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ENSURE THE PROTECTION OF FUNDAMENTAL HUMAN RIGHTS IN AI-DRIVEN SOCIETIES: PRIVACY AND NON-DISCRIMINATION IN LEGAL FRAMEWORK

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Introduction

Artificial Intelligence is an enormous opportunity and a great problem, never experienced to date in a world that is constantly changing due to technology. This modern technology could have negative consequences when it comes to the protection of basic human rights. Even though AI systems enhance efficiency and decision-making capacity, they can, on their part, aggravate discrimination and breaches of privacy. The increased reliance on artificial intelligence algorithms in finance, law enforcement, and healthcare raises very serious questions about ethical use of personal data and the justice of algorithmic results. Usually bereft of any legislative oversight, AI is a frightening prospect for violations of privacy and equality rights because it magnifies long-standing prejudices while enabling massive data collection.

This paper will, therefore, explore the interface of artificial intelligence and human rights at the intersection of two particularly sensitive topics: protection of privacy and non-discrimination. Art. Artificial Intelligence: Problems and Legal Gaps in the Protection of Human Rights This paper discusses the issues brought about by artificial intelligence and analyses the existing legal frameworks for the protection of these rights. Understanding how the European legal systems-like the General Data Protection Regulation-and US legal systems are alike but different will help us get a better picture of how various legal systems address these issues, with the ultimate aim of developing policy recommendations that ensure protection of fundamental human rights in creation and usage of artificial intelligence technologies. This will make the functioning of human society just and fair with the use of artificial intelligence.[1]

[1] Mariam Khaled Alsedrah, "Artificial Intelligence", SSRN, (2017)

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Statement of the Problem

In particular, the rapid development of artificial intelligence raises questions about key human rights, relating to privacy and non-discrimination. While artificial intelligence offers huge opportunities for societal development, it also threatens personal privacy and may perpetuate prejudice and bias through algorithmic decision-making. Contemporary legal systems certainly raise concerns with respect to the protection of human rights in societies run by artificial intelligence, many times failing to adapt to technology.

Literature Review

Artificial intelligence integration into various aspects of society has, more recently, raised conversations about its implications on human rights issues of non-discrimination and privacy. According to Dang (2021), artificial intelligence supports human rights and creates opportunities and challenges at the same time. Studies have indicated that AI-powered systems could contribute to biased algorithmic decisions, data exploitation, and surveillance, with attendant enhancements in privacy issues and propagating discrimination. In fact, research by Access Now evidences growing prospects of artificial intelligence to commit violations of human rights, in relation to which demands are underlined for the adoption of solid data protection regulations and ethical standards for governments and companies alike. Setting dynamic features aside, the definitional difficulties of artificial intelligence at the global level result in complicated legal oversight and policy creation. AI's role in sectors such as criminal justice, banking, and healthcare proved to have positive and negative impacts, both of which were certain to increase already existing socio-economic inequality. Moreover, the research underlined the need to create open, ethical, and explainable artificial intelligence systems with a view to reducing discrimination and defending human rights.[2] Initiatives aiming at addressing AI-related human rights issues include the Toronto Declaration, which highlights the defence of rights to equality and non-discrimination. Shifting dialogue supports an interdisciplinary governance paradigm combining technology growth with the defence of basic rights.

Research Objectives

Emphasising non-discrimination and privacy, this study largely seeks to determine how artificial intelligence influences basic human rights. Review current legal regimes regulating artificial intelligence and assess their success in safeguarding these rights. The paper aims to

[2] Rituraj Mahato, "ARTIFICIAL INTELLIGENCE, WHAT IS IT?", LNP, (2022).

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highlight shortcomings in present laws, provide policy ideas, and provide remedies to ensure that artificial intelligence technologies are ethically developed, open, and support human rights in local and global surroundings.

Research Questions

1. Especially in regard to privacy and non-discrimination, how might artificial intelligence violate basic human rights?
2. How far can present legal systems effectively protect human rights against challenges produced by artificial intelligence?
3. How challenging it is for legislators to regulate artificial intelligence such safeguarding of fundamental rights is protected?
4. What policies and tactics could be created to increase the congruence of artificial intelligence growth and application with human rights values?

Methodology

This study uses a doctrinal approach to concentrate on an all-encompassing review of legal systems, international human rights laws, and technological guidelines. The paper will use statutes, case law, research papers, and policy documents to assess how relevant privacy and anti-discrimination laws are to artificial intelligence systems. A comparative study will assess laws all around, including US legislative systems and the GDPR of the European Union. Combining legal theories and concepts, the study seeks to expose shortcomings in current legislation and offer solutions for artificial intelligence control so safeguard fundamental human rights.

Scope and Limitations

The study largely examines how artificial intelligence influences privacy and non-discrimination as basic human rights. It examines national legal systems including those of the United States and the European Union to evaluate their defence of these rights. Though the study seeks to offer a thorough understanding, limits arise from the dynamic character of artificial intelligence technology and the many global regulatory criteria. Mostly theological, the research restricts the collection of empirical information. Though it does not delve further, this paper highlights ethical concerns regarding the greater social implications of artificial intelligence outside of human rights.

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Challenges to Privacy

Artificial intelligence begs major privacy concerns since it can compile, search, and save enormous volumes of personal information. Like facial recognition, predictive analytics, and machine learning, artificial intelligence-driven solutions depend on big datasets—often derived from social media, personal user behaviour, and various digital footprints. This raises questions about data security, consent, and possible abuse. Since artificial intelligence systems may often derive sensitive information beyond what users explicitly give, it causes a privacy violation without clear authorization.[3]

Yet more important is the ability of AI to learn incessantly and analyse vast amounts of data, thereby allowing the tracking in real time of personal behaviour to create detailed personal profiles that are suitable for profiling, surveillance, and targeted advertising. This is especially so when data is exchanged across multiple platforms devoid of adequate legal protections, causing loss of personal data control and, therefore, compromising privacy. Safeguarding data privacy is done through the General Data Protection Regulation and other legal mechanisms, but with the gaining momentum of capabilities of artificial intelligence, these apprehensions do not cease to exist due to the inability of advanced AI models to get along with traditional standards for privacy.[4]

The complexity regarding explanation in artificial intelligence systems presents yet another challenge to making data use and processing even more complex. Lack of openness and explainability aggravates the difficulties of responsibility because people do not understand how their data is being used. Moving forward, protection of data privacy against artificial intelligence technologies requires toughened policy methods and technology solutions that enhance openness, responsibility, and user consent methods.

AI and Data Surveillance

From basic data collecting to sophisticated, real-time monitoring of personal information and human behaviour, artificial intelligence has transformed data surveillance. AI-driven surveillance systems let governments, companies, and other entities gather and assess vast volumes of data without clear user authorisation using technologies such as facial recognition,

[3] Siva Karthik Devineni, "AI in Data Privacy and Security.", IJAI, 3(1),(2024).
[4] David Karpa, "Artificial Intelligence, Surveillance, and Big Data", SSRN, (2021).

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geolocation monitoring, and predictive analytics. The ability to view and forecast behaviour seriously compromises individual privacy and autonomy. Looking at data, artificial intelligence systems identify trends, linkages, and patterns that might be applied for purposes other than surveillance—that is, outside of their intended function. Smart cities have sensors and cameras run by artificial intelligence that track human behaviour. This advances public safety, traffic, and city planning. However, these tools also allow one to spy on a lot of individuals, and government monitoring of them is not always present.[5] Artificial intelligence is applied in several areas to assist with police operations, national security, and future crime prediction. People are thus concerned about probable misuse including political or racial profiling.

Moreover, private businesses are supporting AI-enabled surveillance by means of data-driven business models. Companies employ artificial intelligence to analyse consumer data from smart devices, search history, and social media to produce tailored advertising and improve user experience. This strategy sometimes produces surveillance capitalism, in which user data is commercialised without sufficient privacy protections. New systems are required to manage data collecting, processing, and use since the broad application of artificial intelligence for data monitoring threatens present privacy standards and legal protections. Strict data procedures, open rules, and respect of human rights norms help to resolve the benefits of artificial intelligence in public safety and efficiency with the preservation of personal privacy.

Legal Framework for Privacy Protection

In artificial intelligence, the legal framework for privacy protection aims to provide rules for the collecting, use, and processing of personal data consequently safeguarding individual fundamental rights. Comprising rigorous data security regulations, the European Union's General Data Protection Rule (GDPR) advocates openness, authorisation, and data minimisation. Emphasising user rights like access, rectification, and data erasure, the GDPR covers principles of accountability and levies sanctions for non-compliance. These guidelines help to guarantee that users retain control over their personal data during activities connected to artificial intelligence. The United States divides privacy protection using a sectoral strategy covering children's data (COPPA), finance (GLBA), and healthcare (HIPAA).[6] Still, a unified

[5] Pooja Sarin, "Data Privacy in the Era of Artificial Intelligence", RGJ, (2021).
[6] Tejasvi Addagada, "Artificial Intelligence in Data Privacy and Protection can increase customer trust", SSRN, (2020).

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federal legislation like the GDPR is lacking, which helps state laws—like the California Consumer Privacy Act (CCPA)—to help mitigate regulatory gaps. Comprising the rights to be informed about data gathering, to opt out of data sales, and to want personal data to be deleted, the CCPA gives rights comparable to those of the GDPR. Notwithstanding these regulations, artificial intelligence technologies provide enforcement challenges since conventional legal definitions of personal data might not completely reflect complicated judgements drawn by AI. Privacy protection mechanisms differ widely globally; few nations have included GDPR-inspired components. Still, rapid changes in artificial intelligence may surpass legislation changes, which causes problems with algorithmic decision-making, consent policies, and global data flows.[7] Transparency, bias, and the "black box" issue of artificial intelligence (AI) present new challenges that demand the building of legal frameworks that solve present privacy issues while still being flexible enough to fit technological developments so safeguarding of basic human rights in AI-driven societies.

AI Bias and Discrimination

Artificial intelligence bias and discrimination emerge from algorithms generating results that benefit specific groups, usually reflecting prevailing societal prejudices or ideas. Learning from historical data, artificial intelligence systems could amplify already existing prejudices and cause judgements disproportionately impacting impoverished people to be taken. Biassed data in law enforcement, healthcare, or the workplace can generate discriminating results including unfair access to medical treatments, unjust sentence estimations, or biased employment practices based on gender or colour. The main cause of artificial intelligence bias in training datasets is insufficient representativeness.

Using under-represented groups, an artificial intelligence system taught on non-diverse data could demonstrate poor performance leading to erroneous or biased predictions. Moreover, computers could use proxies for protected features, such as postal codes or educational background, therefore indirectly encouraging bias against specific races, socioeconomic levels, or other attributes.[8] Where biases exist in AI practices, unfair treatment of citizens is evident, especially in credit rating, policing, employment, and even public service delivery. For instance, some of the commonly used technologies like predictive policing result in selective law enforcement targeting mainly people of colour, now they amplify such prejudices.

[7] Can Yavuz, "Machine Bias Artificial Intelligence and Discrimination", MLIR, (2019).
[8] Jose M. Such, "Bias and Discrimination in AI: A Cross-Disciplinary Perspective", IEEE, 40(2), (2021).

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Likewise, recruitment algorithms meant for selecting the right fitting employees for the job may avoid women or any particular ethnic backgrounds for job openings if the training data for the algorithm is skewed to favour mostly male or monoculture employees.

That is why the following approach should be implemented to fight AI bias and discrimination: First, AI's development should be transparent, Second, it should be supervised by ethical committees, Third, there should be legal precedents regarding the AI systems' fairness. Here, five psychologically informed recommendations are provided: (a) encouraging the use of diverse datasets and algorithm designs; (b) the development of resilient strategies to identify and rectify bias; and (c) the collaboration of policymakers and developers to prevent bias and protect human rights in AI systems.

Indian Perspective

But with the increasing integration of AI into day-to-day life in modern times, the implications of AI on basic human rights, in particular privacy and non-discrimination, have assumed great urgency. India's rapid adoption of AI technologies has significantly heightened awareness of these concerns in the protection of rights. The main challenge remains to find a way to devise an effective legal framework that strikes a balance between the benefits accruing from AI while keeping individual rights intact.

The Supreme Court passed the landmark judgment in Puttaswamy vs Union of India, 2017, recognising the right to privacy as a fundamental right under the Indian Constitution. The said judgment indeed stressed the requirement of strong protection over personal data amidst a highly digitalized world. However, this proliferation of AI systems, which are based hugely on immense quantities of personal data, surely calls into question potential breaches of privacy. Artificial intelligence systems collect sensitive information, especially in areas concerning healthcare, finance, and governance, process the information, and analyse data for decision-making purposes. In India, AI-powered tools are used increasingly in performing surveillance, ensuring enforcement of law and order, and identifying citizens through the UID number, among other means. The requirement to assure minimal misuse of one's personal data, in this case, is high. Without comprehensive legislation on data protection, citizens remain highly vulnerable to breaches of privacy.

The Digital Personal Data Protection Act 2023, proposed by the Government of India, attempts

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to bring such issues under onefold by laying down regulations for data collection and its processing. Consent, before making use of personal data, has been made imperative; obligations upon the data fiduciary have been defined, and penal provisions in cases of misuse of data have also been introduced. However, there are apprehensions about the breadth of access given to the government to data under exceptions of national security or public interest, which would deflect the stated protection to privacy.

If either the design or deployment of an AI system is poorly safeguarded against certain biases, then AI itself might be in a position to propagate discrimination. The possibility of AI reinforcing existing bias makes things grave in the context of India, a society diverse on issues such as caste, religion, gender, and economic inequality. The AI-powered recruitment systems would discriminate by biases in the data on which the systems are trained, as might face recognition apparatuses or predictive policing algorithms. Biased data generates biased outcomes. For example, some facial recognition technologies showed higher error rates in the case of women and minorities. The second problem with AI is the difficulty of detecting discriminatory treatment because of a general lack of transparency in AI decision-making—the so-called "black box" problem. The challenges have to be overcome by the legal framework in India because the AI systems shall be designed and deployed in a manner that is fair and accountable. Further, the Information Technology Intermediary Guidelines and Digital Media Ethics Code Rules, 2021 currently enacted, would extend the scope of regulating online content and intermediary accountability. Much more needs to be done in this case to ensure that AI systems align with the principle against discrimination.

Algorithmic Decision-Making

Algorithmic decision-making is defined as the utilisation of AI and algorithms to decide on different sectors such as the financial sector, healthcare industry, police force, and companies' human resource departments. Such system entails reliance on big data collection and application of statistical analysis techniques in order to come up with results on the best way to undertake various activities in a most efficient manner and minimal human involvement.[9] However, the increasing use of algorithmic-based decision-making gives rise to important questions in matters exempted fairness, transparency or accountability.

[9] Alfonso Min, "ARTIFICIAL INTELLIGENCE AND BIAS: CHALLENGES, IMPLICATIONS, AND REMEDIES", SSRN, (2020).

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However, it has been mentioned that one of the greatest challenges with algorithmic decision-making is that it may contain bias or discrimination. This kind of AI has been trained to work on data and if this data already discriminates between persons or groups based on their race, colour or gender for example, the result of the algorithm will more often than not be a repeat of discriminative behaviour against such groups. For instance, credit scoring models will be biased against low-income regions while recognition technologies such as facial recognition will perform worse for women and Asians. Said biases can help racism and increase social injustice within society.[10] Furthermore, many of these algorithms are closed source, that is, even the programmers who develop them do not have much insight into the decision-making process or to question an unjust decision. Another set of problems is Algorithmic opacity, the subjects of algorithmic decisions cannot see how their data is being utilised and there is no way to challenge the results because they are thought to be right. To address these concerns, a strict code of ethics and best practices of algorithmic transparency should to be developed and enforced leading to the creation of algorithms that must be explainable, auditable and equitable. As part of this, the chairman is expected to create structures of audits, impact assessments, and appeals that would be made by the users of the services. In other words, good algorithmic accountability can help to reap the efficiency gains of algorithms whilst protecting privacy, fairness and human rights.

Legal Framework for Anti-Discrimination

Anti-discrimination laws' purpose is to prevent people and organizations from discriminating against others by race, gender, age, religion, and disability. AI is slowly creeping into decision-making processes in employment, healthcare and finance to mention but a few among others, it thus becomes important not to allow algorithms to stray for these legal protection mechanisms and possibly fuel existing disparities.[11] Presently, anti-discrimination laws are in place available to ensure justice and fairness to anyone across the world, but the development of artificial intelligence hails new concerns to anti-discrimination laws.

In the European Union, the GDPR gives at least some protection against AI prejudice in that it has provisions for the right to know an automated decision and the right to object to decisions based on algorithms alone. In addition, GDPR principles of fairness, transparency, accountability, and data accuracy have duties imposed on organizations regarding the

[10] Hana El-Samad, "AI, Bias, and Discrimination", GEIJ, (2023).
[11] Ginna Tovar Cardozo, "Approach to global regulations around AI", LRI, (2023).

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elimination of biased outcomes. Yet, GDPR has no express prohibitions on discrimination arising from artificial intelligence and big data processing activities. In United States Civil Rights Act, Americans with Disabilities Act and Equal Credit Opportunity Act provide no unfair treatment to individuals on the basis of certain protected status.[12] However, these laws remain relatively restricted to particular sectors and are not well-prepared to deal with a priori prejudices in AI methods. Even though some federal and state measures, such as the NYC AI employment regulations, work to guarantee the policy of balance in the algorithmic procedures, there is no complete federal statute.

The frequently reported discrimination risks can be minimized with the help of international guidelines like the OECD AI Principles blocked on the idea of the inclusive, transparent, human-oriented AI. New legal measures need to be in place that will demand developers and organizations to perform fairness checks, explain algorithmic procedures, and offer people ways to appeal against unfair decisions. It is thus crucial to take a preventive approach toward AI development because of the necessity to prevent the violation of people's rights and discrimination.

International Approaches to AI Regulation

AI regulation is now on the international agenda of states and international organizations to properly address the opportunities and threats which artificial intelligence implies for future privacy, ethical behaviour, and human rights. Currently, the initiative is led by the European Union which came up with the AI Act that comprises a clear structure of risk levels of AI systems, and stringent standards on AI HIGH-RISK applications. After outlining the infrastructure, the Act focuses on transparency, accountability as well as compliance which are also principles of GDPR. This structurally rational approach intends to establish global norms, thereby causing what is called the Brussels Effect in AI regulation globally.

However, the United States has a more decentralized one that allows to all citizens to freely participate in the process. Even if the federal government has released some principles to regulate AI through Executive Orders 14110 and 14105, the regulation is left to individual states, when it comes to certain issues, for example, data privacy and transparency of algorithms. Moreover, the non-legal "Framework for an AI Bill of Rights" and the AI Risk

[12] Biju Baburajan, "Regulating Artificial Intelligence Developments And Challenges", IJPS, 2(1), (2024).

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Management Framework pay great attention to consumer rights and algorithmic prejudice but do not require federal measures. The United Nations is one example of an international organization involved in the development of Artificial Intelligence Governance.[13] The United Nations General Assembly Resolution A/78/L.49 adopted in 2024 outlines principles for ethical human rights-compliant artificial intelligence. Other activities in the regions also show the developments of the responsible AI framework: the Africa Union has a policy draft, while Chinese authorities continuously improve their looser AI regulation depending on the sectors. AI's regulation restrictions being broken down by continents leads to the idea of regionalizing AI. Nevertheless, new partnership between the global organizations such as UNESCO in partnership with OECD is recent indication of trying to create more common approach in addressing various standardization and ethical and legal aspects of AI on an international level.

Case Study: GDPR and AI

The GDPR is probably the most important legal framework in the field of data protection and privacy across the globe influencing the advancement of AI solutions. The regulation implemented by GDPR rules all the data handling systems that use AI in interacting with the EU citizens with strict rules of use of the data, consent, transparency, and accountability. For instance, there must be legal reasons for data management, data may be collected and processed for the legitimate interests of the organisation but individual rights should not be infringed, and data collection and management must be for lawful reasons such as consent. Rules and stipulations of the GDPR include data minimization, purpose limitation dictates that to develop AI systems, data must be captured that is necessary for specific objectives and not for different uses that have not been authorized by the user. However, the GDPR also provides impetus to anonymize and pseudonymize personal data to enable their processing by AI systems while respecting the person's right to privacy. These measures are especially important for AI systems employed in working with large sets of data, as are language models, image recognition, or predictive analytics.[14]

The GDPR also enshrines rights that impact AI processing: the right to request and receive a copy of one's personal data; the right to know whether an AI system is processing one's personal data; the right to know that one's personal data is being processed by an AI system; and the right to have one's personal data erased in certain situations without undue delay (known as the

[13] Maulen Alimkhanov, "Comparative Analysis of International AI Regulatory Approaches", RG, (2024).
[14] Seema Singh, "Policy and Regulatory Frameworks for Artificial Intelligence", JHEU, 45(5), (2024).

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"right to erasure"). These rights ensure that AI systems are clear to people about the process and methods they use to process and manage the data they feed into the AI systems, and also that any data provided to those systems can be erased on request.[15] In reality, it means that organizations that develop AI systems are required to introduce GDPR compliance into their various processes beginning from development to implementation, which involve DPIAs for activities the prospective risks of which are classified as high, and constant monitoring during which organizational non-compliance is identified. For this reason, Artificial Intelligence is not only regulated by the GDPR for the details of privacy but for the overall ethical tone that it presents for the nurturance of unprecedented technology that respects human rights.

Conclusion

The advancement of AI technology has significant implications and this case, potential for both, advantages and disadvantages in the aspect of human rights with major focuses on privacy and non-discrimination rights. On the positive side, AI systems will improve performance and make better decisions in the various sectors of the economy On the negative side, AI systems will mean violation of rights, current or future bias and unfairness. These rights are guarded by legal institutions such as the GDPR of the European Union which provides rules and regulations of the functioning of these AI systems concerned with data protection, transparency and accountability. Similarly, anti-discrimination laws are meant to prevent an AI algorithm brings harm to certain groups of people. However, the changing characteristics that AI has imposed and its expansion around the world make legal frameworks a more challenging proposition.

AI has been regulated in various ways depending on the location of the region that implements it. The EU AI regulation is still largely oriented on the risk-based approach and strict compliance to all applied AI systems in high-risk categories – it offers a very wide range of rules that could potentially set the future trends for AI regulation around the globe. However, in the United States, this issue remains more decentralized since each state regulates it in their own way, except for recommendations for the proper implementation of artificial intelligence from the President and the policy guidelines he has signed executive orders. Other World regions and international organization, including China and African nations, also have been creating their agenda for AI management based on ethical issues and data privacy.

[15] Yoshija Walter, "Global policy and governance in Artificial Intelligence regulation", DAI, 4(1), (2024).

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Therefore, for AI technologies to align with or enhance human rights, an increased formation of transparent, non-discriminatory and traceable artificial intelligence was important. The laws and regulations have to change as technology progresses as new problems come up requiring solutions. From this, it can be concluded that the general goals involve the support of ethical use of AI, as well as the support of cooperation between jurisdictions with the latter, and the constant enhancement of solid legal foundations, through which it can be made sure that all the beneficial potential of AI can be utilized while respecting individual rights and differences in societies in which AI is used.

References

1. Mariam Khaled Alsedrah, "Artificial Intelligence", SSRN, (2017).
2. Rituraj Mahato, "ARTIFICIAL INTELLIGENCE, WHAT IS IT?", LNP, (2022).
3. Siva Karthik Devineni, "AI in Data Privacy and Security.", IJAI, 3(1),(2024).
4. David Karpa, "Artificial Intelligence, Surveillance, and Big Data", SSRN, (2021).
5. Pooja Sarin, "Data Privacy in the Era of Artificial Intelligence", RGJ, (2021).
6. Tejasvi Addagada, "Artificial Intelligence in Data Privacy and Protection can increase customer trust", SSRN, (2020).
7. Can Yavuz, "Machine Bias Artificial Intelligence and Discrimination", MLIR, (2019).
8. Jose M. Such, "Bias and Discrimination in AI: A Cross-Disciplinary Perspective", IEEE, 40(2), (2021).
9. Alfonso Min,"ARTIFICIAL INTELLIGENCE AND BIAS: CHALLENGES, IMPLICATIONS, AND REMEDIES", SSRN, (2020).
10. Hana El-Samad, "AI, Bias, and Discrimination", GEIJ, (2023).
11. Ginna Tovar Cardozo, "Approach to global regulations around AI", LRI, (2023).
12. Biju Baburajan, "Regulating Artificial Intelligence Developments And Challenges", IJPS, 2(1), (2024).
13. Maulen Alimkhanov, "Comparative Analysis of International AI Regulatory Approaches", RG, (2024).
14. Yoshija Walter, "Global policy and governance in Artificial Intelligence regulation", DAI, 4(1), (2024).
15. Seema Singh, "Policy and Regulatory Frameworks for Artificial Intelligence", JHEU, 45(5), (2024).