Legal And Ethical Principles in The Internationalization (Social) Norms of Artificial Intelligence

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Abstract. Artificial intelligence is a new trend in global technological development and plays an important role in promoting the construction of a new industrialization system. However, as an emerging productive force, AI technology has always lacked a set of standardized rules on ethical and moral issues. This has led to numerous copyright disputes and personal injury incidents caused by AI technology worldwide, posing a serious threat to intellectual property and ethical circles. To achieve this, global theoretical and institutional innovations are needed. The handling of moral and ethical issues by artificial intelligence mainly includes the formulation of moral and ethical norms and the moral and ethical evaluation of AI technology. Therefore, there should be more cooperation in the international field just like the Artificial Intelligence Law promulgated by the European Union. This paper adopting literature analysis and case analysis methods, mainly studyed the different governance attitudes of China, the United States, and the European Union, as well as the legislative practice of the EU in enacting artificial intelligence laws.

Keywords: AI; Artificial Intelligence Ethics; Global Legal Governance.

1. Introduction

Advanced artificial intelligence may represent a profound change in the history of life on Earth, but with the penetration of generative AI technology, a large number of copyright disputes will flood into judicial practice, accompanied by ethical issues.

In terms of copyright disputes, in January 2023, three artists from the United States, Sarah Andersen, Kelly McKernan, and Karla Ortiz, filed the world's first-class action lawsuit against Stability AI for copyright infringement of the "Wenshengtu" generated product [1]. This sparked high global attention to the issue of unauthorized use of others' works for training datasets and outputting infringing generated products in generative AI services. Starting from this, a large-scale wave of product infringement lawsuits was launched in the United States during 2023. In February 2024, the Guangzhou Internet Court of China took effect of a judgment on the infringement of others' copyright by generative AI services, which is also the first effective judgment on the infringement of others' copyright by generative AI services in the world [2]. The court held that the plaintiff's provided images generated by the Tab website partially or completely copied the original expression of the artwork's artistic image. This case requires the intellectual property and creative communities to focus on understanding the creative mechanism of AI and clarify the boundaries between reasonable creation and infringement.

Meanwhile, AI technology has also caused many ethical issues in terms of personal eights. A large number of face swapping AI have emerged around the world, which has led to rampant infringement and abuse of personal and portrait rights. The threat of AI to human ethics is not only in terms of personal rights. On March 38, 2023, A Belgian man named Pierre (pseudonym) committed suicide [3]. His wife claimed that Pierre was induced to death by an intelligent chatbot named "Elisa", which has prompted many scholars to consider the direction of artificial intelligence development and constraints from an ethical perspective.

Therefore, the international community should strengthen its control over the loss of control over AI technology. To prevent this, the first thing to consider is the governance of artificial intelligence research and development.

2. Legal Nature of Artificial Intelligence Legal Analysis of AI Technology

2.1. Legal Entities

In order to better regulate artificial intelligence, the first issue to be addressed is how to adjust laws to adapt to the social relationships of the AI era. All of this needs to start with whether artificial intelligence can become a legal entity, that is, the legal personality of artificial intelligence. This involves the legal nature of artificial intelligence.

According to dialectical materialism, things are developing, and the subject is no exception. From the historical context of legal development, the extension of legal subjects has shown a gradually expanding trend. In Roman law, only adult men who met specific conditions were eligible legal subjects, and it was not until after World War II that women and people of color obtained full legal subject status [4]. In addition, there are many examples and supporting theories that grant legal subject qualifications to inanimate objects. For example, American scholar Christopher Stone published an article in 1974 titled "Forests Should Be Eligible for Litigation: The Legal Rights of Natural Bodies", in which he supported the legal rights of inanimate objects [5]. New Zealand has also approved Yuriwara National Park and Wangnui River as legal entities.

It can be seen that driven by the need to protect different rights, nature, animals, etc. were once accepted as qualified legal subjects. From a historical perspective, the acquisition of legal subject qualification is in line with the level of development of productive forces, and even natural persons who have obtained complete legal subject qualification have gone through a long process of evolution. However, there is still great controversy over whether artificial intelligence can become a new legal entity. Combining multiple cases of artificial intelligence infringement in recent years, it can be seen that the relationship between humans and generative artificial intelligence has shifted from "use--be used" to "entrust--be entrusted" [6]. In some cases, humans do not have absolute dominance over generative artificial intelligence, and it may even play a decisive role. This means that humans and artificial intelligence are no longer simply subject object binary relationships. Yuval Harari pointed out that since entities such as companies that have neither body nor mind can be recognized as having legal personality, artificial intelligence will inevitably gain corresponding subject status in the future [7].

2.2. Regulation of Artificial Intelligence in Various Countries (EU, US, China)

The research on the legal system of artificial intelligence in the United States is still in the exploratory stage. As a leader in the artificial intelligence industry, the United States holds an encouraging and promoting attitude towards artificial intelligence. In terms of promoting artificial intelligence regulation, the US policy is relatively flexible and decentralized, focusing on regulating the orderly development of artificial intelligence. The United States has not directly regulated artificial intelligence legislation at the federal level, but has jointly constructed a legal system for artificial intelligence through local legislation, departmental enforcement, and other means.

Professor Franita Tolson, Dean of the Gould School of Law at the University of Southern California, stated that the current consensus in the American legal community is that an effective legal framework should match risks to individuals, businesses, or corresponding entities that are most capable of beating them. In September 2024, California Governor Gavin Newsom signed a series of bills related to artificial intelligence, which is the strictest regulatory law in the field of artificial intelligence in the United States to date.

China has shown a highly valued attitude towards the development and governance of artificial intelligence, and hopes to lead development with practical measures.

At the 2024 World Artificial Intelligence Conference, a professor from the Data Rule of Law Research Institute of China University of Political Science and Law believed that China must take development as the main goal of institutional design, and promote legislation to ensure the development of artificial intelligence. This should not only reflect the direction of promoting the development of the technology industry, but also promote the application of artificial intelligence in

production and life. Therefore, China's regulatory attitude towards artificial intelligence is positive and people-oriented, guiding the development of artificial intelligence in various regions and fields through specialized central legislation, and promoting inclusive, cautious, and classified supervision of generative artificial intelligence services.

The EU's artificial intelligence regulatory model is strong regulation, focusing on protecting individual rights and the interests of small and medium-sized enterprises, and adopting a regulatory attitude towards the development of artificial intelligence. On August 1, 2024, the EU's Artificial Intelligence Act officially came into effect. This bill is the world's first comprehensive regulation on artificial intelligence. The precedent set by this bill will have significant implications for global artificial intelligence governance, marking the formal implementation of the world's first systematic law regulating artificial intelligence, and also indicating an important step taken by the European Union in regulating the application of AI. The EU's Artificial Intelligence Act takes risk prevention and control as the foundation, implements graded and classified management, and stipulates significant penalties.

3. Practice on Artificial Intelligence Standards in the World

3.1. The Development of Artificial Intelligence Legislation within the Country

The fourth wave of industrial revolution brought about by big data and artificial intelligence technology has swept across the world, and the potential and value of artificial intelligence have emerged in various industries, bringing endless problems and ethical disputes to countries. Due to the cross national, cross-cultural, and cross disciplinary nature of artificial intelligence, regulating and regulating AI technology challenges is not just the job of individual countries. International cooperation and even the establishment of joint norms are inevitable trends in the current development of artificial intelligence regulation. By establishing international standards, technical agreements, and codes of conduct, countries can provide more possibilities for regulating the artificial intelligence industry through methods such as developing regulatory lists. But currently, the governance of artificial intelligence ethics in the world mostly remains at the stage of principles and initiatives, and how to regulate it through normative legal means is a common concern among global legislators and academia.

In response to this consideration, UNESCO released the "Recommendation on Ethical Issues in Artificial Intelligence" in November 2021, defining the necessary foundational projects to guide the construction of artificial intelligence, to ensure the common values and basic principles for the healthy development of artificial intelligence, and to promote the dissemination and implementation of ethical principles in artificial intelligence worldwide. This has promoted widespread discussion and consensus on the issue of artificial intelligence worldwide. The first International Conference on Artificial Intelligence Security was held in Bletchley, UK, with the aim of promoting cooperation and exchange among countries in the field of artificial intelligence security. In November 2023, the Bletchley Declaration, jointly reached by 28 countries including China and the United States, was officially released, agreeing to establish artificial intelligence regulatory methods through international cooperation. This declaration is the world's first international statement on the rapidly developing emerging technology of artificial intelligence, aimed at addressing concerns about future threats to human survival posed by powerful AI models, as well as concerns about the current enhancement of harmful or biased information by AI.

Singapore's Model Artificial Intelligence Governance Framework was released at the World Economic Forum in Davos, Switzerland in January 2019 and is considered one of the earliest systems for global artificial intelligence governance [8]. In recent years, many countries have introduced laws and regulations related to the governance of artificial intelligence, ranging from general industry norms to individual human rights and privacy, with gradually refined concerns. In July 2024, China will introduce a draft method for identifying synthetic content generated by artificial intelligence, which aims to maximize the protection of citizens' privacy. In the United States, most states are

developing their own artificial intelligence regulatory laws. On September 24th of the same year, a senator proposed the AI Civil Rights Act, which is awaiting final review and approval through the legislative process [9]. It can be seen that many countries' regulations on artificial intelligence have penetrated into the fields of human rights and civil law, which is a manifestation of legislative progress.

3.2. Regional Artificial Intelligence Regulation Legislation Practice-represented by the EU's Artificial Intelligence Law

In terms of joint legislation, the EU's Artificial Intelligence Act can serve as a pioneering example for regulating artificial intelligence among countries. The rapid progress of the EU's Artificial Intelligence Act is mainly due to the pressure of the explosion of artificial intelligence technologies such as ChatGPT. In April 2021, members of the European Commission submitted a proposal for an Artificial Intelligence Act. After multiple rounds of revisions, the European Council officially approved the Artificial Intelligence Act, which will come into effect on August 1, 2024.

The Artificial Intelligence Law is the world's first horizontal centralized legislation specifically targeting artificial intelligence systems. EU Internal Market Commissioner Thierry Breton praised the bill as "an effective, moderate, and globally pioneering artificial intelligence framework". The Artificial Intelligence Law innovatively establishes a risk classification system, dividing it into four major risk categories: unacceptable risk, high risk, limited risk, and minimum risk, and setting different compliance standards accordingly [10]. Based on the first mover advantage, with the implementation of the bill in the European Union, the EU's Artificial Intelligence Law is expected to become a reference frame for AI legislation in other countries, indirectly affecting global regulation. Although the Artificial Intelligence Law has many unreasonable aspects and has received criticism in terms of legislative mode and legal system since its promulgation, its significance lies in filling the gap in legal norms in the world's artificial intelligence governance system [11].

Prior to the enactment of the Artificial Intelligence Law, several EU countries had repeatedly expressed their willingness to jointly formulate regulations. In October 2023, France, Germany, and Italy held a high-level meeting in Rome and issued a joint statement stating that the three countries are developing artificial intelligence strategies and introducing AI regulatory regulations to control risks. It can be seen that there may be more regional legislation on artificial intelligence in the future. With the implementation of the EU's Artificial Intelligence Law, the world will see countries regulate the role of artificial intelligence through laws. On September 5, 2024, the United States, the European Union, and the United Kingdom signed the first legally binding international treaty on artificial intelligence in London. This extensive international participation reflects that global collaboration is particularly important in regulating technology and exploring ethics, which will be a new situation for the development of artificial intelligence regulation in the world.

4. The Difficulties and Recommendation of Establishing Ethical Norms for Artificial Intelligence in the International Community

4.1. Difficulties

In terms of formulating norms, there is a universal problem in terms of content: governments around the world have already formulated a considerable number of policies, regulations, and rules in the field of artificial intelligence, but a considerable number of provisions in these norms are still derived from the inherent concepts and adjustment ideas of traditional law. They not only present fragmented and scattered nonsystematic characteristics as a whole, but also find it difficult to fully address the complex problems caused by artificial intelligence. In addition, the boundaries of artificial intelligence legislation are unclear, and countries have independent industry norms and adjustment intentions. In the governance of artificial intelligence, the law has limitations and is only one of the many ways to adjust the field of artificial intelligence. Outside of the law, artificial intelligence has

various ways of adjusting industry policies, technical standards, industry ethics, etc. The regulatory strength and willingness to adjust vary among countries, making it difficult to reach consensus. For example, in the latest Artificial Intelligence Law introduced by the European Union, there may be broad definitions and overly strict responsibilities for high-risk artificial intelligence, while the solutions provided by the EU's specialized regulations for such issues are subjective and there are many gray areas.

In terms of implementation, there are different forms of legal regulation, corresponding to the laws of different countries and legal systems. It is difficult to formulate widely recognized norms. And the application of artificial intelligence in different scenarios often involves different legal interests. For example, the risk involved in artificial intelligence in the context of commercial transactions is the infringement of consumer rights, which is closely related to civil laws such as the Consumer Rights Protection Law; The main risk involved in the application of artificial intelligence in labor relations is the infringement of workers' rights and interests, which is closely related to labor law and social security law. These cases, combined with specific causes of action, may affect departmental laws in specific fields of a country and generate different levels of social acceptance.

In addition, ethical issues related to artificial intelligence are also related to the cultural habits of countries or regions, and there may be situations where only basic consensus can be reached, which belong to legal issues related to human rights.

4.2. Recommondation

The EU's artificial intelligence law has shown us the possibility of establishing norms through cooperation, but the EU has always been a highly interconnected community, and as for its implementation worldwide, specific situations need to be analyzed. Different countries have their own unique characteristics in the legal regulation of artificial intelligence, so only rules that do not emphasize compulsion and high universality can be widely followed at this time. When establishing standardized rules, we cannot act too hastily. Currently, the only feasible approach is to strengthen international discussion and cooperation.

Referring to the characteristics of international law, in order to form a convention that affects the regulation of artificial intelligence worldwide, it first needs to have strong usability, that is, it can be used by most countries or regions. Some countries start from the private law perspective of rights protection, while others start from the public law perspective of administrative regulation. Therefore, when regulating artificial intelligence internationally, reference should be made to the legislative habits of various countries or regions, which has a certain universality.

Taking China, the United States, and the European Union as examples, these three jurisdictions can summarize the main models of existing AI legal regulation from the perspectives of legislation, judiciary, and technology. China's decentralized legislation, US judicial regulation, and EU's strict protection of data are all forms that can be adopted during the standardization of artificial intelligence [12]. Different legislative bodies can first cooperate with countries or regions that have similar patterns, social backgrounds, and social development, and promote relevant legal research and technical norms within the scope of international law.

5. Conclusion

For cooperation in the international field of artificial intelligence, we can focus on referring to the legal norms and innovations of artificial intelligence in major economies around the world, such as the EU's Artificial Intelligence Law. When going deep into the country to safeguard relevant civil rights, intellectual property rights, and ethical issues, interdisciplinary cooperation among various departments should be strengthened, and authoritative industries and institutions should be promoted to form benchmarks and standards. Through cooperation and reference, internationally recognized consensus rules should be formed. This requires active cooperation between academia and countries, in line with scientific progress and global development.

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