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Problems of administrative and statutory regulation of the use of AI

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Il rapido progresso dell'Intelligenza Artificiale (AI) ha portato con sé complesse sfide per il diritto, che hanno dato vita ad una varietà di approcci normativi nei diversi paesi. Lo studio esamina il quadro giuridico in Ucraina e il modo in cui l'Ucraina ha scelto di conformarsi al quadro normativo internazionale al fine di affrontare le preoccupazioni di politica pubblica relative all'IA. Esso indaga il mutevole panorama della regolamentazione dell'IA, con particolare attenzione ai primi sforzi compiuti dall'Ucraina per armonizzare il proprio quadro giuridico con le norme dell'Unione europea e tenta di identificare i punti in comune, le lacune e lezioni per l'Ucraina esaminando esempi di riferimento come il Regolamento UE sull'intelligenza artificiale, la legge canadese sull'intelligenza artificiale e i dati (AIDA), le robuste politiche cinesi sull'IA generativa e la dichiarazione britannica di Bletchley. Il contributo, nell'utilizzare un approccio analitico e di diritto comparato, sottolinea l'importanza di approcci adattativi e basati sul rischio per promuovere l'innovazione e salvaguardare i diritti umani nell'era dell'IA.

The rapid advancement of Artificial Intelligence (AI) has resulted in intricate legal challenges, which have led to a variety of regulatory approaches in different countries. The study examines the legal framework in Ukraine and the manner in which Ukraine opts to conform to international regulatory frameworks in order to address public policy concerns regarding AI. Consequently, it investigates the changing landscape of AI regulation, with a particular emphasis on Ukraine's initial endeavours to harmonise its legal framework with the European Union's standards. It attempts to identify commonalities, gaps, and lessons for Ukraine by examining global practices, such as the EU's Artificial Intelligence Act, Canada's Artificial Intelligence and Data Act (AIDA), China's robust generative AI policies, and the UK's Bletchley Declaration. The article, using an analytical and comparative law

approach, highlights the importance of adaptive and risk-based approaches to promote innovation and safeguard human rights in the AI era.

Summary: 1. Introduction.- 2. Methodology.- 3. Results and Discussion.- 4. Conclusions.

1. Introduction

To date, there is an intensive development of AI technologies (hereinafter AI), including the improvement of stable neural network technologies, the development of cloud computing infrastructures, the use of fuzzy system technologies, entropy control, swarm intelligence, evolutionary computing, and other methods.

The rapid advancement of AI technologies, including generative models, autonomous systems, and predictive analytics, has raised pressing questions about their legal, ethical, and societal implications. As nations around the world work to establish regulatory frameworks, varying approaches reveal differences in priorities, ranging from fostering innovation to ensuring public safety and protecting human rights.

This article examines how Ukraine's evolving AI regulatory framework aligns with global practices, focusing on lessons from key international approaches like the EU's AI Act and Canada's AIDA. By drawing on contemporary examples such as the EU's Artificial Intelligence Act, Canada's Artificial Intelligence and Data Act (AIDA), and the Bletchley Declaration, this study highlights lessons that can inform Ukraine's roadmap for AI regulation. The analysis underscores the need for a comprehensive and adaptive legal framework that balances the opportunities and risks of AI while addressing the unique challenges posed by Ukraine's current socio-political context.

AI technologies, ranging from generative models to autonomous systems, are redefining industries globally. Yet, regulatory frameworks struggle to keep pace with these advancements^[1]. The main problem is that neither international nor national legislation still recognizes Artificial Intelligence as a subject of law. This means that AI itself cannot be held accountable for harm brought about by

anything made using it.

Forming an understanding of the legal aspects of using the results of AI requires attention to several key aspects. It is important to establish clear rules of responsibility that define the persons who are responsible for possible problems, errors or damages caused by the use of AI. In addition, laws must ensure confidentiality of information handled by AI systems and security of personal data. It is also required to develop normative acts that regulate the ethical aspects of the use of AI and prevent its contradictory use, taking into account public values. Another important aspect is the legal protection of intellectual property, including the establishment of rights and responsibilities regarding the created AI and their results, as well as the development of rules for the protection of said property. These and other aspects are an important complex in forming a clear understanding of the legal guidelines of the use of the results of AI^[2].

Special evidence of the importance of the regulation of legislation on AI is the AI Principles and Code of Conduct for the Promotion of Security and Reliability of AI Systems (AIP&CoC) adopted in 2023 by the G7 countries within the framework of the Hiroshima Process^[3].

The G7 leaders observed that the widespread adoption of AI systems is radically altering how people engage with and consume technology and creative material. AI technologies provide substantial advantages to the general public, content producers, corporations, and society overall, but they also carry hazards for the long-term viability of the creative industries, public confidence in information, journalism, and research, and the stability of our democracies.

2. Methodology

This study employs a comparative and analytical methodology to explore how various jurisdictions regulate Artificial Intelligence (AI). Key legislative texts, including the European Union's Artificial Intelligence Act (2021), the Canadian Artificial Intelligence and Data Act (2022), and China's Generative AI Guidelines (2023), were analyzed for lessons and trends. Ukraine's AI Roadmap (2023) was assessed in light of these global practices to identify gaps and opportunities for alignment.

Thematic and comparative analysis were central to this study. Comparative

analysis highlighted differences and similarities in global AI regulation, focusing on frameworks for liability, ethical principles, and risk management. Thematic analysis extracted recurring issues such as transparency, innovation, and human rights. Deductive reasoning was then used to apply these findings to Ukraine's legislative context, offering practical recommendations for future regulatory development.

Secondary sources, including academic articles, policy reports, and governmental statements, were reviewed to contextualize the findings and provide a comprehensive understanding of global AI regulation.

3. Results and Discussion

Several countries have been working on developing their national AI plans since 2017. In 2017, Canada became the first country to formally submit and adopt a National Artificial Intelligence Strategy (Pan-Canadian AI Strategy) at the government level. This five-year strategy includes initiatives to support artificial intelligence development and draw in talent. Furthermore, Canada is one of the countries that co-founded the Global Partnership on AI. The AI Advisory Council was formed by the Canadian government in 2019 with the aim of creating the regulatory framework for the Pan-Canadian AI Strategy. Canada introduced the AIDA in 2022, which aims to balance innovation with human rights protections. AIDA emphasizes risk management and mandates regular audits for high-impact AI systems. Despite its ambition, the act has faced criticism for prioritizing commercial interests over safeguarding human rights. Human rights groups have urged amendments to address potential biases in AI algorithms, particularly in law enforcement applications. These lessons are particularly relevant to Ukraine as it seeks to implement human rights protections and risk mitigation measures in its own regulatory roadmap.

The EU's AI Act has continued to evolve, solidifying its position as a landmark in AI regulation. Key developments in 2023 and 2024 include the European Parliament's amendments to enhance transparency and accountability for generative AI systems. These changes require developers to disclose when AI has generated content and provide detailed information about training datasets, especially regarding copyrighted material. The recent EU amendments,

particularly those addressing generative AI, provide a valuable model for Ukraine to adopt transparency and accountability measures^[4]. The implementation of regulatory sandboxes across member states has allowed businesses to test AI systems in controlled environments while complying with ethical guidelines. Notably, Denmark and the Netherlands have piloted initiatives to apply the AI Act in sectors like healthcare and transportation.

China remains a leader in AI deployment and regulation. In 2023, China updated its “Generative AI Guidelines”, emphasizing the need for platforms to vet content before publication. This approach reflects China’s preference for stringent oversight, balancing technological growth with state priorities. A new AI law, set to be enacted in 2024, will focus on regulating generative AI, biometric surveillance, and data protection in AI applications^[5].

The United States continues to adopt a decentralized approach to AI regulation. While federal initiatives like the Blueprint for an AI Bill of Rights provide guiding principles, states such as California and New York have implemented specific laws targeting algorithmic transparency and bias mitigation. In 2023, the National Institute of Standards and Technology (NIST) released its AI Risk Management Framework, which has been widely adopted across industries to manage AI risks systematically.

The Bletchley Declaration of November 2023 marked a significant milestone in international AI cooperation. Signed by 28 nations, including Ukraine, the declaration emphasizes ethical AI development, transparency, and human rights protections. It highlights the need for collaborative policies to address global risks like AI-enabled disinformation and cybercrime^[6].

In 2023, Ukraine launched its AI Roadmap, aiming to align national regulations with EU standards by 2026. This two-phase approach focuses first on preparing businesses for compliance and later on implementing legislative frameworks. Ukraine’s proactive steps, including its participation in the Bletchley Declaration, demonstrate a commitment to adopting global best practices while addressing local challenges such as infrastructure gaps and ongoing security concerns^[7].

The G7’s AI Principles and Code of Conduct, adopted in 2023 during the Hiroshima Process, have become a benchmark for global ethical AI use. These principles stress transparency, fairness, and accountability, offering a universal framework that nations like Japan and Germany have actively incorporated into

their policies^[8].

In general, it should be underlined that the legislation in the field of regulating the use of AI is far from fully developed but there are a few laws that regulate responsibility for actions committed with the help of AI. So, Article 12 of the UN Convention on the Use of Electronic Communications in International Treaties 2005^[9] partially answers this question. «*A contract concluded as a consequence of the interaction of an automated messaging system and any natural person or as a result of the interaction of automated messaging systems cannot be annulled or invalidated solely on the basis that no natural person reviewed or interfered with each individual operation performed by automated message systems or determined as a result of a contract*»^[10].

Based on the above, the operator of the Artificial Intelligence system (AI-as-Tool concept) is responsible for the results obtained when using this system, since the system itself does not have its own independent will. Thus, subsidiary and strict liability is applied to AI systems. At the same time, there is reliance on the norms concerning:

- a) liability for defective products (Directive 85/374/EU on the approximation of laws, regulations and administrative provisions of the member states)^[11];
- b) data protection (Article 82 of Regulation 2016/679 on the protection of natural persons regarding the processing of personal data and the free movement of such data)^[12]; and
- c) competition rules (Directive 2014/104/EU on certain rules governing actions for compensation of damages, respectively) with national legislation for violation of the provisions of the law on competition)^[13].

Though privacy concerns may come up from applications and devices interacting with databases and each other without human intervention, Regulation (EU) 2016/679 of the European Parliament and of the Council (General Data Protection Regulation) establishes a legal structure for personal data protection. Other aspects of data access and confidentiality may still need to be tackled^[14]. Additionally, EU law (Regulation No. 864/2007 on the law pertaining to non-contractual responsibilities – Rome II Regulation) provides for the resolution of conflicts between system rules^[15].

Some countries of the European Union do not regulate AI activities in the same way as the consequences after the advent of digital technology in various spheres

of activity. For example, Sweden's road traffic legislation has allowed autonomous vehicles to be tested on roads.

First, in certain states there is regulation that allows the use of regular or fully automated vehicles, often with mandatory provision of coverage for all kinds of damage, for example, through insurance. As per the Italian Government Decree of February 28, 2018, Article 19, connected and autonomous vehicle testing on public highways^[16], an applicant wishing to obtain a permit to conduct vehicle tests on public roads must provide liability insurance documents. A document in the form of a 2015 circular from the General Directorate of Road Traffic in Spain^[17] permits automated automobile testing and mandates mandatory liability insurance to guarantee that motor vehicles meet the necessary insurance coverage requirements. It also stipulates how broad guidelines on liability matters are to be applied. For example, Article 7 of the Road Traffic Act in Germany^[18] establishes the strict liability of the car owner. This provision remained unchanged during the adaptation of the law to the use of automated vehicles. Similar issues are regulated in the French Decree No. 2018-211 of March 28, 2018 regarding experiments with Automatic automobiles on public highways^[19].

Secondly, in the context of health and safety, European Union directives apply including: a) Machinery Directive 2006/42/EC (as the relevant legislation on safety for robots); b) Directive 2014/53/EU on radio equipment^[20] (applicable to all products, including embedded software, using radio frequency spectrum); c) Directive 90/385/EEC on active implantable medical devices, Directive 93/42/EEC on medical devices, Directive 98/79/EC on medical devices for in vitro diagnostics; d) Directive 89/391/EEC on the implementation of measures contributing to the improvement of the level of safety and health of workers at the workplace.

As an example, the mentioned directives were successfully transposed at the national level. One can recall the Spanish Royal Decree 1644/2008 which establishes standards for the commissioning of machinery^[21] and the Irish Regulation S.I. No. 248/2017 on EU radio equipment^[22] as well as other documents.

The European Commission released a «*White Paper*»^[23] on February 19, 2020, based on European experience, with the goal of creating a framework for best practices and confidence in AI, along with a report on safety and responsibility

issues when using AI. The following actions are suggested in the White Paper: a) streamlining research, promoting collaboration among member states, and boosting investments in AI development and application; b) formulating policy choices for the upcoming regulatory framework of the EU, with the goal of determining the kinds of legal obligations that will be placed on pertinent AI objects. Currently, there is an ongoing discussion on the White Paper, giving EU citizens, Member States, and stakeholders the chance to contribute to the advancement and application of AI.

According to the regulation, the application of AI is ranked on four tiers of risk to health and safety: low or minimal risk, high risk and unacceptable risk^[24].

In fact, if specific conditions are satisfied, AI systems with low to no risk, like spam filters or video games, can be employed. But with a few notable exceptions, technologies that provide the highest tier of risk are prohibited, such as actual time biometric verification in open spaces or social rating^[25].

In May 2023, the European Parliament voted for amendments on AI, bringing Europe closer to regulating the field of AI^[26]. Under these amendments, generative AI models must meet additional transparency requirements. For example, they must disclose that the content was created using Artificial Intelligence, not a human. AI model developers will also be required to «*disclose detailed information on how training data protected by copyright law was used*»^[27].

The Paris Charter on Artificial Intelligence and Journalism is a unique document that emerged as a result of gaps in international legislation. It outlines ethics and principles that newsrooms, media outlets, and journalists worldwide can adopt and apply in their jobs employing AI. A commission headed by Reporters Without Borders (Reporters sans frontières\RSF) was responsible for its creation. The Charter outlines 10 essential principles to safeguard information integrity and maintain journalism's societal purpose in reaction to the chaos artificial intelligence has caused in the news and information industry. Among other things, the guiding ideas specify:

- ethics should guide the technological choice in mass media;
- human activity should remain central in editorial decisions;
- the mass media should help the society to reliably distinguish between

- authentic and synthetic content;
- the media should participate in the global control of AI and defend the viability of journalism during negotiations with technology companies^[28].

In June 2022, a draft AIDA was introduced in Canada, which, according to its proponents, aims to establish harmonious regulation of the field of Artificial Intelligence. AIDA's main goal is to encourage innovation and provide access to global markets for Canadian companies that play a significant role in the field of Artificial Intelligence. However, the bill faced serious criticism from human rights advocates who expressed concern that the Canadian government prioritized the economic and commercial aspects of artificial intelligence while developing AIDA, while not paying enough mind to protecting human rights.

AIDA aims to innovate and expand access to international markets for Canadian companies that have a significant share of the global market for AI systems^[29].

However, the draft law met with significant criticism from human rights defenders. In particular, there are significant concerns that the Canadian government has prioritized the economic and commercial aspects of AI while drafting the bill and has not paid enough attention to human rights protection.

Despite the awareness of the potential challenges associated with AI risks, as well as the understanding of the need for global regulation, given the global nature of such challenges, the key actors – the European Union and the United States – admit the following: They cannot yet find the same approaches to such regulation. This, in particular, was discussed during an expert discussion of this problem on July 6, 2023 at Stanford University as part of Stanford HAI (Stanford Institute for Human-Centered Artificial Intelligence).

Further «*Guidelines for Copyright Registration: Works Containing Artificially Generated Material*» were released in March 2023 by the US Copyright Office.

The Bureau says that only works produced by human ingenuity are eligible for protection of copyright, adding, «*It is very important that the term “author” as used both in the Constitution and in the Copyright Act, excludes non-humans*». Because of this, while evaluating works that have been assisted by artificial intelligence, the Bureau will take into account whether the AI contribution is the outcome of a straightforward “mechanical reproduction” or if the authorship is original. The Bureau notes that the decision to grant copyright will be made on

an individual basis. The document states that the Bureau will not register works created with the help of AI, if they do not have a clearly expressed human authorship. For instance, the intelligence will choose the rhyme scheme, every line, and the structure of the poetry if a customer asks that it write a poem on copyright in the vein of William Shakespeare. In the opinion of the Bureau, such material has ceased to be the result of creativity and can be recognized as an object of copyright. Nevertheless, the Bureau provides that works can be registered in which AI-generated material is combined with clearly expressed human authorship^[30].

Great Britain is one of the few countries where works created exclusively with the help of a computer can be protected by copyright. According to The Copyright, Designs and Patents Act 1988, the definition of «*computer generated*» in relation to a work means that it was created by a computer without the involvement of a human author. Therefore, copyright can be applied to works completely created by Artificial Intelligence^[31].

In July 2022, the British Parliament considered the «*Consultation Document. Creation of an Innovative Approach to AI Regulation*»^[32]. And although it is consultative in nature, some regulatory bodies of the United Kingdom have created a number of normative legal acts to regulate the activities of AI.

Thus, «*addressing how digital services and artificial intelligence affect human rights and equality*» was designated as one of the six priority objectives by the Commission on Equality and Human Rights in its Strategy Plan for 2022–2025^[33]. AI Risk and Data Protection Toolkit^[34], AI Decisions Explained^[35], AI Audit, Framework Blog Resources and AI^[36] and «*Guide to Artificial Intelligence and Data Protection*» are among the informational materials that the Information Commissioner's Office (ICO) has created^[37].

The natural progression of these efforts led to the crucial step made to guarantee legal regulation of AI on November 1-2, 2023, in London, at the Artificial Intelligence Security Summit, hosted by the British Prime Minister. The Bletchley Declaration was signed as a result of the leaders of 28 nations working together^[38]. This proclamation affirms that when developing Artificial Intelligence systems, it is imperative to uphold morality, security, privacy and data protection, human rights, and the potential for human oversight. One of the key aspects of the Bletchley Declaration is the awareness of the risks of using AI

for harmful purposes and the need to develop risk-oriented policies in the regulation of AI to prevent creation of systems that can be used for disinformation, discrimination, manipulation and other negative purposes. By establishing an ethical framework, the Declaration aims to prevent the misuse of Artificial Intelligence technologies and protect people from possible negative consequences.

Ukraine became a signatory of the Bletchley Declaration^[39]. The laws of leading nations often trail far behind those of Ukraine when it comes to AI regulation. The creation of specialized draft legislation is still far off, and the domestic legal system is still rather small.

4. Conclusions

The study highlights the dynamic and multifaceted nature of AI regulation, reflecting varying priorities across jurisdictions. Nations like the EU and Canada have adopted risk-based frameworks to balance innovation and accountability, while China and the United States take distinct approaches driven by state priorities and market decentralization. The Bletchley Declaration and G7 AI Principles exemplify the growing recognition of the global risks posed by AI, emphasizing transparency, ethics, and international collaboration.

Ukraine's roadmap for AI regulation, inspired by EU standards, demonstrates a proactive step towards integrating global best practices. However, the fragmented nature of current Ukrainian legislation necessitates urgent reforms, including clear definitions of AI technologies, liability provisions, and mechanisms for safeguarding human rights. As Ukraine rebuilds from conflict, its regulatory framework must address not only domestic needs but also its aspirations to become a regional leader in ethical AI use and innovation.

Moving forward, a successful AI strategy for Ukraine should incorporate a phased, inclusive approach to regulation, prioritizing stakeholder engagement, integration of ethical principles and risk mitigation measures and collaboration with international partners to align with global standards and address cross-border challenges.

By learning from the successes and shortcomings of other countries, Ukraine has an opportunity to develop a forward-looking regulatory environment that fosters

innovation, ensures accountability, and strengthens public trust in AI technologies.

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