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Legislative Confrontation to Protect Public Rights and Freedoms from The Impact of Artificial Intelligence

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Abstract

Criminal, administrative, and constitutional law adopt a unique approach within the legal system, enabling them to adapt effectively to emerging developments. Their focus on executive and supervisory roles ensures accurate responses to contemporary legal challenges, including those posed by artificial intelligence (AI) on public rights and freedoms. Grounded in constitutional principles, these laws maintain consistency with established legal standards while addressing the implications of AI. This study examines the role of these legal branches in safeguarding public rights and freedoms impacted by AI. It proposes a legal framework to address AI-related developments and highlights the need for laws that balance logic, practicality, and constitutional standards. The research emphasizes the constitutional principle of preserving public rights and freedoms through adherence to constitutional texts, administrative decisions, and executive orders. Using an inductive analytical approach, the study is divided into two chapters: the first introduces AI, and the second explores the role of criminal, administrative, and constitutional law in addressing AI's legal and practical challenges. This work aims to enrich legislative efforts and guide lawmakers in adapting to AI's impact on public rights and freedoms.

Keywords: Artificial intelligence, administrative law, constitutional law, public rights and freedoms

Introduction

Artificial intelligence (AI) refers to computer systems capable of learning and performing human-like tasks, often surpassing human abilities. AI has become integral to various sectors, including industry, commerce, education, and agriculture, due to its efficiency and precision. This widespread use necessitates a comprehensive legal framework to regulate AI applications, manage their effects, and address criminal or administrative liabilities arising from misuse.

The rapid adoption of AI across different fields contrasts sharply with the slow development of legislation to regulate its use and effects. In Jordan, there is a notable lack of legal provisions, especially in criminal, administrative, and constitutional laws. This gap demands regulatory intervention based on

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constitutional principles to safeguard public rights and freedoms impacted by AI applications.

A key question arises: Would integrating AI regulation into administrative or constitutional law deviate from the general rules protecting public rights and freedoms? The primary issue of this study lies in the absence of adequate legal frameworks for regulating AI. It also explores whether existing legal texts provide sufficient penalties for its misuse and overuse.

This study aims to examine the stance of criminal, administrative, and constitutional legislation on AI use. It seeks to determine whether clear legal rules address AI's impacts on users' rights and freedoms and define liability for its misuse. Currently, Jordanian administrative and constitutional laws lack a comprehensive framework to regulate AI and its implications. This gap highlights the urgent need for structured legal regulations to cover AI's operational aspects and protect users' rights and liberties. Without such a framework, the legal system risks failing to prevent harm and misuse of AI technologies.

This study addresses the modern challenge of regulating AI technologies within specific legal texts. It highlights gaps in administrative, constitutional, judicial, and legislative frameworks, as well as in legal scholarship, which has yet to explore this issue in detail. The analysis underscores the need for new statutes to regulate AI applications and their impact on individuals' rights within the state.

The study emphasizes the practical importance of regulating AI, given its increasing role in daily life. It calls for laws to protect rights and prevent misuse. This includes drafting specific legislation or integrating AI regulations into existing constitutional frameworks. Such measures are vital to prevent public entities, such as administrations, from misusing AI against private entities, including citizens and private organizations.

The Nature of Artificial Intelligence

AI has been applied in many critical fields, particularly in the military. The military robotics industry has advanced significantly. Robots are used to detect mines and explosives. In military espionage, AI operates precision sensors that rely on highly accurate communication systems.

AI has also been employed in medicine. It is used in hospitals to perform complex surgeries and treat internal diseases. In law, AI plays a significant role in virtual litigation, both domestically and internationally. Given its widespread applications, it is essential to address the nature of AI and determine whether it is legally recognized.

The Concept of Artificial Intelligence and Its Advantages

The term "artificial intelligence" was first introduced in 1956 at a Dartmouth University conference by John McCarthy. McCarthy used the term to describe machines with intelligence comparable to humans (Badr, 2002).

There is no universally accepted legal definition of AI. Some define it as "a means of preparing a computer or robot to be controlled by a program that thinks intelligently like a human" (Muhammad, 2020). Others describe AI as "a method for developing a computer, a robot managed by a computer system, or software that

thinks intelligently in a manner similar to that of intelligent people" (Dahshan, 2019). Another definition states it is "the science concerned with studying, designing, and programming computers to achieve tasks that usually require human intelligence" (Abdel Nour, 2005).

AI can be broadly defined as a systematic process for operating automated devices. These devices are programmed by humans to perform tasks efficiently and precisely, regardless of complexity. Although AI lacks human senses and emotions, it is controlled and managed by the human mind, enabling it to execute tasks faster than humans. (Muller, 2020).

AI's advantages lie in its dynamic and adaptive nature. It evolves by processing input data within a pre-established framework. AI can analyze and program data to achieve its objectives, responding automatically to commands. This capability allows it to perform tasks at speeds beyond human capacity, offering innovative solutions to various challenges (Dabisha, 2023).

The Legal Nature of Artificial Intelligence

The legal nature of AI is shaped by its governance under administrative and constitutional regulations. These laws determine its nature, the risks it poses, and the adequacy of existing rules to protect users. On one hand, these laws safeguard individuals using AI. On the other, they regulate administrative bodies authorized to implement AI in practical applications.

Most studies, particularly in the Arab world, address AI from a technical perspective. They often neglect its legal aspects under administrative and constitutional laws. Additionally, these studies focus on national contexts, with limited attention to international frameworks (Ibrahim, 2022). This study emphasizes the national dimension, particularly administrative and constitutional laws. It also includes a legislative comparison between Jordanian law and other legal systems.

The legal nature of AI also involves assessing its impact on human life. Its consequences are primarily governed by civil and criminal legislation. However, administrative and constitutional laws often lack clarity in addressing AI-related issues. AI, a human invention, has advanced significantly in the 21st century. It performs tasks with exceptional capabilities, either autonomously or in collaboration with users, including individuals and government agencies. To ensure secure and fair use of AI, its legal nature must be clearly defined. Proper regulation is essential to address its implications effectively.

The Role of Administrative and Constitutional Legislation in Regulating Artificial Intelligence

The legal role of AI and its impact on public rights and freedoms require clear legislative provisions. Recently, a coalition of human rights groups filed a legal challenge against the French government's use of algorithms in the welfare system, alleging bias against marginalized groups. By examining administrative and constitutional legislation, it is evident that specific legal rules addressing AI technologies are lacking. (Muller, 2020).

Currently, AI's technical and scientific aspects are not explicitly covered by administrative or constitutional provisions. Despite AI's rapid development, legislative texts have not kept pace with its advancements. These texts should address all facets of AI, including its financial and ethical implications. Explicit legal provisions are essential to regulate AI and its applications. Without such regulations, the legal system risks failing to protect public rights and freedoms from the potential misuse of AI technologies. Until this is regulated, courts have decided in many cases against individuals using AI unlawfully. For example, in *Missouri v. Franson and Kohls* (2025), a federal judge in Minnesota ruled against the use of AI-generated misinformation in a "deepfake" parody case. In another case, *Missouri Appeals Court Sanctions for AI-Generated Citations* (2024), the court fined a litigant $10,000 after discovering that the legal brief submitted included fake, AI-generated case citations.

Although it is a well-known constitutional principle of non-discrimination in employment when the requirements are met, and despite the fact that “Unlike humans, technology is blind to gender, ethnicity, age, and background,” it remains challenging when AI makes discriminatory decisions in recruitment based on the algorithm being used (Seppälä & Małecka, 2024).

The Role of Administrative and Constitutional Legislation in Regulating Artificial Intelligence Systems

Regulating AI requires specific laws. These laws should define the governing authority, establish rules for judicial referrals in tech disputes, and appoint specialized judges. Clear safeguards must ensure AI's autonomy and impartiality. They should address misuse, prevent harm, and provide principles for evidence-based rulings. This will empower courts to handle AI-related claims effectively.

Many legislators worldwide have overlooked the need to regulate AI technologies within national public institutions. This is a significant oversight; especially as scientific and technological progress accelerates. Human rights organizations have called for laws to protect human rights and public freedoms (Hilal, 2022).

The researcher argues that balancing the state's administrative and judicial roles in resolving AI-related disputes requires new legislation. These laws should set clear guidelines and standards for AI applications while preserving human dignity. (Greiman, 2021). It should be noted that currently there is no AI specific laws regulating the use of AI in employment in the private or public sector.

To prevent ethical and practical errors, the researcher suggests establishing a robust legal framework. This framework should safeguard public rights and freedoms while ensuring AI's continuity and reliability. Such measures will enable states to use AI confidently, innovatively, and efficiently. It will also advance technological progress and enhance judicial work.

The researcher proposes a draft law titled "Artificial Intelligence Technologies Regulation Law." This draft is based on constitutional provisions of the implementing nation. If adopted, it will provide a strong foundation for regulating AI technologies within a suitable legal framework, particularly in judicial institutions worldwide.

Proposed Draft Law: Artificial Intelligence Technologies Regulation Law

Article (1): Title and Effectiveness

This law shall be called *"Artificial Intelligence Technologies Regulation Law for [….]"* and shall enter into force upon publication in the Official Gazette.

Article (2): Definitions

(A) Unless the context indicates otherwise, the following terms shall have the meanings assigned:

- **State**: […….]
- **Artificial Intelligence**: A technical system enabling interaction with an electronically programmed machine, designed by humans to perform tasks with speed and precision. It assists in solving specific problems, regardless of their scale or complexity.
- **Board**: The governing body overseeing artificial intelligence technology.
- **Department**: Any legal, investigative, judicial, or government-affiliated body specializing in artificial intelligence technologies.
- **Chairman**: The head of the Council.

Article (3): Establishment of the Council

A *Council for Artificial Intelligence Technologies* shall be established within the state. It will be headquartered in the city of [.....]. The Council may set up branches in other regions. It shall have legal personality and financial and administrative independence. The Council may litigate and be represented in judicial proceedings by the Civil Attorney General or a designated lawyer.

Article (4): Applicability

The provisions of this law apply to all state institutions and bodies, regardless of their job titles.

Article (5): Oversight and Licensing

(A) The Council shall oversee the implementation of AI technologies within state institutions to ensure legal compliance. It may grant or deny licenses for AI use in all private-sector operations.

(B) Complaints and violations related to AI technologies must be referred to a special committee within two weeks of receipt. The committee must resolve these matters promptly, within one week of review commencement.

Article (6): Complaint Review

The State government, through the executive authority, shall ensure the diligent review of complaints submitted to the AI Technologies Council by the designated committee.

Article (7): Council Management

(A) The Council shall have eight members, equally divided between technical and legal experts. Members shall be appointed by the Council of Ministers for two years, with one possible renewal. The Chairman and Vice-Chairman shall be selected from among the members. The Vice-Chairman shall assume the Chairman's powers in their absence.

(B) The Council shall meet at least four times a month, based on the Chairman's invitation. A quorum is valid with eight members present, including the Chairman or Vice-Chairman. Decisions shall be made by majority vote. In case of a tie, the Chairman's vote (or Vice-Chairman's in their absence) shall prevail.

Article (8): Responsibilities

The Council shall manage, implement, and oversee AI technologies in all public institutions. This responsibility also extends to licensed private entities using AI technologies.

Article (9): Regulations

The Council of Ministers shall issue necessary regulations for this law's implementation. These regulations shall govern procedures, financial matters, employee salaries, allowances, operational mechanisms, and other requirements for effective execution.

Article (10): Internal Instructions

The Council may issue internal instructions or regulations for administrative, procedural, and financial affairs. These must not conflict with this law or its implementing regulations.

Enforcing legislative frameworks for the effective regulation of AI requires addressing several challenges, particularly those related to international jurisdiction and compliance. AI technologies are inherently global, making it difficult to enforce national laws. An AI system can be developed, deployed, and operated in one country but have far-reaching impacts across borders. This creates jurisdictional challenges when disputes arise between parties from different nations. To address this, international cooperation is crucial. Legislators should work towards harmonizing AI laws at a global level, establishing treaties or frameworks that create common regulatory standards for AI across borders. This will promote consistency in legal standards and help resolve jurisdictional conflicts.

Furthermore, ensuring compliance with AI regulations requires mechanisms to monitor and enforce adherence to legal standards. Regulatory bodies or agencies must be established to oversee AI technologies and ensure their compliance. These bodies should have the authority to investigate AI systems, impose penalties for non-compliance, and enforce corrective actions. Additionally, AI developers and users must be educated about the legal framework and the potential consequences of non-compliance. Regular audits and inspections, especially in high-risk sectors like employment or healthcare, will help ensure that AI systems operate within the established legal boundaries. An international convention or treaty, universally accepted and ratified, is necessary to regulate AI use and address emerging challenges associated with its deployment.

In conclusion, enforcing AI regulatory frameworks requires international collaboration, robust national regulatory bodies, compliance mechanisms, and ethical guidelines. By addressing jurisdictional challenges and ensuring that laws keep pace with technological advancements, governments can effectively regulate AI and protect public rights and freedoms.

To establish a clear international approach, the European Union introduced the Artificial Intelligence Act (AI Act) in 2021. This act is grounded in the principle

of human-centric AI, emphasizing the protection of fundamental rights such as privacy, non-discrimination, and transparency. A notable aspect of the AI Act is its multi-layered approach, which ensures that high-risk AI systems undergo rigorous oversight while fostering innovation in lower-risk areas. It also establishes clear accountability for AI developers, making them liable for the impacts of their systems.

In contrast, the U.S. National AI Initiative Act of 2020 lacks a comprehensive national AI law similar to the EU's AI Act. However, it encourages rapid technological advancement by focusing on research and development, which allows for greater innovation in AI technologies.

China's Artificial Intelligence Development Plan (2017) and New Generation AI Ethics Guidelines (2021) provide a framework for AI development, but these regulations are more centered on fostering economic growth and innovation rather than prioritizing the protection of individual rights.

Finally, the UK AI Strategy (2021) outlines the government's commitment to fostering AI innovation while ensuring that AI systems remain ethical, fair, and transparent. The UK's principles-based approach offers the flexibility to adapt to the rapidly evolving AI landscape, ensuring that public rights are protected. It also encourages collaboration between the government, academia, and industry to align AI development with societal needs.

The Role of Criminal Legislation in Artificial Intelligence Systems

Addressing criminal offenses related to AI requires legislative intervention. Specific rules and laws must be tailored to these crimes, considering their distinct nature compared to traditional offenses governed by the Penal Code. Criminal legislators must account for AI's unique characteristics. This includes defining prohibited activities involving AI systems and imposing deterrent penalties for crimes resulting from their misuse.

The rapid advancement and diverse applications of AI highlight the need for criminal regulation. AI misuse poses risks and can lead to crimes, necessitating legal safeguards to protect individuals. A key debate concerns assigning criminal liability for AI-related crimes. Should liability fall on the programmer, the company owning the technology, or the user operating it? Additionally, can such acts be classified as crimes under existing laws, and should AI entities have legal personality?

Efforts must focus on preventing and mitigating AI-related crimes. These efforts should prioritize public order and ensure societal and individual safety when interacting with AI systems.

AI applications are versatile but susceptible to misuse with criminal implications. For example, AI can fabricate videos falsely depicting offensive actions, damaging reputations through malicious scenarios. Robots and self-driving cars could be programmed to commit severe crimes under user direction. Cybersecurity threats, such as breaching systems for espionage or bank theft, are also significant. In media and propaganda, AI can manipulate facts, spread false news, and incite unrest, jeopardizing international peace. Even the medical sector is vulnerable, as AI misuse could lead to criminal acts.

Traditional principles of criminal responsibility are insufficient to address AI-related crimes. Legislative intervention is necessary to develop advanced criminal frameworks specific to AI systems. These frameworks must address future technologies comprehensively. Legal efforts, particularly within the European Union, aim to establish practical frameworks for regulating AI. The *European Union Regulation 2024/1689, the Artificial Intelligence Act*, dated June 13, 2024, is a landmark regulation. It establishes harmonized rules for AI, addressing its significant risks and providing a regulatory framework (Abu El-Eid, 2024).

AI is pivotal in achieving sustainable development goals by 2030. Properly regulated AI can benefit humanity and support these goals in a safe legal environment. However, a universal criminal legal framework is essential. This framework should define AI concepts, regulate its use, and address its role in criminal investigations. AI can predict crimes, identify criminal traits, and track perpetrators efficiently. Attention must also focus on crimes arising from AI misuse, with penalties proportional to the crime's severity and its technological and moral impact on victims.

Criminal legal intervention in combating AI crimes is crucial. Laws must define criminal acts linked to harmful AI use and align punishment with the severity of these acts to protect social interests (Al-Zubaidi, 2024). Assigning criminal liability requires meeting specific criteria. These include the actor's legal personality and the presence of two crime elements: the physical act and criminal intent. Without both, criminal liability for AI-related acts is invalid.

If an AI entity independently commits a criminal act, legal provisions must first establish AI's criminal liability. This requires recognizing AI as having legal personality. Without such recognition, attributing liability to AI for harmful acts is legally void (Adlbi, 2024).

Conclusion

Enforcing legislative frameworks for AI regulation requires addressing critical challenges to ensure effective governance and compliance. This study examined the role of criminal, administrative, and constitutional legislation in protecting public rights and freedoms from AI-related harm. It proposed a tailored legal framework to address the current challenges of AI usage, with a focus on developing administrative and constitutional measures to safeguard public rights and serve the public interest. The study underscored the legislative need for regulating AI, considering its vast influence across various sectors, and the importance of a legal framework for its applications. These findings aim to strengthen the legislative foundation supporting judicial processes involving AI-related obligations and effects. By enforcing these recommendations, legislators and stakeholders can create a robust regulatory environment that promotes the responsible use of AI, ensures compliance, and safeguards public rights and freedoms in an increasingly AI-driven world.

While AI holds immense potential for human progress, it also introduces significant legal and social risks, impacting individuals and nations. Existing criminal, administrative, and constitutional laws lack provisions for AI-related crimes, creating legal confusion and undermining judicial legitimacy. The absence

of clear legal frameworks makes it difficult for courts to effectively address AI misuse.

Recommendations

1. **Establish Government Oversight for AI Regulation**: AI's capacity to make decisions and solve problems using pre-prepared data can result in biased or harmful outcomes. Governments should establish administrative bodies to regulate AI use, ensuring compliance with legal frameworks and protecting individual rights. These bodies should have the authority to monitor AI technologies and enforce regulations to prevent misuse.
2. **Grant Constitutional Legal Status to AI**: AI is not granted constitutional legal status in most countries. Legislators should introduce constitutional provisions to regulate AI use. These provisions should define AI liability in cases of harmful acts, moving beyond reliance on existing liability rules.
3. **Create Legal Committees for AI Oversight**: Public government departments, particularly those connected to legislative or executive authorities, should establish legal committees to oversee AI technologies. These committees should ensure AI use aligns with justice, fairness, and its intended objectives. Internal regulations must include clear provisions for monitoring, managing, and licensing AI technologies.
4. **Adopt a Global Approach to AI Regulation**: Legislators worldwide should adopt a consistent and clear approach to AI regulation. Monitoring mechanisms must be implemented to prevent misuse and ensure fairness. A distinct legislative framework with specific provisions addressing AI-related challenges is essential to maintain legal clarity and protect public rights.

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