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Review of Article "Regulation of Artificial Intelligence in BRICS and The European Union"

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ABSTRACT

In 21st century, we are living in a globalized world. The contemporary society is being transformed through science and technology particularly with information technology. Computers, software, servers, search engines and data bases etc, have brought revolutionary or radical changes. Artificial intelligence is one of the emerging technologies that is going to bring radical transformation at global level. It has been said that there are merits and demerits of Artificial Intelligence. Law being an important tool of social regulation has a great challenge to regulate Artificial Intelligence. The old and existing laws and legal system are not adequate to effectively regulate Artificial Intelligence. There are very few countries that have recently enacted laws on Artificial intelligence. The European Union is one of the important institutions that has enacted Artificial Intelligence act in the year 2024. There are many challenges of legal regulation of Artificial Intelligence. These challenges include privacy concerns, surveillance through Artificial intelligence, Crimes and tort through artificial intelligence, infringement of copyright. This paper makes a humble attempt to present a brief analysis of emerging challenges to regulate Artificial Intelligence. The BRICS countries are considered as the fastest growing economies of the world, therefore it is imperative these countries must frame regulations for the Artificial intelligence to balance the economic growth with the right to privacy and other human rights in these countries.

This paper is a review of paper "Regulation of Artificial Intelligence in BRICS And the European Union" which has been written by the renowned academician Damian Cyman. This paper is a humble attempt to review this article.

Keywords: *Artificial Intelligence, Regulation, BRICS, European Union.*

The article "**Regulation of Artificial Intelligence in BRICS And the European Union**"[2] is a comprehensive exploration of the regulations and policies relating to Artificial Intelligence (AI) in BRICS and the European Union. It lays emphasis on the need of cooperation among BRICS

countries for the regulation of AI on the lines of the European Union.

A nation's innovation system can be deemed healthy only if the knowledge, technologies, goods, and procedures generated by its science, engineering, and technology sector have been transformed into greater economic prosperity by business and industry, as well as into better living conditions for all citizens. Thus, this paper emphasises on creating reliable, human centric AI that strikes a balance between creativity, ethics, and security. The study acknowledges that artificial intelligence (AI) is a tool, not a goal, that must be used for human welfare.

The article deals with 3 types of regulation of AI: -

1. *Legal Regulation of AI-based Technologies.*

2. *Technical Regulation in the Sphere of Artificial Intelligence: Standardization of AI-based Technologies.*

3. *Mechanisms and Tools to Attract Investments in the Creation of AI-based Technologies.*

The paper primarily deals with the legal regulation of AI, however a combination of the above is desirable to stimulate and support innovations in fast growing economies like the BRICS countries.

The article extensively outlines the legislative and strategic efforts made by the BRICS nations to regulate AI and other digital technologies. Among other legislations, it emphasises on the "Memorandum of Understanding on Cooperation in Science, Technology and Innovation" between the Governments of the Federative Republic of Brazil, the Russian Federation, the Republic of India, the People's Republic of China and the Republic of South Africa, approved in 2015. The memorandum defines the key areas of cooperation between the members of BRICS and sets the modalities of cooperation and the sub-agreements. The article recognizes the 2015-approved "Strategy for BRICS Economic Partnership" as another significant piece of legislation. This strategy emphasizes on data protection and security of digital technology. The strategy underlines the role of technology in economic progress and social inclusion. In 2019, BRICS decided to form a cooperative partnership of its member nations to advance AI-based technology development. Its establishment will enable BRICS countries to introduce shared standards and establish competent centres, thereby guaranteeing cooperation in AI development. However, this author is of the view that the BRICS is in dire need of a comprehensive and binding law like the European Union Artificial intelligence act 2024 in order to lower the risks relating to AI, generate opportunities, combat discrimination, and promote transparency.

The article emphasises on the lack of any particular legislative regulations regarding artificial intelligence in any of the BRICS nations. However, this article fails to acknowledge that the AI might still fall under the scope of the existing information technology act of the nations. The article does not analyse the existing technology laws for their shortcomings, nor suggests any framework for the formulation of new laws dealing particularly with AI.

This paper offers a comprehensive overview of Russia's artificial intelligence regulation strategy. The strategy consists of legal regulation, technical regulation, and regulations on mechanisms and tools for attracting investments in the creation of AI-based technologies. The paper enumerates the acts which regulate the Artificial intelligence and briefly describes them. It briefly discusses the "Strategy of the Development of Information Society in the Russian Federation 2017–2030" which outlines the goals, duties, and actions of the national policy on AI. It also discusses briefly, the Federal Program "Digital Economy" which was approved by the Decree of the Government of the Russian Federation on 28 July 2017 with primary objective of creating a new regulatory framework that will enable the growth of modern technologies and the economic activity that is associated with their use. The article further pin points two direct AI regulation acts: -

1. "Neurotechnology and AI" - which primarily includes support measures and selection criteria for projects related to the development and application of AI-based technology.

2. "The National Strategy for the Development of Artificial Intelligence for the period until 2030" - To ensure the rapid development of AI in Russia, carry out AI-related scientific research, expand user access to information and computer resources, and enhance AI training.

However, it does not analyse these acts critically nor attempts to compare these acts with the legislations of other countries.

The paper also examines the different levels of progress made in the regulation of artificial intelligence in the BRICS countries i.e., Russia, China, Brazil, India, and South Africa. The paper draws our attention to a commendable initiative by India in 2019 of introducing the subject "Artificial Intelligence" into the curriculum of its schools. Internationally, the integration of the subject "Artificial Intelligence" into the curriculum of schools has become crucial due to the wide spread application of AI in all spheres of life. The paper mentions that the Organisation for Economic Co-operation and Development (OECD) works closely with the some of the BRICS countries like China, Brazil, India, and South Africa. According to national agencies of these countries, they will take into account the AI-related principles of the

Organisation for Economic Co-operation and Development (OECD) in their legal laws and actions. However, the OECD principles are not binding on them till incorporated in their national legislations. The paper further briefly draws our attention to the various attempts made by the BRICS countries in the regulation of AI, though they have not yet framed AI specific regulations. The paper however, fails to mention the national legislations which regulate the AI indirectly. The paper proposes a cooperative approach by the BRICS countries in designing a model act for AI and its implementation.

The paper enumerates the strategies, guidelines, and white papers on AI in Europe. The core of the European Strategy on Artificial Intelligence is the establishment of a trustworthy and ethical framework for the advancement and application of AI. The paper briefly discusses the strategy for AI in the EU "Artificial Intelligence for Europe" which balances the technological development, economic development along with socio-economic wellbeing of people. The paper discusses "Ethics Guidelines for Trustworthy AI" according to which a trustworthy AI has 3 components i.e., lawfulness, ethical and robust. The paper further discusses the "White Paper on Artificial Intelligence, published by the European Commission in 2020 which aims at creating a framework for regulating AI which would accelerate the use of AI. The paper recognizes that these are soft laws which are not binding and do not create legal obligations. The paper however does not mention the "*Artificial Intelligence Act*" passed by the European Parliament on 24 March 2024. All EU countries must abide by the act; yet, each member state must modify its legal framework to include the act in its own national legislation. This act is the first in the world to deal explicitly with artificial intelligence, making it the most significant piece of legislation in the subject. As a result, it is imperative that this paper be updated with the latest laws, as artificial intelligence is a rapidly developing field and we need to be apace with the developments taking place worldwide.

It can be concluded that the article "**Regulation of Artificial Intelligence in BRICS And the European Union**" outlines the regulatory framework governing AI in BRICS and the European Union. It identifies the various laws of these countries which explicitly regulate the AI. It also underlines the need of cooperation among the nations for designing and implementing of a model law in AI. It emphasises on the need of a global AI legislation in order to balance the advancement of technology, industry, and humanity. However, the national laws that indirectly regulate the AI are not mentioned in the study. Additionally, this work needs to be updated to incorporate the European Union Artificial Intelligence Act and other latest legal developments around the globe.

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