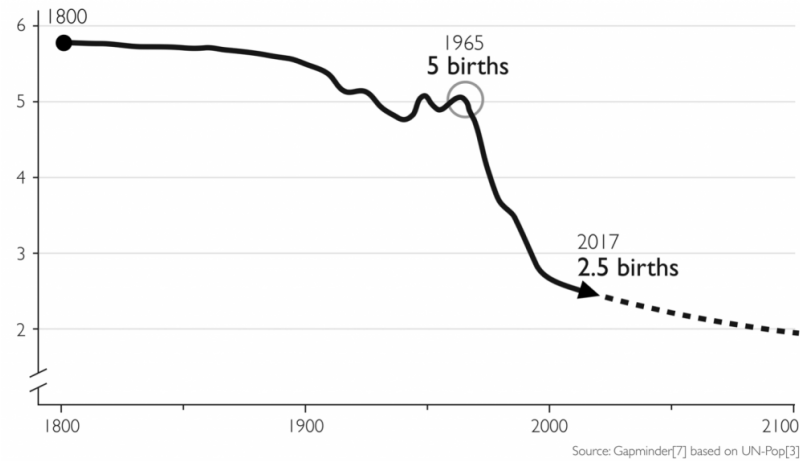


# Legal and Ethical Aspect of AI

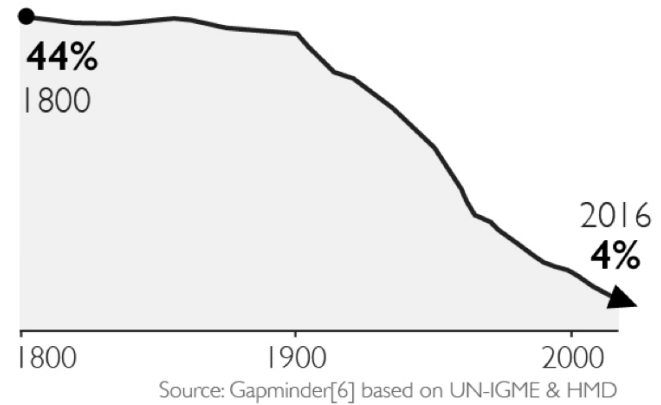
Mgr. Jan Hořeňovský  
Faculty of Law  
Charles University

### AVERAGE NUMBER OF BABIES PER WOMAN FROM 1800 TO TODAY

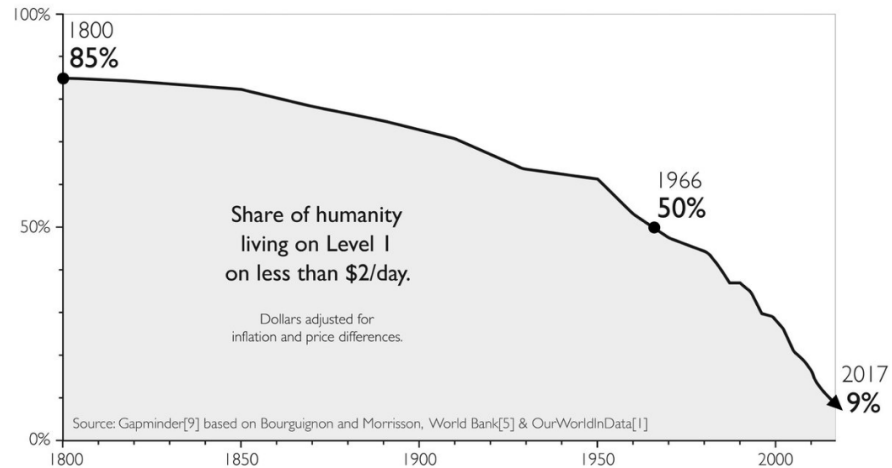


### CHILDREN DYING

Percent dying before their fifth birthday

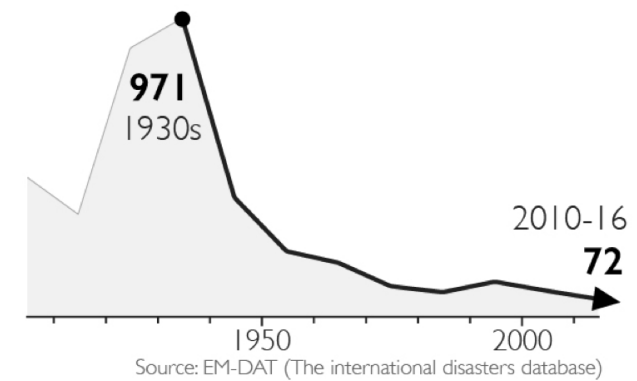


### EXTREME POVERTY RATE FROM 1800 TO TODAY



### DEATHS FROM DISASTER

1,000 deaths/year (10-year averages)



- Things for humans are better than ever.
- Things are still quite bad.
- **Things can get much worse.**



## Threats to humanity:

1. climate change
2. nuclear war
3. risk of potentially disruptive technologies
  - **artificial intelligence**
  - biotechnology



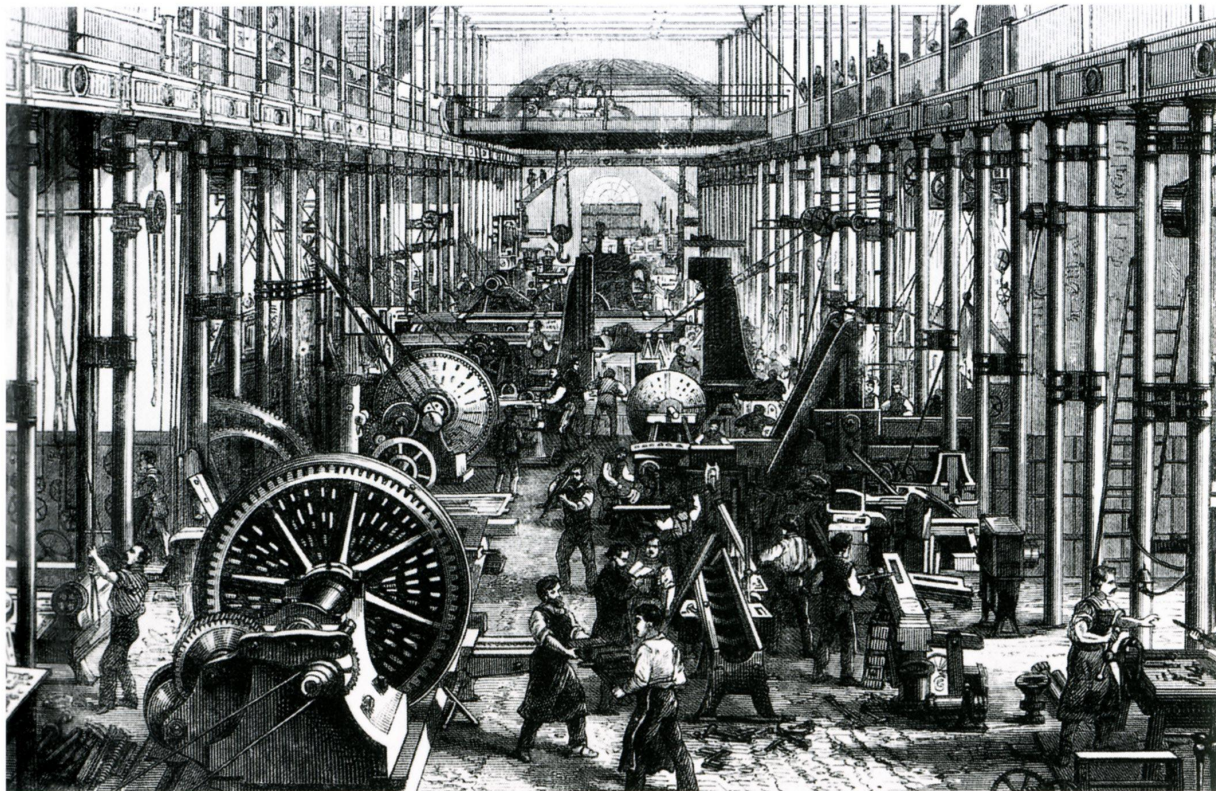
But also enormous promises to humankind!

What are the risks of AI for society?

# The potentiality of digital dictatorship?



Social upheaval: massive changes in job markets?



# Technological race to world dominance?





Scientist, engineers and companies do not have an exclusive mandate to decide what will be the social and political usages and limits of those technologies - that is (in a democracy) primarily a question for a politics with the law as a tool.

# Law and its functions

- Maintaining public order and safety
- Protection of individual rights
- Organisation and control of the political sphere
- Regulation of economic activity
- Regulation of human relationships
- Preservation of moral order



What are the regulatory approaches to new technologies?

# Legalistic approach

= Under a legalistic approach, the social planner attempts to visualize how existing law apply to an AI

= ex post legal design

# The Czech Civil code n. 89/2012

- **Prevention** - Section 2900: *If required by the **circumstances of the case or the usages of private life**, everyone has the duty to act so as to prevent unreasonable harm to freedom, harm to life, bodily harm or harm to the property of another.*
- **Breach of good morals** - Section 2909: *A tortfeasor who causes harm to a victim by an **intentional breach of good morals** has the duty to provide compensation for it; however, if the tortfeasor was exercising his right, he has the duty to provide compensation for the damage only if his main purpose was to harm another.*

What are the problems of legalistic approach?

# Technological approach

= Under the technological approach, the social planner attempts to understand if AI generate new issues which deserve treatment by new law and regulation.

= ex ante legal design



What are the problems of technological approach?

# Crucial categories in regulation of AI

- What are **the key rules** that should be observed and by whom?
  - For organizations and countries developing AI
  - For AI systems themselves
- How will these be **enforced**?
  - For organizations and countries developing AI
  - For AI systems themselves

What are **the key rules** that should be observed and by whom?

How to distribute human rights and responsibilities that arise from the actions of nonhumans?

How will these be **enforced**?

How to construct AI systems to  
(automatically) respect rules?

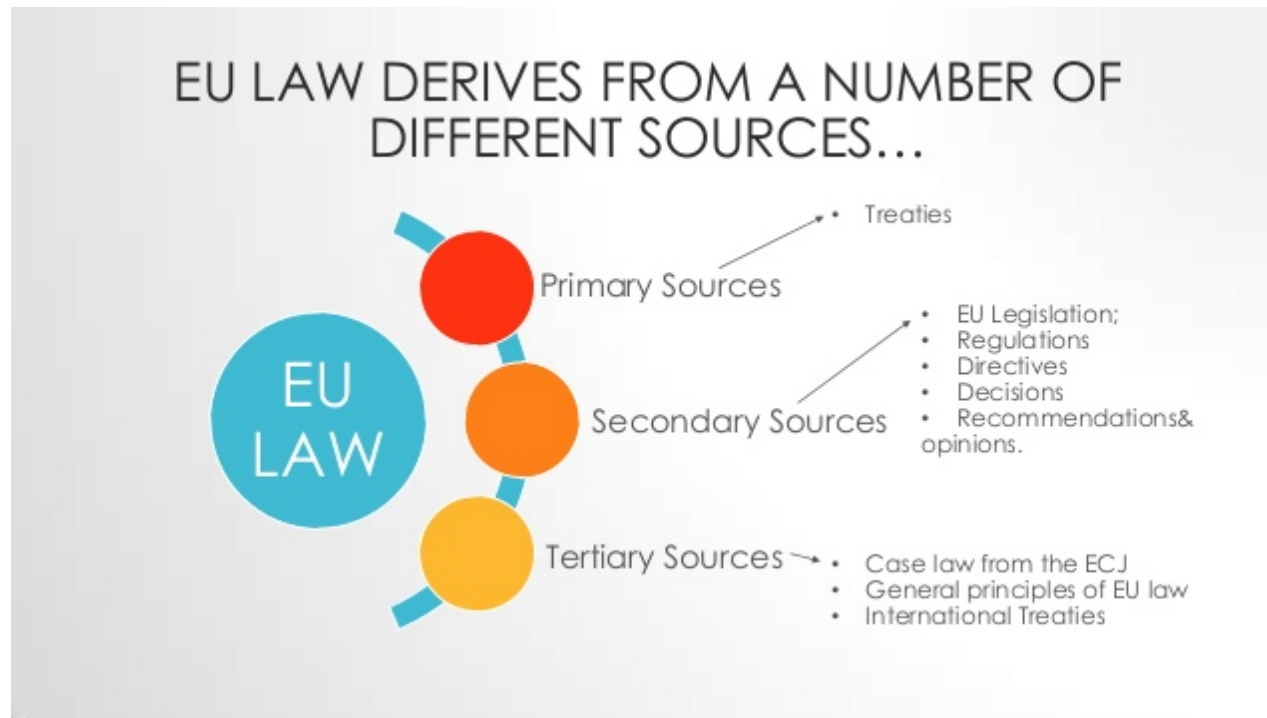
# International harmonisation and standardisation

A variety of standards is already being developed under the ISO/IEC Joint Technical Committee (JTC) 1 / SC 42.



International  
Organization for  
Standardization

# Harmonisation and standardisation used in European law (CEN, CENELEC, ETSI)





# Problem with national standards?

- National action may threaten a fractured global governance landscape and fears of a race to the **bottom in regulatory stringency**, including that of standards.
- In a race to the bottom in regulatory stringency, AI development organizations may, in the future, choose to locate in jurisdictions that impose a lower regulatory burden; these organizations need not actually relocate, or threaten to do so, in order to impose downward pressure on regulatory oversight.

## Recommendations:

- 1) Leading AI labs should build institutional capacity to understand and engage in standardization processes.**
- 2) AI researchers should engage in ongoing standardization processes.**
- 3) Further research is needed on AI standards from both technical and institutional perspectives.**
- 4) Standards should be used as a tool to spread a culture of safety and responsibility among AI developers.**

*Source: Oxford University: Technical report: Standards for AI Governance: International Standards to Enable Global Coordination in AI Research & Development*

Legalistic human rights and its case law as a way how to teach AI human values?

## **Article 6**

(1) Everyone has the right to life. Human life is worthy of protection even before birth.

(2) Nobody may be deprived of life.

(3) The death penalty is prohibited.

(4) Deprivation of life is not inflicted in contravention of this Article if it occurs in connection with conduct which is not criminal under the law.

LAW  
CASES

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Thank you for your attention!

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