

NATIONAL STRATEGIES FOR THE DEVELOPMENT AND REGULATION OF ARTIFICIAL INTELLIGENCE IN THE FIELD OF HUMAN RIGHTS PROTECTION

Yulia Volkova,

*graduate student, Department of Constitutional Law
and comparative jurisprudence,
Uzhhorod National University,
<https://orcid.org/0009-0002-9069-2188>
Volkovaiuliane@gmail.com*

Ihor Pyroha,

*Professor of the Department of Constitutional Law
and comparative jurisprudence,
Uzhhorod National University,
Doctor of Juridical Science, Full professor,
<https://orcid.org/0000-0002-2798-7795>
Scopus ID:
<https://www.scopus.com/authid/detail.uri?authorId=5722458684>
Researcher ID: AXB-4609-2022
(<https://www.webofscience.com/wos/author/record/AHB-4609-2022>)
Ihor.pyroha@uzhnu.edu.ua*

Summary

The purpose of the article is to research national strategies for the development of artificial intelligence and regulation of its use in the field of human rights protection; the study of modern challenges and trends related to the implementation of artificial intelligence technologies that have an impact on humans.

Research methods. In order to achieve the defined goal and fulfill the set tasks, a set of general scientific and special legal methods of scientific knowledge were used in the research process: dialectical, systemic-structural, logical-semantic, formal-logical, formal-legal, comparative-legal, analysis and synthesis.

Results and conclusions. Today, regulation of artificial intelligence (AI) is being discussed all over the world, including Ukraine. Artificial intelligence, with significant potential for rapid growth, is becoming one of the most influential technologies in today's world. At the same time, the question arises about the ethical and legal use of these technologies. Against the background of globalization processes, the latest technologies of AI systems, penetrating into various fields, become the reality of every person's life, even at the household level. It was emphasized that the governments of various states understand the importance of using modern information and communication technologies, including artificial intelligence technologies. Attention is focused on the fact that if AI is not controlled, it can lead to problems in the field of human rights. That is why the governments of many countries around the world are trying to protect users of digital services from threats and negative effects when using AI, developing their strategies for the development and regulation of artificial intelligence for this purpose. It was noted that the national strategies for the development of AI differ from each other in terms of their goals, but they all have a common goal – the introduction of safe AI technologies into all spheres of human life. To better understand the impact of artificial intelligence on humans and to find solutions to the challenges it creates, international collaboration, supported by the GPAI (Global Partnership on Artificial Intelligence), is needed. On the basis of the conducted research, the need to increase interest in solving the problems of human protection against potential AI threats at the international level has been proven. The main directions of the development of safe artificial intelligence, which were discussed at the first ever summit held in Great Britain, are described. The safe development of artificial intelligence will allow the use of its technologies for the benefit of humanity. The main regulatory legal

acts are decisive for the formation of both international and national policy of each state, which regulate the sphere of human rights protection in the field of AI use, have been identified. The formation of international and European standards in the field of application of artificial intelligence is highlighted. The normative legal documents that establish and regulate the implementation of AI technologies in Ukraine have been analyzed.

It was concluded that today no state in the world is able to work on the creation and implementation of AI in isolation from others: only international cooperation of scientists can ensure the development of high AI technologies. Ukraine, as a part of the European Community of States and a member of the Special Committee on Artificial Intelligence at the Council of Europe, should focus primarily on the standards of the European Union, the Council of Europe and other pan-European institutions regarding the development of AI. Legal regulation of the use of artificial intelligence in Ukraine is at the stage of development. The strategy for the development of artificial intelligence for 2022–2030 should become the basis for the preparation of state programs and legal acts related to the development of AI in Ukraine. In order to eliminate the risks of artificial intelligence, it is proposed to rely on European and global strategies for the development and regulation of AI, taking into account international standards and ethical principles in its use, when developing national legal acts.

Key words: artificial intelligence, human rights, threats, security, development strategies, international standards, ethical principles.

1. Introduction.

The topic of artificial intelligence (AI) is relevant not only in Ukraine, but also throughout the world. Today it is discussed at different levels. However, there are currently no comprehensive regulations at the international level. The purpose of the article is Recognizing the potential challenges associated with the risks of artificial intelligence, given the global nature of such challenges, the European Union and the United States recognize that they cannot currently find the same approaches to regulating the use of artificial intelligence. As for national regulation, AI standards are currently being developed. More than 50 countries of the world have already created and adopted strategies for the development of artificial intelligence, but only in the form of recommendations from governments. Ukraine does not remain aloof from these processes either. In recent decades, problems of the development and application of artificial intelligence in various fields have been actively investigated in domestic legal science. The number of scientific works devoted to the normative and legal regulation of artificial intelligence, which include the moral and legal aspects of its application, is constantly increasing. Recently, there have been heated discussions about the threats of AI to human rights. The scientific investigations of leading domestic scientists are devoted to these problems, in particular: O.A. Baranova, D.M. Belova, M.V. Belova, Yu. M. Bysagy, B.V. Ostrovskaia, V.Yu. Shepitko, M.V. Shepitko et al. Leading Ukrainian researchers in the field of artificial intelligence, under the leadership of Professor Anatoliy Shevchenko of the Institute of Artificial Intelligence Problems, have joined together to develop a joint strategic plan for the development and use of safe artificial intelligence in Ukraine by 2030. The directions for the development of artificial intelligence in Ukraine, stated in the strategy, are correlated with the current global directions for regulating the use of AI.

The strategy is aligned with NATO's strategy for the development of AI, including its legal and responsible use, and also pays attention to the risks that arise from the use of artificial intelligence technologies. The developed strategy for the development of artificial intelligence in Ukraine will help our country maintain a worthy position in the global scientific and technical process.

2. International national strategies for the development of artificial intelligence

Canada is the first country in the world to create a National AI Strategy (Pan-Canadian AI Strategy) at the government level. The Government of Canada has introduced the comprehensive federal bill C-27 "On the implementation of the Digital Charter 2022" to Parliament, the main purpose of which is to introduce new rules for the development and application of AI. Canada is a co-founder of the Global Partnership on Artificial Intelligence (Joint Statement from founding members of the Global Partnership on Artificial Intelligence, June 15, 2020). 29 countries have come together to support the responsible and human-centred development and use of artificial intelligence (GPAI or Gee-Pay) in a manner consistent with human rights, fundamental freedoms and shared democratic values, as detailed in the OECD Recommendation on artificial intelligence.

In the United States of America, in 2021, the National Strategy for Artificial Intelligence (Artificial Intelligence Index Report, 2021) was developed, which talks about the need to support international cooperation in research and development of AI systems. In October 2022, the Office of Science and Technology Policy of the White House published the Blueprint for an AI Bill of Rights (2022), which outlines the principles that should protect society from threats and negative impacts when using AI. An

AI Bill of Rights was also developed in the field of artificial intelligence, which aims to protect citizens from neural networks (AI Bill of Rights, 2022). The document approves 5 fundamental principles: safety and efficiency of the system, protection against discrimination, data confidentiality, purposes of use explanation, as alternatives decision-making human.

Certain guidelines for the implementation of AI regulation and basic state standards are outlined in the National AI Strategy prepared by the UK government in 2021. This is, for example, the White Paper in the United Kingdom, as well as the document “Creating a pro-innovation approach to the regulation of AI” presented in 2022. In 2023, the British government added artificial intelligence to the list of threats in the National Risk Register. One such threat was the increase in misinformation when AI systems are mishandled. In order to protect users of digital technologies from negative impacts, the UK government held the first global summit on AI safety in November 2023 (AI Safety in London, 2023). Britain’s artificial intelligence summit has brought together heads of state and tech giants amid concerns that the new technology could pose a threat to humanity. During the AI Safety Summit in London, Elon Musk said that artificial intelligence is the biggest threat to the modern world: “For the first time in human history, we have something that will be much smarter than us. So it is not clear to me (how) such a thing can be controlled, but I think we can strive to steer it in a direction that will benefit humanity. But I think it’s one of the existential risks we face, potentially the most pressing.” The main focus was on developing a strategy for a global coordinated effort to eliminate the risks and misuse of AI technologies. The summit discussed 5 areas: risks associated with artificial intelligence; international cooperation on AI security issues; identifying ways to improve security through actions coordinated at the international level; evaluation of directions and standards for management of the industry; safe development of artificial intelligence, which will allow the use of technology for the benefit of humanity. The participating countries of the summit, including Ukraine, signed the “Bletchley Declaration” – a document whose main purpose is to intensify international cooperation in the research of artificial intelligence (AI) security. The declaration calls for the guarantee of respect for human rights, data protection, ethics and safety in the development of artificial intelligence, and also emphasizes the importance of controlling the use of its technologies.

3. European ethical standards for artificial intelligence

The priority of the European approach is to establish ethical standards for the implementation of AI. The goal of the European Union is to promote the development of reliable and ethical AI, which must comply with legal regulations. The European Union, taking into account

the new trends and challenges associated with the rapid development of artificial intelligence technologies, is developing ethical principles and legal norms regarding the use of AI, which are outlined in the document “Ethical Guidelines for Trusted AI” (2019). At the UNESCO General Conference in November 2021, 193 countries, including Ukraine, adopted the first-ever global ethical standards for artificial intelligence, which allow maximizing the benefits of scientific discoveries while minimizing the risks of their use. The recommendation identifies four main directions:

1) data protection (the document calls on governments to guarantee citizens the security of personal data and freedom of action, in particular, every person should be able to view or delete information about himself);

2) prohibition of social evaluation and monitoring of people (UNESCO prohibits the use of such AI technologies, as they violate basic human rights and freedoms);

3) control and assessment (It is envisaged to create tools that will help assess the ethical impact of AI on people, society and the environment to help countries develop safe systems);

4) environmental protection (According to the recommendation, developers should give preference to economic and safe methods that will allow the use of AI to fight climate change and other environmental problems. In particular: take care of reducing the carbon footprint, consume as little energy as possible and use safe raw materials).

Therefore, such directions are extremely important at the present time, because the proposed ethical standards for the use of general purpose technologies change not only the way of working with them, but also the way of life. AI technologies have significant benefits in many areas, but without ethical barriers, they can lead to discrimination in the real world and threaten basic human rights and freedoms. The stated basic principles, focused on human rights, provide the states with recommendations for the formation of an effective policy in the field of AI.

In the European Union, there is an important Digital Services Act (DSA, 2020). This Law entered into force on August 25, 2023 and is directly applicable in the European Union. The main slogan of this legislative act sounds like this: “what is illegal offline should be illegal online.” The purpose of this law is the EU’s intention to protect the fundamental rights of users by creating a safer digital space. This will allow users to flag illegal content and report it to the online platform. It also includes the right to block it.

As a response to the latest developments in digital technologies, in particular – to the emergence of general purpose artificial intelligence and generative artificial intelligence, the first intergovernmental standard on AI was adopted. On March 5, 2024, the

OECD Council of Ministers adopted changes to the principles on Artificial Intelligence at its meeting. The updated principles address AI-related challenges such as privacy, intellectual property rights, security and information integrity. They are aimed at solving security problems, since artificial intelligence systems carry the risk of causing significant harm to society, therefore, reliable mechanisms and precautions are needed for their configuration and/or decommissioning (anti-disinformation, the need to preserve the integrity of information, responsible business behavior throughout the entire life cycle AI systems, cooperation with AI systems users and other stakeholders, transparency and responsible disclosure of information about AI systems, the need for cross-jurisdictional cooperation to promote an interoperable AI policy environment (Updated principles of artificial intelligence, 2024).

Thus, the updated principles effectively create a framework for addressing AI risks and can serve as a basis for AI policymaking.

On March 13, 2024, the European Union adopted the Artificial Intelligence Law (Artificial Intelligence Law, 2024), which became the world's first comprehensive law to regulate artificial intelligence (AI) to reduce risks, create opportunities to fight discrimination and ensure transparency. Thanks to the Parliament, unacceptable AI practices will be banned in Europe and citizens' rights will be protected. As stated in the press release of the European Parliament, the goal of regulation is "to protect fundamental rights, democracy, the rule of law and environmental sustainability from extremely risky artificial intelligence, as well as to stimulate innovation and establish Europe as a leader in this field." It further states that "Untargeted copying of facial images from CCTV footage for the creation of facial recognition databases will be prohibited. The new rules ban certain AI applications that threaten citizens' rights. Emotion recognition in the workplace and schools, social assessment, predictive policing, and artificial intelligence that manipulates human behavior or exploits people's vulnerabilities will also be banned." Citizens will have the right to file complaints against artificial intelligence systems and receive explanations for decisions based on high-risk artificial intelligence systems that affect their rights (Saakov V., Krokman V., 2024).

The President of the European Commission, Ursula von der Leyen, said: "Artificial intelligence is already changing our daily lives. And this is just the beginning. Smart and widespread use of AI promises enormous benefits for our economy and society. I therefore very much want to welcome today's political agreement between the European Parliament and the Council on the New Era Artificial Intelligence Act. The EU Law on Artificial Intelligence is the first comprehensive legal framework for artificial intelligence worldwide. So, this is a historical moment. The AI Act brings

European values into a new era. By focusing regulation on identifiable risks, today's agreement will promote responsible innovation in Europe. By guaranteeing the safety and fundamental rights of people and companies, it will support the development, deployment and implementation of reliable AI in the EU. Our Artificial Intelligence Act will make a significant contribution to the development of global rules and principles for human-centered AI" (Statement by President Ursula von der Leyen, 2023).

The formation of the regulatory framework for the regulation of AI technologies in the European Union takes place both at the European level and in the member states. The European Commission on Artificial Intelligence, which serves as a platform for public discussions, is responsible for all developments in this area. Within the framework of the European Commission, in 2024, the European Union created the AI Office (European AI Office, 2024) – an artificial intelligence expertise center that will be responsible for compliance with the rules of the AI Law, ensuring its implementation in all member states. The AI Office is the basis for a single European artificial intelligence management system. As soon as the Law on Artificial Intelligence enters into force, it must also be adopted by all candidate countries for joining the European Union, including Ukraine.

4. Strategies for the development and regulation of artificial intelligence in Ukraine

For the Ukrainian legislator, the term "artificial intelligence" is a relatively new term, therefore an unambiguous legal definition, and even more so legal regulation, is currently absent in the current legislation. Currently, the issue of the development of artificial intelligence is quite actively discussed in Ukraine. The Ministry of Digital Transformation is working on the development of the legislative framework for the regulation of AI. During development, the issue of creating and spreading disinformation with the help of AI was also taken into account. In 2020, the Cabinet of Ministers approved the Concept for the Development of Artificial Intelligence in Ukraine (On the Approval of the Concept for the Development of Artificial Intelligence in Ukraine, 2020), the purpose of which is to determine the priority directions for the development of AI to satisfy the rights and interests of people, namely: in education, science, economy, cyber security, defense, information security, public administration, legal regulation and ethics, justice. In October 2023, the Ministry of Digital Transformation presented the Roadmap for the Legislative Regulation of Artificial Intelligence in Ukraine, which focuses on the rights of Ukrainians in the digital space.

With the participation of experts, government officials, people's deputies and lawyers, Ukraine began work on the development of its own strategy for the

regulation of artificial intelligence, which became the beginning of work on the regulatory field for artificial intelligence. Currently, two main strategies for the development of legal regulation are possible: 1) development of own legal regulation; 2) implementation (full or gradual) of the EU AI Act. The implementation of European legislation may cause certain difficulties, but it is the EU standards in this area that should become a reference point for Ukraine, especially since the course of European integration is enshrined in the Constitution of Ukraine.

The Ukrainian Scientific School of Artificial Intelligence presented an alternative project “Strategy for the Development of Artificial Intelligence in Ukraine for 2023-2030” for discussion and suggestions. The purpose of this strategy is to create the foundations for a new technological system that will lead Ukraine to a leading position in the world in the field of information and computer technologies, thanks to the effective use of the advantages and opportunities of the wide implementation of AI in all spheres of public life. Scientists have proposed a parallel direction of scientific research, which involves the creation of a breakthrough technology in the field of artificial intelligence in Ukraine – the creation of a next-generation computer based on the application of the principles and mechanisms of the functioning as human brain, in particular, its consciousness. For the functioning of such a machine, a necessary condition is taking into account the laws of nature, spiritual, moral and legal laws and rules adopted in the international community and in a separate state. Only with such an approach can the interests of a specific person and humanity as a whole be ensured (Shevchenko, 2022).

“Artificial intelligence is developing every day, so our goal is to create a safe environment in which AI will help society and not create additional threats... We must keep up with the world and lead the AI trend. Understand what is happening, react quickly and have your own strategy. It is impossible to talk about a digital state if we do not form a progressive policy in the direction of artificial intelligence and an agenda for the world. Already today in Ukraine, AI is actively used in various directions. The use of artificial intelligence is especially important in the field of military technology. It helps to record the movement of equipment and personnel of the occupiers, shoot down enemy missiles, guide UAVs more effectively to targets, etc. Work on the regulatory field for AI is important for the development of the country and will enable us to move faster in this direction,” said the Deputy Prime Minister for Innovation, Development of Education, Science and Technology, Minister of Digital Transformation Mykhailo Fedorov (Regulation of Artificial Intelligence in Ukraine, 2023). In Ukraine, the issue of legal regulation of artificial intelligence is on the agenda of the Verkhovna Rada Committee on

Digital Transformation. When developing normative legal acts related to the field of AI, Ukraine must adhere to the global pace of development of this field and protection of the rights and freedoms of citizens. When deciding which way to move in Ukraine in matters of legal regulation of artificial intelligence, it is necessary to study the best European and world experience.

In order to discuss global trends and features of legal regulation of artificial intelligence, the Center for Democracy and the Rule of Law (CEDEM) together with the Digital Security Laboratory held the forum “Artificial Intelligence 2.0: Regulation and Work in Time of War” in Kyiv (Forum, 2023). At this forum, the OSCE representative on media freedom, Teresa Ribeiro, noted that “The situation is very sad now, because war has returned to Europe. And this war is waged not only with conventional weapons, Russia’s war against Ukraine is a hybrid one. It uses various means, such as distortion of facts and various propaganda methods. To protect human rights, we need to use artificial intelligence to facilitate access to reliable information for society and prevent misinformation”. Denise Wagner, adviser to the office of the OSCE representative on media freedom, also spoke about the use of artificial intelligence for the purpose of malicious actions. The speaker emphasized that one of the areas that should be paid attention to from the point of view of regulation is the spread of disinformation, the main means of which are recommendation systems and targeted advertising. Some content needs to be restricted or removed, but it is much better when disinformation is countered by the users themselves, not just by the regulator. She emphasized that what is important now is not only freedom of speech, but also the freedom to be free from misinformation.

5. Conclusions.

Summarizing all of the above, it should be noted that today no state in the world is able to work on the creation and implementation of AI in isolation from others: only international cooperation of scientists can ensure the development of high AI technologies. Ukraine, as a part of the European Community of States and a member of the Special Committee on Artificial Intelligence at the Council of Europe, should focus primarily on the standards of the European Union, the Council of Europe and other pan-European institutions regarding the development of AI.

Legal regulation of the use of artificial intelligence in Ukraine is at the stage of development. The first steps towards its regulation have been taken – the Concept of the Development of Artificial Intelligence has been approved, the Roadmap for the Regulation of Artificial Intelligence has been presented, and the Strategy for the Development of Artificial Intelligence in Ukraine until 2030 has been developed. The strategy for the development of artificial intelligence in Ukraine is the basis for the preparation of

state programs and legal acts related to the development of AI in Ukraine. However, the steps taken do not allow establishing generally accepted rules and norms for the use of artificial intelligence. Therefore, it is necessary to join the already existing international treaties and conventions. Taking into account the rapid development of artificial intelligence technologies, we believe it is appropriate to apply a comprehensive approach to take into account world standards for the use of artificial intelligence. In addition to the development of the main Law "On Artificial Intelligence", which should define the rights and responsibilities of users in the application of its technologies, regulate legal relations in the field of the use of artificial intelligence and establish responsibility for violating the rules of its application, it is necessary to develop and implement by-laws and instructions, and as well as relevant resolutions of the executive authorities. In order to eliminate the risks of artificial intelligence, it is necessary to rely on European and global strategies for the development and regulation of AI, taking into account ethical principles and legal norms regarding its use, when developing national legal acts.

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НАЦІОНАЛЬНІ СТРАТЕГІЇ РОЗВИТКУ ТА РЕГУЛЮВАННЯ ШТУЧНОГО ІНТЕЛЕКТУ У СФЕРІ ЗАХИСТУ ПРАВ ЛЮДИНИ

Юлія Волкова,

*аспірантка кафедри конституційного права
та порівняльного правознавства,
Ужгородський національний університет,
<https://orcid.org/0009-0002-9069-2188>
Volkovaiuliane@gmail.com*

Ігор Пирога,

*професор кафедри конституційного права
та порівняльного правознавства,
Ужгородський національний університет,
доктор юридичних наук, професор
<https://orcid.org/0000-0002-2798-7795>*

Scopus ID:

<https://www.scopus.com/authid/detail.uri?authorId=5722458684>

Researcher ID: AXB-4609-2022

(<https://www.webofscience.com/wos/author/record/AHB-4609-2022>)

Ihor.pyroha@uzhnu.edu.ua

Анотація

Мета статті – дослідження національних стратегій розвитку та регулювання штучного інтелекту у сфері захисту прав людини; дослідження сучасних викликів та тенденцій, пов'язаних із використанням технологій штучного інтелекту, які мають вплив на людину.

Методи дослідження. Для досягнення окресленої мети й виконання поставлених завдань у процесі дослідження використано комплекс загальнонаукових та спеціально-юридичних методів наукового пізнання: діалектичний, системно-структурний, логіко-семантичний, формально-логічний, формально-юридичний, порівняльно-правовий, методи аналізу та синтезу.

Результати та висновки. Сьогодні у всьому світі, включаючи Україну, обговорюють регулювання штучного інтелекту (ШІ). Штучний інтелект, маючи значний потенціал для швидкого зростання, стає однією з найвпливовіших технологій у сучасному світі. Водночас постає питання про етичне та правове використання цих технологій. На тлі глобалізаційних процесів новітні технології систем ШІ, проникаючи у різні галузі, стають реальністю життя кожної людини, навіть на побутовому рівні. Наголошено, що уряди різних держав розуміють важливість застосування сучасних інформаційно-комунікаційних технологій, в тому числі і технологій штучного інтелекту. Акцентовано увагу на тому, що якщо не контролювати ШІ, то це може призвести до проблем у сфері прав людини. Саме тому уряди багатьох країн світу намагаються захистити користувачів цифрових послуг від загроз та негативного впливу при використанні ШІ, розробляючи з цією метою свої стратегії розвитку та регулювання штучного інтелекту. Відзначено, що національні стратегії розвитку ШІ різняться одна від одної своїми цілями, але всі вони мають спільну мету – впровадження безпечних технологій ШІ у всі сфери життєдіяльності людини. Щоб краще зрозуміти вплив штучного інтелекту на людину та знайти рішення викликів, які він створює, необхідна міжнародна співпраця, яку підтримує GPAI (Глобальне партнерство зі штучного інтелекту). На підставі проведеного дослідження доведена необхідність посилення інтересу до вирішення проблем захисту людини від потенційних загроз ШІ на міжнародному рівні. Охарактеризовано основні напрямки розвитку безпечного штучного інтелекту, що обговорювались на першому в історії саміті, проведеному у Великій Британії. Безпечна розробка штучного інтелекту дозволить використовувати його технології на благо людства. Визначено основні нормативно-правові акти, котрі є визначальними для формування як міжнародної, так і національної політики кожної держави, що регулюють сферу захисту прав людини в галузі використання ШІ. Висвітлено становлення міжнародних та європейських стандартів у сфері застосування штучного інтелекту. Проаналізовано нормативно-правові документи, котрими закріплюється та регулюється реалізація технологій ШІ в Україні.

Зроблено висновок, що на сьогодні жодна держава у світі не спроможна працювати над створенням і впровадженням ШІ ізольовано від інших: лише міжнародне співробітництво науковців здатне забезпечити розвиток високих технологій ШІ. Україна як частина європейської спільноти держав і член Спеціального комітету зі штучного інтелекту при Раді Європи має орієнтуватися перш за все на стандарти Європейського Союзу, Ради Європи та інших загальноєвропейських інституцій щодо розвитку ШІ. Правове регулювання використання штучного інтелекту в Україні знаходиться на стадії розробки. Основою для підготовки державних програм і нормативно-правових актів, які стосуються розвитку ШІ в Україні, повинна стати стратегія розвитку штучного інтелекту на 2022–2030 роки. З метою усунення ризиків штучного інтелекту при розробці національних нормативно-правових актів пропонується опиратися на європейські та світові стратегії розвитку та регулювання ШІ, враховуючи міжнародні стандарти та етичні принципи при його використанні.

Ключові слова: штучний інтелект, права людини, загрози, безпека, стратегії розвитку, міжнародні стандарти, етичні принципи.