 2017).

Similarly, where AI is employed to provide public benefits, including healthcare, governmental effects on economic success are linked. A lack of adequate control of such management may result in the worthy receiving no benefits, endangering their wellbeing. Government benefit eligibility assessment and distribution can be automated, which can improve service delivery. Still, it can also leave individuals who are refused benefits helpless or force them to complete challenging forms and other procedures alone. Mobile applications that coordinate ride-hailing and delivery services allow businesses to automate the administration and supervision of big workforces, dehumanizing labor relations and management practices (Miernicki & Ng, 2021). As a result, employees subjected to incorrect or unjust pay or employment choices made by algorithmic management may feel less empowered and have fewer legal options available to them. AI's concentration of power to its most powerful business and public sector developers and implementers overlaps with these human rights issues. The owners of major internet platforms use AI to decide which information to show and what voices to highlight to further their interests rather than democratic ones. Governments employ AI to monitor and track individuals and rank and order information. Businesses or governments may employ AI to stifle opposition and mold public opinion (Mantelero, 2018).

Artificial Intelligence& Democracy

AI's potential to harm democracy is vast and has likely already manifested in insidious ways (Maravall & Przeworski, 2003).

i. Access to knowledge, political discourse, and voter influence

It is impossible to have a successful democracy without an educated public, free and open discussion of social and political issues, and the absence of covert efforts to influence the voting process. This requires people to be well-informed. People in information societies may opt to learn only a subset of what is out there. AI is used by many online media outlets to select the content that is created and shown

to readers (Trimble, 2023). There are several online news sources, search engines, feeds from social networking sites, and decision support systems (information personalization). This might increase people's democratic skills, for example, by allowing them to better manage the informational tsunami by giving them access to materials in their own language. If AI take control over the dissemination of information, it could selectively unveil certain details while dismissing others, and propel exclusive content to the forefront of the virtual world. This could open the door to partiality and an unjust portrayal of viewpoints and beliefs. AI may compromise the impartiality of elections (Lacey, 2019). Without being held responsible in the public square, political campaigns or foreign actors may deploy tailored advertisements to target distinct voter groups with distinct messages. AI might potentially be used to produce and disseminate deep fakes and false information in the form of text, images, audio, and video. It is easier to mislead and influence the public when they are difficult for individuals, journalists, or public institutions to recognize. This may result in a decline in the objectivity and trustworthiness of the media as well as the democratic debate.

ii. Unfairness and discrimination

AI is widely regarded to boost economic output. Yet, the benefits of increased productivity are expected to be divided unevenly, with the rich enjoying a disproportionate share (Nissan, 2017). The same manner, it has been shown that the lack of transparency of black box algorithms, combined with data and design choices, maintains unfair prejudice against women and ethnic minorities, who are already at a disadvantage in society. For a democracy to work, there must be high levels of economic and social equality, but AI has the potential to exacerbate existing inequalities and promote new forms of segregation (Manheim & Kaplan, 2019).

iii. Systemic risks

The security and robustness of social networks face new problems when AI makes judgments that were previously only possible for humans (Viscusi et al., 2020). For instance, uncertainties grow if choices that numerous decentralized actors previously made are replaced by a small number of centralized AI-driven systems, where the failure of even a small number of these systems might have far-reaching consequences.

Artificial Intelligence & Rule of Law

Principles such as rationale, proportionality, and equality hold public institutions higher when interacting with individuals and society (Rosengrün, 2022). While AI has the potential to make institutions more effective, it may also undermine the legitimacy of democratic institutions, the rule of law, and public faith in them. It is conceivable for courts, law enforcement, and public administrations to function more efficiently, but this would sacrifice openness, human agency, autonomy, and oversight. In a similar vein, whereas in the past, only the courts could evaluate what constitutes criminal hate speech, nowadays, private AI systems are mostly responsible for deciding whether or not speech should be removed from social networking platforms (Buchholtz, 2020). These AI programs really vie for power with judges, the law, and other authorities. In particular, AI can help create legal systems that function outside the legal system's constraints and safeguards. Private

corporations' automated online dispute resolution services are controlled by terms of service rather than by the law, which denies customers the same rights and procedural safeguards as in public courts. The High-Level Expert Group on AI contends that while developing, purchasing, or deploying AI, public bodies should be held to the Criteria for Trustworthy AI. Law enforcement organizations should be held to the same standards and specifications. AI, however, has the potential to both improve and endanger the rule of law. It can enable organizations to spot governmental corruption if it is created and applied appropriately (Książak & Wojtczak, 2023). Similarly, AI may be employed to prevent and detect cyber attacks.

Suggestions

When considering the possible addition of new rights and responsibilities in a prospective principles-based legal framework on AI systems, several extra considerations should be considered. First, to protect citizens from the detrimental effects that AI systems have on human rights, democracy, and the rule of law while also guaranteeing the reasonable and equal distribution of their benefits, these rights and duties should be required, practical, and appropriate. These complete risk and benefit analyses should consider the relative importance of the competing legitimate interests. When forming and adopting regulatory measures, a risk-based and benefits-aware strategy should also distinguish between various risk levels and take this into consideration. To ensure that the aims and guiding principles of aligning AI design and usage with individual rights, democratic values, and the legal system are met, national authorities should be at the forefront of carefully assessing domestic laws to identify any legal gaps. Damage-preventing non-compliance should also be built into national audit and monitoring mechanisms for AI systems. Revolutionary advancements and novel augmentations could be instituted to enhance current conformity, liability, and reparation mechanisms to counteract the repercussions of AI on fundamental human liberties, egalitarian governance, and legal justice. Still, it's important to keep in mind that AI is sometimes used in ways that are hidden or unknown. This renders it difficult to tell if it has already hurt civil dignity, democracy, or the rule of law. AI systems have the potential to affect human liberty, democratic values, and the rule of law. Therefore, they ought to be utilized in a manner that is transparent, accountable, and equitable. The requirement for accountability and transparency in a specific application, as well as its assigned risk level, may be determined via an AI registry. The adoption of a new culture of “Human Rights, Democracy, and Rule of Law by Design” has recently been proposed as a means to increase compliance with the law. In such a society, those responsible for developing, implementing, and using AI would take into account the potential consequences of their work on human rights, democracy, and the rule of law from the very beginning. The appraisal of AI's impact on human rights, democracy, and the rule of law is an imperative task, requiring judicious scrutiny. The AI Human Rights, Democracy, and Rule of Law Impact Assessment must be executed with precision, and the decisions regarding design and governance must not only focus on the framework but also on accountability. In addition, as commercial entities increasingly provide the public sector with pivotal digital infrastructure, it's their responsibility to harmonize their technology's development, design, and implementation with the aforementioned principles and objectives.

Conclusion

The perspective that takes into account human beings and their values puts the focus on human rights, democracy, and the rule of law as the foundation for shaping the future of governance in the realm of AI and digital innovation. These cornerstones are crucial to the existence of a just and equitable society, which is why they are given so much weight in this worldview. Attempts to define the rule of law are challenging since it is an abstract concept that is hard to nail down. The rule of law may be seen as a political objective, a protection against the misuse of power, and a promise that cultural values like respect for human rights would be respected. The rule of law, although being susceptible to broad political manipulation, is generally seen as a valuable concept that ought to be protected. One of the most visible manifestations of the pervasiveness of contemporary technology is the widespread use of AI. Almost every industry today employs some kind of AI to help guide human judgment. If these technologies grow more adept at facilitating decision-making, we may outsource more authority and responsibility to them. Because the rule of law is the foundation upon which conventional law is created, it is critical to keep a careful eye on the ways in which new technology threatens it. When analysing the potential negative consequences of AI on the rule of law, one element that stands out is the possibility that it will halt human development. One of the most critical issues that will need to be addressed in the next years is how to foster innovation while keeping a healthy balance between societal requirements and the potential hazards posed by AI. Even if it isn't the first thing that comes to mind when you think of the rule of law, it is critical to examine given that free will is arguably the cornerstone of civilisation. It will be challenging to decide which criteria to employ to assess technological capability development. It has been argued that the notion of the rule of law provides a solid foundation for understanding the structure of any society. As a result, it is critical to safeguard the rule of law against the growth of AI.

References

- [1] Atabekov, A., & Yastrebov, O. (2018). Legal Status of Artificial Intelligence Across countries: Legislation on the move. *European Research Studies*, 21(4), 773-782.
- [2] Bennett, M. (2007). "The Rule of Law" Means Literally What it Says: the Rule of the Law': Fuller and Raz on Formal Legality and the Concept of Law. *Australasian Journal of Legal Philosophy*(32), 90-113.
- [3] Bingham, L. (2007). The Rule of Law. *The Cambridge Law Journal*, 66(1), 67-85.
- [4] Buchholtz, G. (2020). Artificial Intelligence and Legal Tech: Challenges to the Rule of Law. *Regulating Artificial Intelligence*, 175-198.
- [5] Cath, C., Wachter, S., Mittelstadt, B., Taddeo, M., & Floridi, L. (2018). Artificial Intelligence and the 'Good Society': the US, EU, and UK Approach. *Science and Engineering Ethics*, 24, 505-528.
- [6] Chakrabarti, M. S., & Ray, M. R. K. (2023). Artificial Intelligence And The Law. *Journal of Pharmaceutical Negative Results*, 87-95.
- [7] Donahoe, E., & Metzger, M. M. (2019). Artificial Intelligence and Human Rights. *Journal of Democracy*, 30(2), 115-126.
- [8] Elbasani, A., & Šabić, S. Š. (2018). Rule of Law, Corruption and Democratic Accountability in the Course of EU Enlargement. *Journal of European Public Policy*, 25(9), 1317-1335.
- [9] Fernández-Aller, C., de Velasco, A. F., Manjarrés, Á., Pastor-Escuredo, D., Pickin, S., Criado, J. S., & Ausin, T. (2021). An Inclusive and Sustainable Artificial Intelligence Strategy for Europe Based on Human Rights. *IEEE Technology and Society Magazine*, 40(1), 46-54.
- [10] Gibbons, E. D. (2021). Toward a More Equal World: the Human Rights Approach to Extending the Benefits of Artificial Intelligence. *IEEE Technology and Society Magazine*, 40(1), 25-30.
- [11] Gordon, J.-S. (2021). Artificial Moral and Legal Personhood. *AI & SOCIETY*, 36, 457-471.
- [12] Hoffmann-Riem, W. (2020). Artificial Intelligence as a Challenge for Law and Regulation. *Regulating Artificial Intelligence*, 1-29.
- [13] Krygier, M. (2016). The Rule of Law: Pasts, Presents, and two Possible Futures. *Annual Review of Law and Social Science*, 12, 199-229.
- [14] Księżak, P., & Wojtczak, S. (2023). Abuse of Right Toward a Conceptual Network for the Private Law of Artificial Intelligence (pp. 221-238): Springer.
- [15] Lacey, N. (2019). Populism and the Rule of Law. *Annual Review of Law and Social Science*, 15, 79-96.
- [16] Lane, L. (2023). Artificial Intelligence and Human Rights: Corporate Responsibility Under International Human Rights Law Artificial Intelligence, Social Harms and Human Rights (pp. 183-205): Springer.

- [17] Larsson, S. (2021). AI in the EU: Ethical Guidelines as a Governance Tool. *The European Union and the Technology Shift*, 85-111.
- [18] Lucy, W. (2020). Access to Justice and the Rule of Law. *Oxford Journal of Legal Studies*, 40(2), 377-402.
- [19] Manheim, K., & Kaplan, L. (2019). Artificial Intelligence: Risks to Privacy and Democracy. *Yale JL & Tech.*, 21, 106.
- [20] Mantelero, A. (2018). AI and Big Data: A Blueprint for a Human Rights, Social and Ethical Impact Assessment. *Computer Law & Security Review*, 34(4), 754-772.
- [21] Maravall, J. M., & Przeworski, A. (2003). *Democracy and the Rule of Law*: Cambridge University Press.
- [22] Merrills, J. G., & Robertson, A. H. (2022). *Human rights in Europe: A Study of the European Convention on Human Rights* Human rights in Europe: Manchester University Press.
- [23] Miernicki, M., & Ng, I. (2021). Artificial Intelligence and Moral Rights. *AI & SOCIETY*, 36, 319-329.
- [24] Nissan, E. (2017). Digital Technologies and Artificial Intelligence's Present and Foreseeable Impact on Lawyering, Judging, Policing and Law Enforcement. *AI & SOCIETY*, 32, 441-464.
- [25] Peterson, D. (2023). AI and the Surveillance State. In *Chinese Power and Artificial Intelligence* (pp. 205-222): Routledge.
- [26] Rosengrün, S. (2022). Why AI is a Threat to the Rule of Law. *Digital Society*, 1(2), 10.
- [27] Ruggiano, N., & Perry, T. E. (2019). Conducting Secondary Analysis of Qualitative Data: Should we, can we, and how? *Qualitative Social Work*, 18(1), 81-97.
- [28] Salgado-Criado, J., & Fernández-Aller, C. (2021). A wide Human-Rights Approach to Artificial Intelligence Regulation in Europe. *IEEE Technology and Society Magazine*, 40(2), 55-65.
- [29] Smuha, N. A. (2019). The EU Approach to Ethics Guidelines for Trustworthy Artificial Intelligence. *Computer Law Review International*, 20(4), 97-106.
- [30] Spano, R. (2018). The future of the European court of human rights—Subsidiarity, Process-based Review and the Rule of Law. *Human Rights Law Review*, 18(3), 473-494.
- [31] Tamanaha, B. Z. (2012). The History and Elements of the Rule of Law. *Singapore Journal of Legal Studies* (Dec 2012), 232-247.
- [32] Tischbirek, A. (2020). Artificial Intelligence and Discrimination: Discriminating Against Discriminatory Systems. *Regulating Artificial Intelligence*, 103-121.
- [33] Trimble, M. (2023). *Artificial Intelligence and Human Intelligence* (Vol. 72, pp. 1-2): Oxford University Press UK.

- [34] Versteeg, M., & Ginsburg, T. (2017). Measuring the Rule of Law: a Comparison of Indicators. *Law & Social Inquiry*, 42(1), 100-137.
- [35] Viscusi, G., Rusu, A., & Florin, M.-V. (2020). Public Strategies for Artificial Intelligence: which Value Drivers? *Computer*, 53(10), 38-46.
- [36] Waldron, J. (2011). The Rule of Law and the Importance of Procedure. *Getting to the Rule of Law*, 3, 4-5.
- [37] Wennerström, E. O. (2007). *The Rule of Law and the European Union*. Iustus Förlag AB.
- [38] Winikoff, M., & Sardelić, J. (2021). Artificial Intelligence and the Right to Explanation as a Human Right. *IEEE Internet Computing*, 25(2), 116-120.
- [39] Yeung, K., Howes, A., & Pogrebna, G. (2020). AI Governance by Human Rights–Centered Design, Deliberation, and Oversight. *The Oxford Handbook of Ethics of AI*, 77-106.
- [40] Zalnieriute, M., Moses, L. B., & Williams, G. (2019). The Rule of Law and Automation of Government Decision-making. *The Modern Law Review*, 82(3), 425-455.
- [41] Zuiderveen Borgesius, F. J. (2020). Strengthening Legal Protection Against Discrimination by Algorithms and Artificial Intelligence. *The International Journal of Human Rights*, 24(10), 1572-1593.