

SECTION 3. CIVIL LAW

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3.1 Problems and prospects for the development of the European Union (including the UN member states) in the context of human rights and freedoms protection during the global revolution in the technological sphere. Polina Prianykova's Scientific Doctrine on the elaboration of the Constitution of Artificial Intelligence**ABSTRACT**

The object of the research – legal models of regulation of Artificial Intelligence, regulatory oversight, real and prospective practices of AI application.

The subject of the research – scientific literature and legislative acts of the member states of the United Nations, which determine the fundamental principles of the functioning of Artificial Intelligence, inter alia in the European Union.

The purpose of this academic work – research and initiatives on the implementation of Artificial Intelligence into the legislation of UN member states, the EU in particular, as well as proving the theses of *Polina Prianykova's Scientific Doctrine* regarding the creation of the AI Constitution and specifying the priority of the state monopoly in all clusters pertaining to Artificial Intelligence.

Research method – the theoretical basis of this scientific work consists of the works of domestic and foreign researchers in the field of Artificial Intelligence; textbooks and Internet resources, periodicals, statistical materials, and literary and reference publications. This work examines the particularities of models of legal regulation of Artificial Intelligence, their modernity and effectiveness, primarily in the European Union as a part of the UN member states.

Initiatives during the research – in English, we participated in 3 scientific and practical conferences of lawyers of the All-Ukrainian and international levels: we also conducted correspondence with three authorized institutions of the EU.

INTRODUCTION.

Our modern world is constantly changing and evolving, and many people, in their aspiration to achieve happiness and inner peace, sometimes, due to the threat of military action, terrorism, climate change, etc., leave their homes and go abroad, migrating to other corners of the globe.

As part of the scientific World advocate program *COMPATRIOT* (hereinafter referred to as ‘WAP *COMPATRIOT*’), we conducted a study of common tendencies in criminal issues that arise among migrants and put forward several notions for solving the aforementioned problems with the help of AI.

Based on the Declaration of Human Rights, the issue of protection from criminal encroachments is extremely relevant in every country of the globe. I took an active part in the first stage of WAP *COMPATRIOT* [80]. Currently, we are implementing the plan of the second stage of the Program, which lies in establishing communication with international institutions regarding the involvement of the possibilities of Artificial Intelligence (under the condition of state monopoly, inter alia in the field of regulation and control) to help people.

The essence of the program in the first phase lies in providing informational assistance to our compatriots abroad and studying these issues profoundly. The practice has shown that the logistics of information flows serves as an efficient platform for the provision of services, including the ones in the legal sphere. The experimental part of the Program (which, in fact, has the character of philanthropy) lasted exactly one year: from 06/01/2020 to 06/01/2021. For free (pro bono), we helped dozens of our fellow citizens who found themselves in unpleasant and difficult situations abroad: we also coordinated them with lawyers who provided services in their country of residence in a language understood by our compatriots. With an aim of popularizing WAP *COMPATRIOT*, we have incorporated the most popular media platforms.

We familiarized ourselves with the work of foreign colleagues in the farthest corners of our world and established fruitful cooperation therewith. Moreover, we have taken part in the UNBA Contest on the topic of providing legal services pro bono. All the work mentioned above has been done by us for free, charitably, at the cost of our

personal time. Concluding the first (experimental) part of the WAP *COMPATRIOT*, we encountered the objective fact: our initiatives are relevant, vital, and needed by people! Nevertheless, this activity has to become governmental and get a permanent and sustainable platform for its deployment, for instance, on the basis of the Ministry of Foreign Affairs in order to help the citizens outside Ukraine. Besides, it is there that Artificial Intelligence is possible to be implemented and used, and it truly has to be in every country!

I insisted on these theses at the International Scientific and Practical Conference ‘MODERN PROBLEMS IN SCIENCE’, which was held on May 17 – 20, 2022, in Vancouver, Canada [81]. As an International Human Rights Defender on AI, I have elaborated on this conception and allege that it is necessary to create an ad-hoc department managed by the Ministry of Foreign Affairs of every country. This novel division shall be in charge of modelling the respective informational program (powered by AI) that would provide compatriots with legal assistance set out in plain language and organized by their native country. In such a way, these people would be under an additional ‘shield’ of help and support.

What is more, such practice concerning the implementation of innovative programs, for instance, in form of chat-bots on governmental websites or applications, may serve as a useful tool for the formation of statistics about the most frequent issues compatriots come across in one or another country. Hence, the figures may be analysed and points of growth in the provision of help to migrants and travellers abroad shall be considered. Bearing in mind the notion of the significance of international cooperation, these specialized departments would have to exchange information about the problems their citizens encounter with the respective divisions all around the globe (in their turn, they would act likewise), creating a powerful system of guaranteeing and protecting fundamental human rights and liberties.

On 09/10/2022 and 09/16/2022, I addressed the official institutions of the EU [*Europe Direct, European Commission (Service for Foreign Policy Instruments), European Parliament*] with a letter regarding the consideration of my proposals during

the discussion on the protection of the rights of people who have found themselves outside the borders of their homeland countries [Addendum].

In view of the COVID-19 Pandemic, which has been going on for the third year, new strains and viruses, their mutations, which pose a deadly threat to humanity, the issues of protecting the health of the population, strengthening the human immune system, physical culture, balanced nutrition, etc., remain extremely relevant. And there, the role of AI can become crucial. Therefore, the issue of the implementation of Artificial Intelligence in the EU and UN legislation in the realm of healthcare merits unparalleled attention.

The synergy between Artificial Intelligence and legislation in the spheres of transport, social protection of people, and the provision of administrative services through the prism of the development of *Polina Prianykova's Scientific Doctrine 'Smart City – Smart Country – Smart Planet'* was also studied.

Multitudinous novelties in the fields of transport and logistics are not properly regulated by international legislation and, hence, cause more and more acute issues, leading to problems that are increasing on a large scale. As a result, maintaining the strength of statehood's foundation, which lies in the provision of security of the obligation of human rights and freedoms social protection during the global revolution in the technological sphere, is becoming more and more relevant.

Proposals in the development of the arguments of *Polina Prianykova's Scientific Doctrine on the creation of the Constitution of Artificial Intelligence* have been elaborated and substantiated.

Comprehensive research has established an unacceptable imbalance in the system of world legislation: the scale of the 'Ninth Wave' of IT technology's modernization and the hazardous inertia of the world's legislators, inter alia at the UN level. We propose a way to rectify the situation, meaningfully proven in *Polina Prianykova's Scientific Doctrine on Artificial Intelligence implementation into the worldwide legislation* with a guaranteed governmental monopoly.

Thus, we are going to take a closer look at the models of the aforementioned legal initiatives and their aspects, and carefully examine the practice of using AI in

modern realities, its essence, and problems, first results, including positive and negative ones, which constitute the relevance of the enlightened issues.

3.1.1 Language of scientific research on Artificial Intelligence implementation into the legislation of the EU and world state leaders

At the invitation of my fellow attorneys, on July 7, 2022, I took part in a solemn and prestigious online event of the Ukrainian National Bar Association, where the legal community of the country learned about the long-awaited creation of the Centre of Legal Linguistics of the Higher School of Advocacy of the UNBA.

In a vivid presentation, the head of the Centre Lyudmyla Kolodnyk (see photo) spoke about the activities of the newly created body of the Bar, which, first of all, implies the respective establishment of cooperation with legal colleagues from all over the globe, primarily in English – the language that has become one of the keys to international communication. For fruitful cooperation, I received the contact information of the Head of the Centre of Legal Linguistics.



Later, on July 21 and 28, 2022, I took part in two webinars in English, which were presented by colleagues and lawyers from the USA, the EU, and Canada on subjects related to the protection of people during military operations in Ukraine.

I testify and confirm the fact that English has become the language of international communication, including in the academic field. The sources of my

research on the legal nature of Artificial Intelligence comprise the publications of scholars from the USA, the EU, and even the PRC, and all the experts as well as I do (for three years now) work in English.

3.1.2 The effective synergy between Artificial Intelligence and legislation in the spheres of transport, social protection of people and the provision of administrative services through the prism of the development of *Polina Prianykova's Scientific Doctrine 'Smart city – Smart country – Smart planet'*

3.1.2.1 Novelties in transport and first problematic factors

First and foremost, in analogy to the words once said by a Stoic philosopher, Marcus Aurelius, we have to define the nature of Artificial Intelligence, the notion of the novelty which is developing in quantum jumps. Although the general term for AI has not been accepted all over the world, the definitions given by some organizations reflect the complexity of the technology in varying degrees. Taking into consideration the updated notion of the aforementioned modern phenomenon given by the European Commission's High-Level Expert Group on Artificial Intelligence, "AI refers to systems designed by humans that, given a complex goal, act in the physical or digital world by perceiving their environment, interpreting the collected structured or unstructured data, reasoning on the knowledge derived from this data and deciding the best action(s) to take (according to pre-defined parameters) to achieve the given goal. AI systems can also be designed to learn to adapt their behavior by analyzing how the environment is affected by their previous actions" [82]. Undoubtedly, to figure out how sophisticated the innovations with AI deployed are, the granular approach has to be applicable in order to keep up with advancements. Moreover, Artificial Intelligence can also be considered a scientific discipline where techniques of novelty integration are studied.

AI has been gradually growing in strength by taking place at the EU market and nowadays has already gathered its momentum in becoming a real cluster of the unprecedented revolution in systems of transport. The transformation many of us, perhaps, have not drawn attention to due to the pandemic that started.

However, the Digital Day in April 2017, in Rome has provided an impetus for the intensification of the cooperation on testing connected and automated vehicles by creating ten 5G cross-border corridors according to the Letter of Intent, signed by 29 European countries, including not only the Members of the EU, but the European Economic Area, with an aim to decrease the level of accidents on the road, streamline traffic efficiency and, hence, ensure the stable level of safety, considering the reduction in traffic congestion as well as minimizing the emission of greenhouse gases [83].

Moreover, judging by the ‘View on 5G Architecture’, published by the 5GPPP Architecture Working Group in October 2021, the systems of 5G have already been implemented now, being widely available in major urban areas and are going to reach less populated areas in the not-too-distant future [84]. This also implies the fact that such opportunities will make automated vehicles grow in their favorability and, thus, make the EU a definite world leader in the deployment of transport mentioned above.

Notwithstanding the actuality that the EU is chasing noble and important objectives for society – achievement of ‘so-called Vision Zero, i.e., no road fatalities on European roads by 2050’ [85], the legislation of the ‘Acquis Communautaire’ still is not in a position to provide us even with a proper regulation on the liability for the use of automated vehicles. Consequently, many ‘grey areas’ in the identification of breaches of law arise and compliance with primary principles of fundamental human rights is becoming a challenging task for the legislators. It is noteworthy that even in the Communication from the European Commission ‘On the road to automated mobility’ it has been stipulated that “the long-term effects of driverless mobility on the transport system, the economy, the environment and on existing jobs are still largely unknown” [85]. That is why we are bearing a strong necessity for a sector-specific approach that would help the government assess the all-encompassing consequences of the aforementioned practices implemented, taking into account certain regulatory provisions which would be substantial rather than declarative, corresponding to contemporary realities and needs.

Hence, it has to be emphasized that the actions of the legislatures pertaining to the law adaptation and its specific alteration on the recognition of AI should be well-

conceived and prompt, starting with the general law on AI and specifying the subject with sectoral laws as the field to regulate is vast and still developing. Moreover, it is significant to draw parallels between the forms of liability where we give prominence to criminal liability in particular.

Concerning the establishment of criminal liability for the use of AI in the spheres of transport, it is important to note that this term refers to responsibility for a crime and the penalty imposed for it. The problem we touch upon is intrinsically intertwined with the challenges that arise while defining who is liable for the use of AI and the necessary recourse for the aggrieved parties. Thus, one of our aims is to state some policy actions proposed at the EU level in more concrete terms, building and harmonizing a new liability regime for AI specifically deployed into transport systems, guaranteeing the protection of people, and ensuring preventative measures for new types of crimes [86].

In order to comply with such a state of affairs, Artificial Intelligence has to be recognized not only as an object of a crime but as a subject thereof, meaning that it should be legally identified. Moreover, there have been ideas that suggest the possibility of a new term perpetuation – ‘electronic personhood’, the first attempts of venturing such opinions are even dating back to the last century [87]. However, nowadays the introduction of the term aforementioned has generated much more vigorous and sparked discussions about whether such practice is prudent and efficient. Additionally, it has led to some claims that conferring the ‘electronic personhood’ on the phenomenon may equate the natural person with an artificial subject and, hence, the legal personality would be endowed, raising a certain dissonance and the following diffusion in establishing the liability. Diversified allegations may be indicative of a totally new age for legal systems throughout the world per se.

In our research, we admit the possibility for the notion of ‘electronic personhood’ to become accepted, but only on the condition that it would not violate or impinge on human rights. What is more, it does not prescribe the eventuality of granting AI inventions with consciousness which is an inseparable part of the complexity of a human’s constitution. Such praxis may testify to the fact that AI technologies would become ‘tangible’, thus, identified by law. Besides, in modern realities natural or legal

persons have to be responsible for the AI novelties as the stage of development of the last is being enhanced: the ‘joint liability’ among human beings and cutting-edge machines envisages the balance among both parties. We recognize and support humanity’s right over innovations, but on a legal platform where these novel technologies may be reprogrammed, dismantled, or annihilated in case the evidence proves that the technology is defective.

It is important to accentuate the expected fact that some inventions may be given a prospect of the further development of AI, able to gain sanity, mobility, room for learning, reasoning, and formulating intentions and wishes. Although we are not the representatives of such theories’ adherents, in our academic work we have to mention that, apparently, the scientists would not turn their back on an opportunity for conducting experiments with AI akin and hence, the introduction of intelligent and autonomous transport systems is predictable in particular. At any rate, the feasible foreseeability of the damage caused by such results of the technological genesis should be evaluated in order to recognize the exact inventions as sources of increased danger. Nevertheless, the corresponding state of affairs gives rise to the question: “Would we and the specifically built law systems be able to handle issues that may emerge as a consequence of the super-intelligent inventions (we ceded more control to the latter once) that are given the right to decide about the life and death of human beings?”. That is why society and the government have to define the red lines for the use of AI novelties in order for the borders not to hinder technological progress, but to become a stimulus for exercising control over the innovations with an aim to preclude the collapse of the global order.

Specifying the liability for the use of various types of novel vehicles, it is vital to outline the difference between these machines. First, we are going to take into consideration the glossary provided by the European Parliamentary Research Service in its Briefing where an automated vehicle is prescribed to be a particular type of vehicle which is equipped with the technology available to assist the driver so that elements of the driving task can be transferred to a computer system [88].

As in this case the human override is still required and feasible, the driver should be able to take the vehicle under control whenever the system identifies such a necessity or particular circumstances demand because, nevertheless, the driver carries an increased risk of harm to others. Hence, if the evidence proves that an accident with severe consequences was precipitated by the fault or negligence of the driver, that person has to be subjected to strict liability for the damages resulting from the vehicle's use.

However, the circle of responsible persons may expand provided that the AI-technology specialists assert, considering the junctures, the probability of the automated vehicle's malfunction due to the fault of the manufacturer or the software developing companies. Moreover, as it is drawn attention to in the report 'Liability for AI and other emerging digital technologies' by the Expert Group on Liability and New Technologies, "strict liability of the producer should play a key role in indemnifying damage caused by defective products and their components, irrespective of whether they take a tangible or a digital form" [89].

It is also vital to note, that the liability may usually be held by the party which has greater control over the machine with AI deployed. Meanwhile, an autonomous vehicle is capable to perform all driving functions eliminating any human intervention therein and being supposed to reach the highest known level of automation (also categorized by SAE as Level 5) [90].

Although nowadays these innovations are being tested, they could be on the market in a few years, judging by the constant acceleration of technological progress. In this regard, some changes in establishing the criminal liability may arise as the driver would be superseded by the operator (in some cases, the operators), a person who is in control of the risk connected with the operation of emerging digital technologies and who benefits from such operation. There exists a certain taxonomy between the aforementioned: a fronted operator, a person, who decides on how to use the innovation in particular and mainly benefits from the use of it; a backend operator, who defines the features of the technology and bears a greater responsibility for exercising control over the operational risks [89]. Hence, the traditional practice of defences and some

statutory exceptions from strict liability have to be reviewed and complemented by provisions on the new types of possible liability holders.

It has been stipulated that “in particular in the context of autonomous cars, that while the vast majority of accidents used to be caused by human error in the past, most accidents will be caused by the malfunctioning of technology in the future” [89]. Thus, the manufacturer would bear higher risks of becoming liable for accidents where its autonomous systems are involved. Besides, due to the complex structure of producers, the concept of liability is still vague to define (whether it refers to the vicarious or strict) and has to be comprehensively studied. Notwithstanding the coherent fact that the producer is most likely to hold responsibility in case of a fault in its vehicles, the driver/owner/operator decides how and when to use the autonomous transport, for which purposes, and directly benefits from it. Hence, the joint and solidary liability has to be taken into consideration and given more prominence thereto.

Also, we suppose that in our academic work some scenarios when an owner or the dealer company may also be criminally liable for giving permission to use his or her transport system or to supply the vehicles (regardless of their level of automation), being aware of the fact that the people, they provide the AI-technologies to, intend to use these innovations for the purposes which may pose a threat to the society, inter alia including the illegal trade of drugs and weapons, and even murders and terrorist attacks. Thus, the whole process of AI-implemented vehicles’ invention, further deployment, dealership, and use thereof has to be supervised and controlled by the state.

Considering the liability for the use of unmanned aerial vehicles, drones, in particular, the aspects of criminal liability have even more sophisticated and unclarified taxonomy. Perhaps, the liability holders may be similar to the ones in cases pertaining to autonomous driving. Although drones are often associated with their part taken in military actions, nowadays they are also digested in realms of advertising and retail, telecommunications, development of the infrastructure, weather forecasting, journalism, gaming, and live entertainment, etc.

It is quite evident that such technologies also continue to gain momentum and the ad-hoc provisions have not been proclaimed. Meanwhile, people are still not protected from the situation of the drone falling to the ground and the ensuing injuries. Hence, an owner or the operator may be strictly liable if someone decides to use the drone despite foreseeable adverse weather conditions which proscribe the use of the innovations; in addition, the person may hold the responsibility not only for the risks intertwined with operating drones but also for the not undertaken attempt to stop the use of the device during the storm. The manufacturer also can be liable for the damages in case the drone's software is faulty or the design and the parts of the system do not enable the operator to perform the responsibilities prescribed.

Furthermore, the vehicles mentioned above can be additionally fitted with a function of connectivity, implying the fact that the machine would be able to establish a link with other devices or the infrastructure via the Internet. This means that the innovations would 'communicate' with each other, creating an intelligent and responsive composition of vehicles with low latent, smooth and secure data flows, where the traffic is intended to be administered and balanced.

In the European Union, at least three large-scale projects are planned to become successful – L3PILOT, an extensive test of various automated driving functions for passengers; AUTOPILOT, a blueprint where real connected and automated eco-systems are envisaged; ENSEMBLE, an enterprise aimed to save fuel and reduce the carbon footprint by virtue of compliance with a truck platooning strategy [85].

However, such status quo specifies the inextricable interconnection between the vehicles the regulation thereof has not been stipulated at an adequate level per se. This 'non liquet' may entail serious consequences, particularly reflected in further liability shifting or cyberattacks which are acquiring even more nebulous features and origins. It is quite natural that for unscrupulous IT experts, cyberattacks on novel vehicles would be an actual 'tidbit' to launch.

It is sufficient to imagine only the situation when a perpetrator infiltrates the data center of connected and automated mobility and sends a command to the entire cross-border corridor of vehicles to accelerate, or deploys an instruction to turn right or sends

a command to power the drones. We cannot allow such a state of affairs to prevail as it may threaten people's lives, shake the foundations of the stability and safety on the roads and lead to the evolution of novel forms of terrorist attacks.

It is also significant to put the emphasis on the fact that the criminals involved in the abovementioned terroristic activities have to be strictly liable for the crimes, moreover, such acts can be assessed to have an international nature as they pose a threat to the world order and hence, if the outlaw is trying to conceal in another country different from the one he committed a crime in, the mentioned perpetrator has to be on the international wanted list, given a red notice and handed over to INTERPOL's area of activity. It should be pointed out that during the Europol-INTERPOL Cybercrime Conference held in November 2021, a common thread was to highlight the fact that "cybercrime is an urgent global security risk" and "law enforcement and the private sector need to take strong, collective action" [91]. Furthermore, the main goals stipulated in the Concept of the development of Artificial Intelligence in Ukraine are attuned to the tactics aforementioned [92].

That is why the mechanisms of monitoring anomalous activities or disruptions in systems of transport have to be recorded and analyzed in order to prevent their further malfunctioning. There is also a great necessity to determine the number of places where certain technologies cannot be used (e.g., eliminating the use of drones above crowded places, giving a particular focus to kindergartens, schools, and parks; minimizing autonomous driving on unmodernized roads). Moreover, special programs which may encourage IT experts to work on detecting the innovations' defects have to be popularized and supported by the governmental organizations in order to ameliorate the features of the machines, making their software indestructible in case of external interference aimed to change the main principles of their functioning.

Hence, if automated vehicles do not have a certain immunity from hackers and their malicious software, the whole future of these technologies would be jeopardized and the question may arise whether our world has a necessity to continue the implementation of technologies, faceless for the legislature. Elon Musk, CEO of 'Tesla' and founder of 'SpaceX' once accentuated, "AI is far more dangerous than

nukes. Far. So why do we have no regulatory oversight? This is insane” [93]. Although nuclear war is considered to be the most calamitous, the implications of the unregulated cutting-edge technologies with AI implemented could equally result in a further catastrophe. The aforementioned challenges can be conquered and prevented by an exceptional solidary global response, inter alia in the forms of a comprehensive regulation on AI, deployment of the consequential world governmental security software for innovations, and a clear strategy for how to eradicate the cases of cyberattacks.

Summarizing the aforementioned, it can be acknowledged that we are standing on the threshold of novelties’ introduction that would prove that the world changes are inexorable. Consequently, the law system is undergoing a sea change and has to keep pace with the times. Unfortunately, the criminal liability for the use of AI transport systems has not been established at an adequate level not only in the EU but globally. Thus, solely under well-defined regulative provisions on AI, the fundamental human rights would be inviolable, the system of law – be unambiguous, while a legislature – be able to see blindfolded and judge even in challenging circumstances as Themis, a symbol of justice, known and appreciated worldwide.

3.1.2.2 Governmental provision of human rights and freedoms social protection during the revolution in the technological sphere

Artificial Intelligence may serve as a versatile tool able to assist governmental institutions with a respective insight and high velocity of data processing; it can as well make its own deductions and further proposals based on the information and patterns it detects. That is the reason for the notion that the implementation of the relevant mechanisms is imminent and has already materialized in modern days – the tendency that in commercial space such innovations also started being widely used might have also served as a certain catalytic agent for the government’s interest in AI. For example, the novelty is able to meet the basic needs of the public pertaining to getting prompt feedback on the questions asked and hence, may alleviate the pressure on the employees of public services.

Virtual assistants. A bright example can be provided by mentioning the established practice in IP Australia, an agency of the Department of Industry, Science, Energy and Resources. On their official website, a specific chatbot called ‘Alex’ was deployed, it is stated to have been borrowed from the Australian Taxation Office and is considered to be ‘a government helper’ by the Digital Transformation Agency in particular. This virtual assistant answers questions related to intellectual property rights, specifically operating on the IP Australia online platform. It is the first aide that can provide citizens with relevant information and has proved to be involved in around 40 percent of the interactions between the organization and its customers. The respective call centre has benefitted from the implementation of the chatbot as it seems to have decreased the burden of the employees being constantly engaged in more than 12 000 calls per month, giving answers to the questions ‘Alex’ can find in the blink of an eye. Hence, in about 2 years, the program has contributed to the office’s breakthrough, taking over more than half of the queries, and confirming the proportionality and importance of the implementation thereof [94].

Answering our request, ‘Alex’ confirmed that it is “still learning” and “doesn’t know everything just yet” [95]. However, we may presume that virtual assistants similar to the aforementioned chatbot will only grow in popularity, being constantly developed. It might sound quite controversial, but there also exists an opinion that people still tend to prefer real-human virtual assistance to AI. This can be explained by the fact that chatbots sometimes fail to give the experience of a real conversation, due to their idiosyncrasy of simultaneously being friendly but quite alienated. Undoubtedly, service providers are aware of this situation, and we may suggest that nowadays virtual assistants would be given greater attention in order for the services to continue taking advantage of chatbots’ deployment.

Draftsmanship. Many documents have standardized templates which can be analyzed by the AI and subsequently be used for drawing up various references. What is more, innovative mechanisms may not be solely efficient for citizens getting the necessary certificates, but notably the governmental institutions. The employees of the public services always have to know about the recent amendments in the legislation,

what language and phrases are commonly used and accepted etc. Nevertheless, it is vital to note that the process of reviewing the drafted documents is time-consuming and if AI was utilized, the burden on these organizations would be substantially reduced and the public servants could focus on other significant tasks. What is more, there exists a high probability that such applications would become a real ‘tidbit’ for individuals, e.g. attorneys or notaries.

Unequivocally, Artificial Intelligence has already been used in similar cases, but if the government of each country adopted its own version of the program specializing in drafting and reviewing certain documents, and in the long-term entrenched its own exclusive right to avail itself thereof, moreover, give license to competent legal practitioners, the application would become a credible assistant in compiling and processing vast amounts of data. In addition, as the novelty has to be centrally supervised and updated by governmental institutions, it may rule out the possibility of mala fides. Certainly, such innovations may seem to be complementary at first sight, but, taking into account the fact that people tend to get used to good things quickly, we cannot exclude the likelihood that users may start relying on these apps more and more. Thus, the government has to establish its sole right to create these inventions and exercise control over the updates, in order for the app to remain reliable.

Investigations. Facial recognition, monitoring of online platforms and services, detection of suspicious activity on social networking sites – if this data is collected and analyzed, being guided by the notion of a granular and centralized approach applied, public services may get much more solutions to cases they encounter with; law-enforcement agencies would be provided with the supernova innovation as AI is watchful and, undoubtedly, perceptive. Moreover, if the technology’s algorithms are evolving, it would be able to become more resilient and adaptable, gaining more experience in a particular field.

Nowadays, AI has significantly contributed to campaigns for finding missing children, including even long-pending cases. Technology has shed the light through the abyss of hopelessness and desperation. Taking into consideration the progress of the launch of the ‘Tuanyuan’ system, which means ‘Reunion’ in Chinese, its success

is truly promising. Being created by an e-commerce giant ‘Alibaba Group Holding Ltd’, the program is aimed at sharing information about missing children timely; it is connected to various media platforms and, when the competent authorities, e.g. police officers, are informed about the missing person, they are “authorized to release information about missing or abducted children on mobile apps”. After that, ‘Tuanyuan’ sends notifications about such cases – citizens, in their turn, become aware of these facts, their vigilance is raised and, if they become witnesses of kidnapping, they may also help the police by providing the latter with up-to-date details about the incident [96].

According to China’s Ministry of Public Security, since the launch of the campaign elucidated afore, more than 350 long-pending cases involving child abduction have been resolved, and 890 suspects have been caught [97]. What is more, 10,932 abducted children have been found [98]. This reunion has been particularly unexpected and seemed to be a ‘miracle’ as some of the injured parties turned out to be separated from their families for more than 20 years (the statistics provided identify that this gap reaches the figure of 60 years and above for 110 victims) [97].

Another successful practice vital to note comprises the AI algorithms interconnected with the facial recognition mechanisms. The police in China are using the system to identify and track the missing children; the technology builds up the image of the victims by taking the information available in the database. Jointly, the law-enforcement authorities managed to rescue 10 children out of 13 who were abducted between 2006 and 2014 within the territory of the country; 7 victims were traced with the help of Artificial Intelligence in particular. Although the leader of the criminal group was arrested in 2014, the police could not find the abducted [96]. Things began to change in 2017 when the program was introduced into the Sichuan Provincial Public Security Department and started serving as a real virtual helper (with an accuracy claimed to be greater than 96 percent) in investigations [99].

It should be outlined that similar facial recognition systems have been deployed in other countries, inter alia in India and the US. However, the use of such technology has been deemed to be alarming in view of certain privacy concerns. In response to this

fact, the spokesman of the National Commission for Protection of Child Rights (NCPCR) in India stated the following, “If such a type of software helps trace missing children and reunite them with their families, nothing can be better than this.” [100]

In the US, the Federal Bureau of Investigation is claimed to have an organization that serves as an assistant that uses novel technologies, basically, the non-profitable National Center for Missing and Exploited Children. It is deemed to use advanced AI mechanisms in order to process vast amounts of data related to suspicious online activity and hence report the collected facts to the relevant law-enforcement agency [101].

What undermines the claim that the aforementioned practices are credible and perspective is the fact that they have been formed during the times of transitional period for the legislation and regulation of AI because there are only a few steps taken to start the latter being drafted. Hence, as the most intelligent and highly developed systems are owned by non-profitable or commercial entities, the clout they concentrate in providing the governmental institutions with their assistance may impede the enactment of particular legal provisions and culminate in the use of the foregoing influence as a leverage for the government. Such a state of affairs puts into jeopardy not only the sovereignty of the system but the compliance with fundamental human rights and the protection thereof. Hence, as a part of the Doctrine (*Scientific doctrine on AI implementation into the worldwide legislation by Polina Prianykova*) [102], it is significant to put the emphasis on its key notion – establishing the governmental monopoly on the implementation and use of Artificial Intelligence.

Governmental ‘regulatory oversight’ [93] has to be clear-cut, solid, and immune to any manipulation on behalf of influential corporations. Thus, the government has to act immediately, it may be started with the relevant resolution of the UN that, in its turn, will become a binding instrument for countries all around the globe and, hence, for the businesses that use the technology with AI implemented there will be nothing left but to come to newly established terms of the use of AI in a civilized way. Moreover, it would preclude the high probability of certain technological isolation for

countries that may have decided to adopt the ad-hoc legislation first: as in such a state of affairs, popular online services could have left the market of these countries.

Hence, the global governmental monopoly on AI may presume that the novel form of the aforementioned innovation may subordinate miscellaneous algorithms that have been elaborated with different aims for functioning in online platforms and services – making the users spend more and more time on their application or get particular details of the personal data of individuals, encourage customers to make purchases, etc. However, the objective of the governmental AI will be different – to ensure that the functioning of algorithms in such novelties complies with standards of the rule of law that may be general and specific, depending on the particularities of the law system of each country. It is in this case that if the platforms and services want to target the users of a particular country, they first have to adapt to the rules on AI and get a special license that will also let the governmental AI access their system and operate therein.

Undoubtedly, this tactic is unprecedented and not less innovative than AI itself, but it will serve as a real helper in the long term, by assisting in investigations and preventing violations of law. It should be noted that pursuant to the aforementioned course of action, we may exercise control over the innovations, harmonizing the legislation with AI, creating a tangible mechanism that would boost technological progress and establish a protective barrier for the human rights of people of the world.

3.1.2.3 ‘Smart city – Smart country – Smart planet.’

Proposals for the development of *Polina Prianykova’s Scientific Doctrine on the creation of the Constitution of Artificial Intelligence.*

The prevalence of various technologies in modern times is apparent and witnessed these days. As such processes as digitalization accompanied by concurrent environmental protection and preservation are gaining relevance and are considered to be of paramount importance, many respective strategies and visions of how to face the corresponding issues that arise are being put forward. Besides, on our political and simultaneously economic agenda, we encounter challenges pertaining to the clear

understanding of innovations and the provision of the latters' judicious application and hence, some criteria and implications may not have been considered in the aforementioned policies.

Hence, it is vital to put the emphasis on the fact that AI, almost being a ubiquitous and inseparable element of trailblazing digital projects, has to be estimated properly by applying a consequential granular approach – this is one of the aspects enlightened in our previous research [103]. Undoubtedly, the European Union has contributed to defining the notion of AI, characterizing it not only from the vista of technology but as a scientific discipline in particular [104].

From the perspective of information technology, AI represents a sophisticated system or, as prescribed in the European Commission's Proposal for the Artificial Intelligence Act, even a 'family of technologies' which include different learning algorithms able to optimize the functioning of a wide spectrum of spheres and industries, especially the economics is viewed to be provided with an upgrade never known before. Taking into consideration the natural interest of the EU in maintaining high-ranking leadership positions in the branch of technologies, it has adopted measures to achieve its long-term goals and expressed an opinion to provide a pertinent regulation in order to adhere to the Union's fundamental rights and principles [105]. Beyond the shadow of a doubt, as municipalities are designated for establishing the direct connection with the people, the deployment of novel intelligent systems bears a great impact on the society's level of trust towards the local authorities and the government itself, and, without a question, on the development of the whole area such technological implementation encompasses.

In such a state of affairs, we shall focus on voluminous spheres where AI, as a spark of fire that has remained untamed thus far, burst into.

Advisory case processing. That is how this aspect was named in the corresponding study by the Nordic Council of Ministers [106]. Besides, the Nordic region is also characterized as one of the most digitally advanced in the world, including a well-developed network of municipal institutions. The main aim of the applicable technology laid in giving advice concerning the cases the municipality

officers had to solve and make a decision thereon. What is more, new and less experienced case officers were introduced with such novel tactics first as the municipalities thought that AI could form specific algorithms and advise them, building its strategy on precedents.

However, such a practice may raise a certain controversy. In the event of an excessive reliance on AI which provides the officers with the analysis of previous decisions in cases, eventually, it would lead to the eradication of individuality and unambiguity. If the aforementioned practice was established and applied in particular, it would become the start of the obsolescence and the incessant emergence of the claw-back provisions that no longer comply with modern realities; in addition, it could result in the decrease of the level of professionalism and competency of municipality's employees and the violation of the EU values.

Hence, in order to strike a balance, provide the people with a just resolution and preserve working spaces that have already been supposed to become affected by digitalization, municipalities should have recourse to AI when there is a strong and emergent need to find a specific correlation and conduct a comprehensive review, but on the condition of the retention of critical thinking and the decision being non-detriment to the rule of law. This way, in pursuit of so-called efficiency and mobility, the Municipal law would not forfeit its objectives.

Integrated infrastructures, sustainable and safe mobility, logistics are all the basic components of the idea of so-called 'Smart cities' the primary focus thereof is directed at the citizens' needs. One of AI's significant aims for municipalities in the aforementioned concept is to provide the government with an accurate assessment of damage (e.g., its prediction, detection, classification, and localization), maintain order on the roads which comprises strengthened, revitalized, and secure transport systems of connected and automated mobility, inter alia resulting in the reduction of overall environmental implications caused by traffic (for instance, decreasing GHG emissions by 90% by 2050) [107]. Hence, the technology would facilitate the level of local stability. Nevertheless, it is worth noting the fact that the relevant legal framework has to be adopted and enacted. Indisputably, some of the EU local communities have

already gained benefits from the use of such innovations. For example, Stockholm Municipality deployed AI in order to be proactive in predictions of possible leaks in water and sewer systems, while in Helsinki the technology was tested on its precision in prognosticating the weather and guiding snow ploughs to certain areas with a high probability of snowfall; some similar practices were quite successful [106].

It is vital to highlight that by expanding the scale of such experiments, the situations, conditions, and circumstances become more complex, especially when we have no general regulatory act. This mobility and certain connectivity in systems of transport prescribe the use of automated vehicles as well as their nexus with each other, establishing specific data centers that would operate and control the traffic as well as the application of aerial vehicles or drones in particular. However, since the taxonomy of the liability for the use of such machines with AI deployed has not been crystallized and stipulated at the level it has to be clarified, the legal lacuna that arises may lead to such a turn of events when the government, including the municipal representatives, would not be in a position to preserve security and sustainability as the level of cybercrime is increasing and the perpetrators would have a higher possibility to intrude into the data centers and hence, cause mass disturbances, specifically on the cross-border corridors which intrinsically intertwine the novel vehicles.

Thus, before implementing such global and promising projects, the mechanisms of security measures' realization should be developed, prescribed, and brought to life. The status quo enlightened above would provide the municipalities in particular with certain strategies that would maintain the stability of the world order, guaranteeing fundamental human rights.

It is significant to note that the list of aspects we touched upon is not exhaustive. Therefore, for the purpose aforementioned, it is necessary to reach an accord between society and trailblazing technologies by establishing a flexible regulation the provisions thereof would not be declarative, but actual and efficacious. In such a state of affairs, all legal branches would serve the people, comply with modernity and reach harmony with innovations in the long term.

Having ensured the viability of the concept of the development of ‘Smart Cities’ in the nearest future, it is reasonable to raise the question of bringing not only cities to new modern digital standards, but also towns, villages, and communities, in other words, all settlements in every region of the state. Such a project can be identified as the next stage of the civilizational movement to the level of ‘Smart Country’. And this is a worthy objective for all scopes of activity of the patriotic government for the efficacious protection of human rights and freedoms!

And if every state strictly adheres to the UN regulations on AI, then we will be able to see a whole cluster of developed ‘Smart countries’ that will enter the planetary platform of interaction as ‘Smart Planet’.

In our opinion, *the Doctrine ‘Smart City – Smart Country – Smart Planet’* is not just a scientific project or a quixotic idea, a sort of utopia. If we look closely at modern trends in science and technology, we can observe, to one degree or another, a rapid upgrade of Artificial Intelligence services in all spheres of our lives, and this line begins with smartphones and extends all the way to humanoid robotic beings (cyborgs), and this list is never-ending!

Since the technological revolution is definitely approaching, taking major strides (almost running cross-country), it is crucial to ensure the implementation of AI into the legislation of each country no less rapidly, or even faster!

At the same time, the course of the ‘Ninth wave’ of novelties and changes in AI programs should be directed therein to be clearly defined. After all, each state has its own scientific potential and appropriate economy for the development of its projects. Each country can choose the path of AI development in accordance with its geopolitical, industrial, etc. interests, and this, in particular instances, is not a positive trend. Ultimately, there are common values and red lines acknowledged and respected worldwide, inter alia established by UN regulations that cannot be crossed in the military sphere, healthcare, environmental protection, and many other areas of our coexistence.

In view of the foregoing, in our opinion, the limits of what is permitted should be strictly set, and effective control over their observance should be established in a

global sense. This is the lever the Constitution of Artificial Intelligence must become – the body of law at the UN level, mandatory for implementation in every state during research/implementation/use of AI services.



The Constitution of Artificial Intelligence, adopted by the UN, will become the starting point for further law-making in every country (see diagram), moreover, it can be included as a separate section in the current (classical) Constitution, the most pivotal thing is to establish a single and efficient system of checks and balances.

3.1.3 Inadmissible imbalance of the system of world legislation: the scale of the ‘Ninth Wave’ of modernization of IT technology and the hazardous inertia of the world’s legislators, including at the UN level. *Polina Prianykova’s Scientific Doctrine on Artificial Intelligence implementation into the worldwide legislation with a guaranteed state monopoly as a beneficial tool for solving humanity’s problems*

In this day and age, Artificial Intelligence systems have become popularized and widely used among commercial enterprises as well as governmental

institutions, notwithstanding the fact that they have not been given the respective focus in terms of establishing ad-hoc regulation thereof. Unfortunately, the prevalent tendency of inertia among legislators is common, in particular when it comes to deciding whether there is a need for the law system to comprise the novel relations or not, claiming them to be temporary. It should be noted that the law exactly has to foreordain the course of such technological development rather than let things slide.

As the Constitutional law subordinates all other respective realms, crucial changes in terms of the implementation and use of AI have to be stipulated for the supreme law, first and foremost. The issue we are enlightening in this academic section pertains to the fact that high-powered businesses invest substantial sums in the development and full-fledged deployment of AI systems, bearing in mind the statistics that new mechanisms raise profit for companies. For instance, according to ‘McKinsey & Company’, supposed to be one of the most trusted advisors and counselors for successful businesses and institutions, 10% of their survey respondents who had adopted AI reported a greater than 10% increase in revenues [108].

Furthermore, innovative algorithms are often claimed to be evolving, which presumes the latter to constantly change and enhance the way it is functioning. Hence, we may surmise that in a few years commercial AI might become the most advanced of a kind. Unequivocally, it seems that humanity will benefit from that tendency. However, the possibility of the corresponding legal regulation thereof sparks controversy.

In this academic work, we will also cover the aspects of certain AI regulations drafted and implemented, putting a particular emphasis on supporting the notion of making significant alterations to law systems worldwide.

According to Russell Wald, director of policy for Stanford University's Institute for Human-Centered Artificial Intelligence (HAI), the People's Republic of China has become the first country to enact AI algorithm regulations and certain provisions that may considerably impact other normative acts [109]. In one of our scientific articles, specifically in “Particularities of the regulation of AI algorithms, inter alia in online platforms and services, based on the example of ‘TikTok’”, we have enlightened the

fact that the Chinese government has already made specific amendments to the ‘Minor protection law’, especially in part related to online services and platforms’ compliance with fundamental law principles [110]. On March 14, 2022, the Cyberspace Administration of China released a novel draft for comment with an aim to strengthen the protection of minors’ information, *inter alia* by concretizing the process of confirmation of the true identity information of minors under the age of 14 as they may need to obtain the consent of their guardian in order to prevent unscrupulous cheating on behalf of the minors; formulation of emergency plans for cybersecurity incidents, the legal obligations that manufacturers and sellers of smart terminal products shall undertake are also given careful consideration [111].

It is critical to note that the use of the aforementioned ‘terminal products’ prescribes that they include the function of LTE and require connectivity to the network [112]. The government has also taken into consideration the cases of the incredibility of some children’s smart watches, substantiating this by the fact that the products may collect personal data easily, including facial recognition and the location of the minors [111]. Hence, the enforcement of *regulatory oversight* might be conceivable.

The application of algorithms, concerning the display of advertising, has started being rigorously revised. It is also vital to draw attention to the fact that the government has begun to address the so-called ‘algorithmic discrimination’ issue. The developers are now legally prescribed to promote fairness and transparency when it comes to providing recommendations on their online platforms and services [111].

The cybersecurity review can also be deemed to entail substantial amendments. They are even claimed to be one of the most important in China’s data sector of the first quarter. The measures stipulate that if the data processing activities of the network platform operators affect national security, or if the latter operators go public abroad, having the personal data of more than 1 million users, the service may be obliged to pass a specific network security inspection. Enterprises that fail to comply with the regulations will face legal implications, right up to bearing criminal responsibility [111].

Ad-hoc guidelines on the creation of a protected environment for the vehicles that have access to the Internet are provided and the PRC's government doesn't seem to stop their efforts towards the regulation of a wide cluster of novelties with AI implemented. They are planning to develop and further enact new standards by 2023 and 2025 in particular [111].

In this way, while the debates about the AI bill of rights are reported to be ongoing in the US [109], China has already introduced unprecedented and considerable alterations significant to take into account.

Overviewing the state of affairs concerning the regulation of AI in general, it still does not make an impression that the technological expansion is centrally supervised.

Explicit modeling of the case might serve as a bright hypothetical example. An evident fact lies in cutting-edge novelties implemented and provided by influential enterprises and, undoubtedly, when certain attempts to create any legal barrier to establish the red lines for AI are made, these companies may deploy such practices reluctantly, trying to resist or even confront such trends. Furthermore, if only a few countries start enacting the relevant AI regulations, they bear a highly probable risk of becoming 'isolated' points on the world map, meaning that large corporations might prefer losing millions of their users rather than bearing the liability for violations of law (the taxonomy thereof should also be deemed to be of paramount importance to consider).

That is why it is vital to start and continue elaborating and adopting the ad-hoc legislation on AI globally, starting from the respective Resolution of the United Nations that would oblige the legislators to face the challenges and commence work in the direction of harmonizing the law system with innovations. Hence, it is inevitable for Constitutional law to undergo pivotal for technological advancement changes.

Moreover, the AI systems have to comply with each country's provisions for their implementation and use. The precise AI regulation may not seem feasible at first sight as it demands a granular approach, responsible and centralized. However, certain strides towards encompassing the vast cluster of AI innovations have been made. For

instance, researchers at the University of Oxford have created a tool called ‘capAI’, “a procedure for conducting conformity assessment of AI systems in line with the EU Artificial Intelligence Act” [113]. Basically, ‘capAI’ may serve as a resource that comprises current practices of the technology’s use and the rules that have to be taken into account with a view to adhering to the regulations established by the EU. It is also claimed to be ‘an additional governance mechanism in the management toolbox’, possible for the companies to employ in order to ensure that the mechanisms they use comply with the rules set [114].

Nevertheless, such practices have a rather complementary or even declarative character as well as some normative acts are still considered to be draft whereas the technology itself is gaining momentum. The opinions concerning the ways of supervision of AI are divided but we have a particularly novel approach to the current issue.

Nowadays powerful corporations are virtually enshrining an unspoken monopoly on the use and implementation of AI – in my *Scientific Doctrine* I propose to transfer this exclusive right to the government of every country and thus, such provisions shall be prescribed in Constitutional law.

Thus, to one of the most global challenges of modern times, such as ‘commercial/unlimited Artificial Intelligence’, we propose to oppose the Constitution of AI, adopted by the UN, which will become the foundation for the constitutional acts of all states of the world. On the basis of the Constitution of AI in every country, the entire regulatory framework will be updated, and the global implementation of AI into current legislation will take place, which will allow to sustainably and perpetually ‘tame this fire’ and put it at the service of humanity by ensuring the governmental monopoly and rigorous regulation of the directions of development and the limits of the Artificial Intelligence’s capabilities.

CONCLUSIONS.

We conduct our research in English, the language of international communication, due to the fact that almost all scientific and academic sources, articles,

and initiatives in the world (international scientific and practical conferences, webinars, discussions, etc.), which we took into consideration and, accordingly, were participants in, are stated in this language.

Research has proven that the time for changes has come (even in a historical sense) – the scientific process of forming models of Artificial Intelligence and related digital systems continues unceasingly, with a corresponding impact on all spheres of human life in Ukraine, the European Union, and throughout the world.

We found out that the implementation of AI into legislation is an objective reality, certain countries have already started to regulate these relations by elaborating and enacting normative acts, but it is exigent to do it systematically and centrally, on a planetary scale, within the framework of the powers of the United Nations.

The range of spheres of life that we have touched upon in this study regarding the use of Artificial Intelligence to ameliorate the fate of humanity (social sphere, transport, administrative services, etc.) is certainly possible (and absolutely necessary) to be expanded. Next in line, for the International Human Rights Defender on AI, is a cluster on human health protection, which is undoubtedly relevant and harmoniously complements the spectrum of social relations that is being studied.

The need for state intervention is apparent, governmental AI will comprise algorithms in which the main theses correspond to the principles of law that form the basis of the rule of law, for instance, adhering to the ‘Universal Declaration of Human Rights’. The state monopoly and exercised control over Artificial Intelligence is akin to the exclusive right to weapons and the monopoly on the use of force. Analogously, the government can obtain the exclusive right to issue licenses on the elaboration/implementation/use of Artificial Intelligence for special (certified) enterprises that have passed certain tests, especially discerning and classifying the risks that each unique AI system can cause.

Meanwhile, introduced (in the future) laws and regulations would not slow down the evolution of commercial AI – its governmental form would have access to the commercial data, and hence, differently aimed AI algorithms would function

individually and jointly, proving that these elements are not mutually exclusive, but integral.

The significant note is that a certain inconvenience and perplexity caused by the inadequate regulation of AI may be globally eliminated by providing specific and substantial amendments to the legislation, guaranteeing the governmental monopoly on AI in the Constitution of each and every country, based on the fundamental platform of the Constitution of AI, adopted by the United Nations.

These circumstances determine the essence of *the Doctrine 'Smart City – Smart Country – Smart Planet'*, when, starting from each community and (in a spiral) to the planetary scale, we will tame Artificial Intelligence, master it and take it under strict control, and it, for its part, will begin to faithfully serve humanity.

We hope for peace and peaceful development of Ukraine, its prosperity, and economic rise, as we are worth – living healthy lives, developing our land with dignity and love, giving birth, building, being engaged in science, sensing well-being and being happy!