

EXPLORING LEGAL AND ETHICAL CHALLENGES DUE TO AI: A SEARCH FOR SOLUTIONS

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Abstract:

Artificial Intelligence (AI) is now permeating in all walks of life. There are very few sectors which are not affected by the evolving new technologies in AI. The recent release of a new AI tool – Deepseek by Chinese company has raised a global debate over the impact the AI can have over humanity. AI has successfully conducted many tasks efficiently and with a fraction of cost. However, new legal challenges are cropping up with regards to Data Privacy, Intellectual Property Rights (IPR), Ethical Issues, possible mass unemployment. This will give rise to many legal disputes in future. This paper tries to explore the ethical and legal challenges arising out of usage of AI and possible solutions to these disputes.

Key Words: AI, efficiently, legal challenges.

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Introduction:

The year 2023 saw a stunning letter by Elon Musk and other leaders of tech industry to put halt on large AI experiments as this technology can pose profound risks to society and humanityⁱ. While importance of AI cannot be undermined, it is important to understand the ground reality of impact of AI and its legal and ethical challenges.

Is AI a recent phenomenon?

It is a myth that AI is a recent phenomenon after the emergence and popularity of Chat GPT.

The idea of creating artificial beings that can think and act like humans or gods can be traced back to ancient myths and legends from various civilizations, long before the term “artificial intelligence” was coined. ⁱⁱIn Greek mythology, the god Hephaestus was the master craftsman who created mechanical servants, such as the bronze giant Talos, who guarded the island of Crete, and the golden maidens, who assisted him in his workshop. In Hindu mythology, the king Ravana had a flying chariot called Pushpaka Vimana, which could navigate autonomously and follow his commands.

In ancient time, Aristotle, a Greek philosopher (384 and

322 BC), invented the notion of logic, which subsequently became the basis for logical reasoning and, eventually, AI. The most exciting component of Aristotle's work on logic served as the foundation for AI, which was later refined and advanced by mathematicians and philosophers.

Artificial Intelligence: original definition by John McCarthy, Professor of Stanford University, who coined the term 'Artificial Intelligence' in 1956, states “AI is the science and engineering of making intelligent machines [where] intelligence is the computational part of the ability to achieve goals in the world. In 1950's, the scientists' and researchers' prime concern was to develop high-quality machines to improve the quality of human lives by narrowing the human interventions for performing difficult tasks in easier ways. The roller coaster of success could be seen in period between 1957 and 1974 where AI flourished

Growing importance of AI:

A recent report of United States (hereinafter referred as US) revealed that the global market of AI which was 2.42 billion U.S. dollar in 2017 is expected to reach 59.7 billion U.S. dollar by 2025. Apart from this

PricewaterhouseCoopers (hereinafter referred as PwCs), an UK based international professional services brand of firms predicts that AI could potentially contribute \$15.7 trillion to the global economy by 2035. At this juncture, not even a single aspect of human life which is untouched by artificial intelligence and legal field is one of them. By virtue of rapid growth and various use of this emerging technology of AI, the European Patent Office named it as fourth industrial revolution.ⁱⁱⁱ

The importance of AI can be seen in one statement of Stephen Hawking that **“success in creating AI would be the biggest event in human history. Unfortunately, it might also be the last.”** This quote is an indicator for all of us to develop the understanding about the artificial intelligence and simultaneously warn about its effect.

Currently, there isn't a single industry that hasn't been affected by AI and now it is used to create music albums, news articles, poems, legal judgments, painting, novels which can come under the purview of AI even advanced version of AI are able to create these works better than human beings. The list doesn't end here, now a days the world have seen AI lawyers, AI doctors, AI based driverless car, AI based judicial system.

Features of AI:

AI is progressed to a level where it can produce its own work. there are certain features of AI which makes them unique and they are as follows:

- a) Independent and autonomous;
- b) Less predictable
- c) Creativity, though limited
- d) Competency;
- e) Learning Proficiency

Impact of AI:

AI is becoming more prevalent in our daily lives, and it is evolving from just manufacturing clever systems to

building human-aware and trustworthy intelligent systems. As a result, several significant contributions made by AI to society may be considered intellectual property-worthy, including machine learning, deep learning, reinforcement learning, computer vision, internet of things and so on. Some concerns are voiced over Ai as follows:

It can create unemployment. The biggest disadvantage of using AI in different industries is that it's leading towards unemployment. The prospect of employing humans is decreasing and the wage bill may be too high for any institution whether public or private. Every company is attempting to replace minimum-qualified employees with AI robots that can perform comparable tasks more efficiently.

It has potential to generate laziness in human. By using AI at one side its making job easier for human but simultaneously AI is making people lazy. Humans are prone to get hooked to these advancements, in this way AI is posing a threat to future generations. In fact, in academic field it is already creating havoc as assignments are created through AI tools like ChatGPT^{iv}

It can produce lethal autonomous weapons/killer robot. These are a kind of weapons that can find, select, and eliminate human targets without human intervention. As a result it poses a risk to humanity. This feature of the weapon may be abused and a small group of people may install it and may target the humans.

AI uses in surveillance and persuasion is very costly. Using AI technology for surveillance and persuasion is costly, time-consuming and sometimes illegal; anyone can now easily monitor someone's email, video camera, and phone line. The tailored data can be easily flowed to the individual and even political behaviour can be modified and controlled to some extent by AI.¹⁸⁴ AI produces biased decision.

Ethical and Legal Challenges:

It's not the AI *per se* but the Generative AI which may cause certain Legal and ethical challenges:

a) No Transparency:

AI and deep learning models can be difficult to understand, even for those who work directly with the technology. This leads to a lack of transparency for how and why AI comes to its conclusions.

b) Mass Unemployment

It is a pressing concern as the technology is adopted in industries like marketing, manufacturing, and healthcare. By 2030, tasks that account for up to 30 percent of hours currently being worked in the U.S. economy could be automated.

c) Manipulation through AI algorithms

AI algorithms can be used to manipulate social and political discourse, spread misinformation, and influence public opinion.

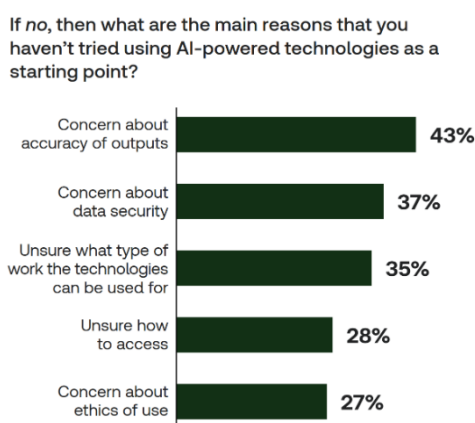


Figure 1: Extract from Thomson Reuters Future of Professionals Report 2024^v

Gen AI hallucinations:

Hallucinations in AI are nonsensical, or non-factual outputs from generative AI models. They are

sometimes very plausible (in the case of text generation) and can lead to the spread of misinformation, amongst other challenges, like the erosion of trust.

Solutions:

Roberto Atkinson, President of Information Technology and Innovation Foundation, says that majority of AI related concerns are mere myths and not based on solid research. He goes on to say that humans will be lucky if AI and technology would even produce a machine which would make sandwich without human intervention! leave aside the takeover of jobs by AI.^{vi} He uses the term techno-panic and it should be avoided by policymakers and leaders

- 1) Legal challenges like IP related debates esp copyrights (the recent case related to ANI) will rise in future. There is a need to include legal impact of AI in school curriculum itself.
- 2) Ethical challenges like data protection and algorithmic bias should be studied more^{vii}.

Conclusion:

India cannot remain behind. The recent AI Summit in Paris underlined the fact of increasing importance of AI. We cannot afford to lose our focus. The PM declared that the next AI summit will be in India. The Government needs to increase research funding to AI and at the same time needs to create awareness about impact of AI on society so that it will not create any panic among stakeholders.

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