The Use of Artificial Intelligence in Justice and Some Aspects Regarding the Respect for Fundamental Rights and Freedoms

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Abstract

The presence of artificial intelligence in the field of justice is perceived today as a widespread phenomenon with a metamorphic effect on the exercise of judicial power, raising sensitive questions regarding the protection of fundamental rights and freedoms both in general and in relation to justice. The novelty no longer lies in whether it can be used, but how, to what extent and with what legal guarantees, especially since the normative content of the decision itself is influenced. Under this scientific impulse, this paper is a legal-normative and critical observation of the use of artificial intelligence in justice, taking into account the ambivalent nature of this technology. Artificial intelligence supports the identification of inequalities and leads to better-founded public policies, but, on the other hand, problems arise regarding algorithmic opacity, data bias, excessive surveillance and the diminution of human control, all of which affect the substance of fundamental guarantees. The study examines European legislation, with a focus on European Union (EU) Regulation 2024/1689 on artificial intelligence, and emphasises the maintenance of person-centred, flexible and adaptive regulation. Finally, solutions are sought that reconcile technological efficiency and the effective protection of fundamental rights.

Keywords: *artificial intelligence, justice, fundamental rights, algorithms, European regulation.*

JEL Classification: K24, K41

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1. Introduction

Starting from a conceptual clarification of artificial intelligence and its main types relevant to the legal sphere, this paper highlights the ambivalent nature of this technology, which is, on the one hand, its ability to support the identification of inequalities and contribute to better public policy-making, and, on the other hand, the vulnerabilities related to algorithmic opacity, distortions generated by the data used, the risk of excessive surveillance and the diminishing of human control over the act of justice. Artificial intelligence does not judge is a statement that is repeated almost ritually in public policy documents and institutional discourse and, unfortunately, today functions more as a defensive reflex than as an accurate description of legal reality. In fact, the issue is not whether the algorithm makes decisions, but whether and to what extent it shapes the decision-making process within which the judge exercises his or her powers. This is where the real stakes of using AI in justice lie.

A starting point for the analysis is the examination of the regulatory framework currently being consolidated, in particular Regulation (EU) 2024/1689 on artificial intelligence, as the first legal instrument with a regional and even international scope from a customary law perspective, which proposes a risk-based approach and affirms the priority of the protection of fundamental rights in relation to technological progress[6]. The study also discusses the relevance of international ethical principles, particularly those formulated within UNESCO, and assesses the extent to which European regulation succeeds in responding to current and future issues and concerns generated by the continuous evolution of artificial intelligence. It is noted that the delimitation of these themes, the scope of the normative and case law, even have significant potential to be a distinct discipline[7].

The priority is to identify solutions so that regulations evolve alongside technology, coupled with effective mechanisms for human oversight and legal accountability, emphasising that there can be no AI-assisted justice without maintaining a careful balance between technological efficiency and the substantial protection of

[6] European Union, *Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence (Artificial Intelligence Act)*, OJ L (2024), https://eur-lex.europa.eu/eli/reg/2024/1689/oj.

[7] Emmanuel Kabengele Mpinga, Ngoyi K Z Bukonda, Said Qailouli, and Philippe Chastonay. "Artificial Intelligence and Human Rights: Are There Signs of an Emerging Discipline? A Systematic Review." *Journal of Multidisciplinary Healthcare* 15 (December 2022): 235–46. doi: 10.2147/JMDH.S315314.

fundamental rights and freedoms. Digitalisation is reaching new horizons and opening up new possibilities by integrating artificial intelligence (AI) into society as a whole and, implicitly, into the way we organise and live our lives. Developments in this area have received increased attention from the media, academia, human rights bodies and policy makers[8], as highlighted in the 2021 report of the European Union Agency for Fundamental Rights.

The importance of fundamental rights is inextricably linked to respect for important principles such as dignity, fairness, respect and equality, and sets standards for living conditions. Fundamental rights are enshrined in the European Convention on Human Rights (ECHR), the Charter of Fundamental Rights of the European Union (CFREU) and the Romanian Constitution. Within this regulatory framework, the use of artificial intelligence-based technologies raises issues from both a legal and ethical perspective. However, as indicated at the beginning of this paper, the increasing use of AI in various fields, including justice, comes with many temptations, but also with a number of risks that cannot be ignored[9].

1.2. Argument and Methodology

The abstract argument of the article supports the need for a progressive constitutionalisation of anti-algorithmic guarantees as a legal response to the risks generated by structural bias and the fragmentation of legal responsibility. Discrimination derived from training data and predictive logic leads to a reconfiguration of liability, through the establishment of anticipatory responsibility on the part of the state, geared towards prevention and ex ante control. From this perspective, it is necessary to establish a public domain of cybernetic space-time, in the sense that has been discussed so far in the specialist literature and in UNESCO projects[10]. At the European Union level, the regulation of artificial intelligence interacts directly with the independence of the judiciary, generating a normative dynamic that requires a certain effort to integrate technological standards into the constitutional mechanisms of justice.

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[8] European Union Agency for Fundamental Rights (FRA), *Getting the Future Right – Artificial Intelligence and Fundamental Rights* (Luxembourg: Publications Office of the European Union, 2020), p. 2, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-artificial-intelligence-summary_en.pdf.

[9] See details in Organisation for Economic Cooperation and Development (OECD), *Governing with Artificial Intelligence: The State of Play and Way Forward in Core Government Functions* (Paris: OECD Publishing, 2025), https://doi.org/10.1787/795de142-en.

[10] Cristina Elena Popa Tache, "Towards a Public Domain of Cybernetic Space-Time as a Challenge for International Law: About the Cybercommons," in Cătălin-Silviu Săraru and Cristina Elena Popa Tache (eds.) *AI, Sustainability and Solidarity in Advancing European Values in a Globalised Age*, European Union and Its Neighbours in a Globalised World 28 (Cham: Springer, 2025), pp. 125–144, https://doi.org/10.1007/978-3-032-06508-7_10; Cătălin Silviu Săraru, "Public Property Rights: Origins and Developments in the Cyber Age," in Cătălin-Silviu Săraru and Cristina Elena Popa Tache (eds.) *AI, Sustainability and Solidarity in Advancing European Values in a Globalised Age*, European Union and Its Neighbours in a Globalised World *28* (Cham: Springer, 2025), pp 109–124, https://doi.org/10.1007/978-3-032-06508-7_9. See also Centre International de Recherches et Études Transdisciplinaires, & UNESCO. (1996). *CIRET–UNESCO project: Transdisciplinary evolution of the university* (Working document presented at the international congress *What university for tomorrow? Towards a transdisciplinary evolution of the university*, Locarno, Switzerland, 30 April–2 May 1997). CIRET–UNESCO.

This is when algorithmic rationality acts as a legitimate object of legal control, and the protection of fundamental rights asserts itself as a principle of digital justice.

Methodologically, the main method is doctrinal analysis applied to the evolution of the concepts of fair trial, judicial independence and legal responsibility, in correlation with the use of algorithmic systems in judicial activity. The normative analysis complements the doctrinal analysis with a focus on the relevant European space and the interaction between artificial intelligence regulation and the constitutional principles of the rule of law, in order to identify tensions, changes and areas of normative reconfiguration. All this is consolidated by a functional-comparative analysis, which assesses how different legal systems conceptualise human control, explainability and responsibility in AI-assisted justice, as well as by an anticipatory approach, using evolutionary and teleological interpretation tools. The methodology thus allows the integration of the technological dimension into legal analysis, without reducing it to technical parameters, and underpins critical-normative conclusions with both theoretical and public policy relevance.

The study deliberately presents conceptual and methodological limitations that derive from its normative object and the dynamics characteristic of the field analysed. The research focuses on the impact of artificial intelligence on fundamental rights and constitutional mechanisms of justice, without going into technical details regarding the functioning of algorithms or the evaluation of their performance. The analysis is then focused primarily on the European legal space, with an emphasis on constitutional law, procedural law and the regulatory framework of the European Union, with some examples of implementation at the level of Romanian domestic law. Although global trends and comparative implications are taken into account, the study does not seek to provide an exhaustive examination of non-European models or jurisdictions with different levels of judicial digitisation, which limits the generalisation of conclusions to legal systems with distinct constitutional traditions. The research adopts a normative-anticipatory approach**,** aimed at identifying systemic risks and formulating ex ante standards, meaning that it does not present a cost-benefit assessment, but rather a justification of the constitutional limits of the use of technology. As there is currently no consolidated body of case law explicitly addressing the indirect algorithmic influence on judicial decision-making, the arguments are based mainly on evolutionary interpretations of existing principles and doctrinal extrapolations, which await further validation through future case law developments and regulations.

The debate on the legal status of intelligent agents was initially focused on the idea of attributing a distinct legal personality. In a previous analysis, I argued that as the degree of autonomy increases, intelligent systems can no longer be considered mere tools in the hands of their users. However, the evolution of the use of artificial intelligence in the field of justice shows that the issue is no longer that of the legal subjectivity of the algorithm, but of its structuring function within the decision-making process. The algorithm does not have to be a person to produce normative effects; it is sufficient for it to become the probabilistic infrastructure through which decision-making options are filtered. This shift presents the real challenge: moving from the question "can AI have rights?" to the question "to what extent can AI shape the exercise

of fundamental rights?"[11]

2. Presenting the Concept of AI and Reconfiguring the Fair Trial Process in Artificial Intelligence-Assisted Justice

What is artificial intelligence? Although many of us use it, this question remains open, especially for those who seek justice. The term has many definitions, from general to extremely technical (it can be said that the definition varies depending on the fields that attempt to define it), and this only confirms that it is a vast field, difficult to understand, and that we actually know very little about it. To understand this concept, I think it is useful to start with the two terms, *intelligence* and *artificial*. *Intelligence* is defined as "the ability to understand easily and well, to grasp what is essential, to solve new situations or problems based on previous experience"[12], this ability being specific to humans. The term *artificial* is defined as something "that imitates a product of nature, which is not natural"[13]. Therefore, by combining the two terms, we can say that artificial intelligence assumes that the human ability to understand easily and well, to grasp what is essential, to solve problems based on accumulated experience, can be imitated by building a programme. According to the explanatory dictionary of the Romanian language, AI is "a field of computer science that develops technical systems capable of solving difficult problems related to human intelligence"[14] .

In the specialised literature, there are many definitions of artificial intelligence, because it is an extremely broad and difficult concept to understand[15]. Andreas Kaplan defines artificial intelligence as "the ability of a system to correctly interpret external data, learn from that data, and use what it has learned to achieve specific goals and tasks through flexible adaptation."[16]

At the level of the independent high-level expert group on artificial intelligence set up by the European Commission in June 2018, the agreed definition is that "artificial intelligence systems are software (and possibly hardware) systems designed by humans that, when given a complex goal, act in the physical or digital dimension, perceiving the environment through data processing, interpreting collected structured or

[11] Corneliu Andy Pușcă. "Should We Share Rights and Obligations with Artificial Intelligence Robots?" In Henrique Santos, Gabriela Viale Pereira, Matthias Budde, Sérgio F. Lopes, Predrag Nikolic (eds.), *Science and Technologies for Smart Cities. 5th EAI International Summit, SmartCity360, Braga, Portugal, December 4-6, 2019, Proceedings,* pp. 412–419. Cham: Springer International Publishing. 2020, https://doi.org/10.1007/978-3-030-51005-3_33.

[12] See Oxford English Dictionary, "artificial intelligence (n.)," December 2023, https://doi.org/10.1093/OED/7359280480; and Academia Română, Institutul de Lingvistică „Iorgu Iordan – Alexandru Rosetti", *Dicționarul explicativ al limbii române (DEX)*, ed. a III-a (Bucharest: Univers Enciclopedic Gold, 2016), s.v. „inteligență artificială".

[13] Idem, note 3.

[14] Idem, note 3.

[15] Haroon Sheikh, Corien Prins, and Erik Schrijvers, "Artificial Intelligence: Definition and Background," in Haroon Sheikh, Corien Prins, Erik Schrijvers, *Mission AI*, *The New System Technology* (Cham: Springer, 2023), pp. 15–41, https://doi.org/10.1007/978-3-031-21448-6_2.

[16] Andreas Kaplan and Michael Haenlein, "Siri, Siri, in My Hand: Who's the Fairest in the Land? On the Interpretations, Illustrations, and Implications of Artificial Intelligence," *Business Horizons* 62, no. 1 (2019): 15–25, https://doi.org/10.1016/j.bushor.2018.08.004.

unstructured data, reasoning about knowledge or processing information obtained from this data, and deciding on the best course of action to take to achieve the given objective. AI systems can either use symbolic rules or learn a numerical model, and can also adapt their behaviour by analysing how the environment is affected by their previous actions.[17]

Regulation (EU) 2024/1689 on artificial intelligence defines this concept as "a machine-based system that is designed to operate with varying levels of autonomy and may exhibit adaptability after deployment, and which, pursuing explicit or implicit objectives, deduces, from the input data it receives, how to generate results such as predictions, content, recommendations or decisions that can influence physical or virtual environments"[18] (Art. 3 point 1). We can deduce that artificial intelligence is man's creation in an attempt to artificially replicate his cognitive abilities.

But how is artificial intelligence defined? The answer given by some authors fits into existing patterns: "artificial intelligence is defined as the science and engineering of creating intelligent machines, especially intelligent programs that can perform tasks that require human intelligence, such as visual perception, decision-making, and language translation."[19] However, from another perspective, all these definitions for the field of law are either too lax, too technical, or do not refer to human rights. The definitions are rather focused on technological progress, to the detriment of respect for human rights.

There are several types of artificial intelligence, but in short, in terms of capabilities, it can be divided into two broad categories: weak artificial intelligence and strong artificial intelligence. Without going into too much detail, weak artificial intelligence or narrow artificial intelligence (ANI) is the only type of AI that currently exists. This type of AI can be trained to perform a single task or a simple task, often much faster and better than the human mind can, but it cannot function outside of a defined task.[20] An example would be SIRI, the virtual assistant available on Apple operating systems.

The second major category, powerful artificial intelligence, can be divided into two subcategories, namely Artificial General Intelligence (AGI) and Artificial Super Intelligence (ASI). AGI, general artificial intelligence, is still a theoretical concept and is seen as the technology that can perform any task that humans can perform, but without the need for humans to train the underlying models.[21] Artificial super

[17] High-Level Expert Group on Artificial Intelligence (HLEG AI), *Ethics Guidelines for Trustworthy AI* (Brussels: European Commission, June 2019), p. 46, https://www.europarl.europa.eu/meetdocs/2014_2019/plmrep/COMMITTEES/JURI/DV/2019/11-06/Ethics-guidelines-AI_RO.pdf.

[18] Art. 3(1) of Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Regulation on Artificial Intelligence).

[19] Michela Pellicelli, "Managing the Supply Chain: Technologies for Digitalisation Solutions," in Michela Pellicelli, *The Digital Transformation of Supply Chain Management* (Amsterdam: Elsevier, 2023), 101–152, https://doi. org/10.1016/B978-0-323-85532-7.00002-5.

[20] IBM Data and AI Team, "Understanding the Different Types of Artificial Intelligence," *IBM*, accessed 9 February 2026, https://www.ibm.com/think/topics/artificial-intelligence-types.

[21] Ibid., note 7.

intelligence, besides being a theoretical concept, as we can tell from the name, would be a system capable of thinking, reasoning, learning, making choices, and having cognitive abilities that exceed those of humans. Furthermore, it should understand human emotions and feelings, and even come to feel emotions and have its own needs and desires.

From a legal perspective, in procedural law and human rights literature, AI is defined as any automated system that contributes, directly or indirectly, to the formation of a judicial or administrative decision affecting the right to a fair trial[22]. The functional-legal understanding of artificial intelligence, dominant in European legal scholarship, conceptualises AI as a socio-technical system whose relevance derives from its capacity to autonomously process data and influence decisions affecting rights and legitimate interests[23]. From the arguments presented in this subchapter, it can be deduced that artificial intelligence is not legally defined by what it is, but by what it does and what it risks producing in the legal order, this being the dominant position in legal literature because a rigid technical definition would undermine the protective function of the law, as technology evolves faster than the norm, engineering definitions quickly become obsolete and, alongside all these reasons, fundamental rights need stable criteria[24].

2.1. From Technical Support to Indirect Normative Actor

The use of artificial intelligence in justice marks a shift in the exercise of judicial functions that goes beyond traditional technical support. The algorithms used for case sorting, risk assessment, recidivism prediction or the identification of "consistent" jurisprudential solutions are not limited to optimising judicial activity, but also shape the cognitive and normative framework within which judges exercise their powers. By selecting relevant data, probabilistically modelling outcomes and standardising solutions deemed appropriate, artificial intelligence takes on the role of an indirect normative actor, capable of influencing the content of the decision without being recognised as a subject of legal responsibility. Algorithmic influence does not manifest itself in the form of explicit constraints, but rather through the orientation of decision-making options and the normalisation of patterns of reasoning that tend to become implicit benchmarks of good judgement. Therefore, judicial power remains formally intact, but is exercised within a technological decision-making framework, which generates a tacit redistribution of normative power between the judge, the institution and the algorithmic technique. We are talking about a redistribution that has direct consequences on the right to a fair trial, as enshrined in Article 6 of the European

[22] Risto Uuk, Carlos I. Gutierrez, and Alex Tamkin. "Operationalising the Definition of General-Purpose AI: Assessing Four Approaches." *Law, Innovation and Technology* 17 (1), 2025: 84–102. https://doi.org/10.1080/17579961.2025.2469344.

[23] See generally Mireille Hildebrandt, *Smart Technologies and the End(s) of Law: Novel Entanglements of Law and Technology* (Cheltenham, UK, and Northampton, MA: Edward Elgar Publishing, 2016); Giovanni Sartor, "Artificial Intelligence and Human Rights: Between Law and Ethics," *Maastricht Journal of European and Comparative Law* 27, no. 6 (2020): 705–719, https://doi.org/10.1177/1023263X20981566.

[24] Karen Yeung, "Algorithmic Regulation: A Critical Interrogation," *Regulation & Governance* 12, no. 4 (2018): 505–523, https://doi.org/10.1111/rego.12158.

Convention on Human Rights. The case law of the European Court of Human Rights has consistently emphasised that fairness of proceedings requires not only the impartiality of the court, but also the transparency of judicial reasoning and the effective possibility for the parties to understand and challenge the elements on which the decision was based.

Algorithmic opacity introduces a new procedural vulnerability. When the judge relies, explicitly or implicitly, on recommendations generated by AI systems whose logic is not accessible to the parties, the fairness of the trial is affected by the emergence of asymmetry. The right to defence and the adversarial principle lose their substance in the absence of the possibility to examine and challenge the rationale behind the decision. More than a matter of transparency, algorithmic explainability is in fact a condition of constitutional legitimacy.

A distinctive feature of AI-assisted justice is the shift of risk from individual error to systemic discrimination. Algorithms do not accidentally reproduce inequalities, but technically absorb them through the training data and statistical correlations used. This reality is particularly problematic in relation to the principle of equality and non-discrimination, enshrined in both Article 14 of the ECHR and Article 21 of the Charter of Fundamental Rights of the European Union. The Court of Justice of the European Union has already recognised that discrimination can result from apparently neutral mechanisms when they produce disproportionate effects on certain categories. However, algorithmically, discrimination takes on a particular form, namely unintentional discrimination without an identifiable author. The judge did not design the algorithm, the state does not fully control its operation, and the developer is not a party to the legal proceedings. This type of fragmentation of responsibility generates a kind of fault in an area of legal irresponsibility, incompatible with the requirements of the rule of law and the idea of responsible justice. Fundamental rights, without naming this legal phenomenon that seems to be a modern, transformed fault, are affected without the existence of a clear mechanism of attribution and remedy.

In the literature on liability for autonomous systems, a shift in the classical paradigm from operator to manufacturer has already been observed, particularly in the context of autonomous vehicles. In the field of artificial intelligence-assisted justice, this shift must be radicalised. It is not only the developer or technology provider that is relevant, but also the state itself, through its governance of the judicial system, as the holder of anticipatory responsibility. We are talking about a type of responsibility that is not only activated ex post, in the event of damage, but operates ex ante, through the obligation to assess the algorithmic impact on fundamental rights, to establish effective human control mechanisms and to prevent the emergence of areas of regulatory opacity. In the absence of this anticipatory responsibility, the delegation of cognitive functions to algorithmic systems leads to a dilution of accountability, which is incompatible with the rule of law[25].

For these reasons, there has been a reconfiguration of what constitutes liability

[25] Corneliu Andy Puşcă. "Legal Aspects on the Implementation of Artificial Intelligence." *EAI Endorsed Transactions on Creative Technologies* 7, no. 24 (April–June 2020): 5–7. https://doi.org/10.4108/eai.13-7-2018.164174.

through the introduction of the concept of anticipatory responsibility of the state for the use of artificial intelligence in justice, inspired by the ethics of responsibility. Formulated strictly in legal terms, it shifts the focus from ex post sanctioning of errors to the establishment of ex ante obligations of prevention, evaluation and control. The state, as the guarantor of fundamental rights and organiser of the judicial system, is in fact responsible for creating and maintaining a regulatory mechanism to prevent the systemic risks of AI use and is therefore responsible for regulation[26]. Thus, the public domain must be conceptually expanded to include new technologies, given the positive obligations recognised by the European Court of Human Rights, according to which the state must organise the judicial system in a way that guarantees the effectiveness of the rights guaranteed by the Convention. In digital justice, these obligations relate to assessing algorithmic impact, ensuring meaningful human control and guaranteeing mechanisms for challenging technological influence. The problem lies in the potential for European regulation to indirectly influence judicial reasoning through technical standards that tend to become normative benchmarks[27]. As a first step in these developments, attention must be focused on the technocratisation of justice, by replacing legal deliberation with compliance with pre-established algorithmic models.

Furthermore, we cannot stop the analysis without outlining for the future the need to recognise adapted fundamental rights as extensions of contemporary constitutionalism, and here we refer to the right to be judged without opaque algorithmic influence, the right to substantial human control and the right to challenge indirect algorithmic decisions. This proposal is far from hasty, but it adapts the fundamental principles of fair trial and the rule of law to an already established technological reality.

3. AI vs. Fundamental Rights and Freedoms

Fundamental rights are the lifeblood of any modern democracy, designed to protect individuals from abuses of power and guarantee equality before the law. But how do we relate them to artificial intelligence?

As already mentioned, this technology is integrated and used in many areas, from household tasks to highly sensitive ones such as justice, education, health and national security[28]. Whether we like it or not, the society we live in is governed by data and algorithms, which is why it is crucial to understand the associated risks, whether

[26] See some considerations in Michèle Finck, 'Introduction', in Michèle Finck, *The EU Artificial Intelligence Act: A Commentary* (2026; online edn, Oxford Law Pro), https://doi.org/10.1093/law/9780198925705.003.0001, accessed 15 Feb. 2026.

[27] Rosamunde Van Brakel. "Legal, Ethical, and Social Issues of AI and Law Enforcement in Europe: The Case of Predictive Policing." Chapter. In Nathalie A. Smuha (ed.) *The Cambridge Handbook of the Law, Ethics and Policy of Artificial Intelligence*, Cambridge Law Handbooks. Cambridge: Cambridge University Press, pp. 367–82, 2025.

[28] For specific points on the importance of digital education in law and social sciences see Doinița Popa, "Digital Pedagogy—The Model of Reconstruction of Training and Evaluation Strategies in Higher Education," *EIRP Proceedings* 19, no. 1 (2024): 578–586, https://dp.univ-danubius.ro/index.php/EIRP/article/view/624; Doinița Popa, "Education in the Digital Age—The Benefits and Challenges of Technology in the Learning Process," *EIRP Proceedings* 20, no. 1 (2025): 393–401, https://dp.univ-danubius.ro/index.php/EIRP/article/view/696.

we are talking about how data is collected or how it is processed and used.

The use of AI involves a wide range of fundamental rights, regardless of the field of application, such as equality of rights (Article 16 of the Romanian Constitution), the right to life and physical and mental integrity (Article 22), the right to defence (Article 24), freedom of movement (Article 25), intimate, family and private life (Article 26), secrecy of correspondence (Article 28), freedom of expression (Article 30), the right to information (Art. 31), the right to education (Art. 32), health care (Art. 34), the right to vote (Art. 36), the right to work and social protection (Art. 41), etc.[29]. At the same time, as fundamental rights are so complex and difficult to view individually, depending on the context in which AI is used, every fundamental right must be taken into account.

As we have already stated in terms of benefits vs. risks, although the use of AI raises justified concerns, we must recognise the added value it brings to the effort to protect and promote fundamental rights. Thus, when used responsibly, through its amazing ability to analyse large volumes of data and identify patterns, it helps to prevent and report discrimination, but also to better inform policy-making. As everything in the universe is in balance, AI also brings a number of risks, including excessive surveillance, lack of transparency, amplification of discrimination and dependence on data[30]. In order to minimise these risks, regulations in this area must be clear, effective, human-centred and in step with technological developments. Only then can ethical and responsible use be ensured, and we will be able to fully enjoy the benefits of this technology while minimising the inherent risks[31].

3.1. AI Regulation

With regard to AI regulations, it was initially done by developers, in the form of so-called self-regulation. Unfortunately, as I have already stated, this self-regulation focused on technological advancement and neglected legal implications and fundamental rights. This was also noted in the FRA report, where a private company in Estonia stated, "When we tested the system, we didn't really look at the legal aspects, we just looked at whether the system was profitable."[32] Such a view is truly frightening. Subsequently, some regulations began to appear at the national level, but they were

[29] Romania. *Constitution of Romania*. Adopted on 21 November 1991; republished in *the Official Gazette of Romania*, Part I, no. 767 of 31 October 2003. Bucharest: Official Gazette of Romania.

[30] Hong Sounman, Sanghyun Lee. "Overconfident AI: How Artificial Intelligence Navigates Risk and Uncertainty." *Journal of Psychology and AI* 1 (1), 2025. https://doi.org/10.1080/29974100.2025.2486974.

[31] For the use of AI in education, see Andy Pușcă. „Balancing Rights and Responsibilities in SMART Education: A Legal-Operational Matrix for the Professor, Institution, and State". *Didactica Danubiensis*, *5*(1), 2025: 341–355. Retrieved from https://dj.univ-danubius.ro/index.php/DD/article/view/3540 and Andy Pușca, "Legal Certainty between Tradition and Algorithm: A Comparative Analysis", *EIRP Proceedings*, Vol. 20 No. 1 (2025): 9-18, https://dp.univ-danubius.ro/index.php/EIRP/article/view/670.

[32] European Union Agency for Fundamental Rights (FRA). *Getting the Future Right – Artificial Intelligence and Fundamental Rights*. Luxembourg: Publications Office of the European Union, 2020, p. 2. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-artificial-intelligence-summary_en.pdf.

disparate (e.g. USA[33], China[34]). Subsequently, initiatives such as the OECD Council Recommendation on Artificial Intelligence (OCDE/LEGAL/0449, 2019) and the Saudi G20 Presidency's Dialogue on AI within the Digital Economy Task Force (DETF, 2019), UNESCO's draft recommendation on the ethics of artificial intelligence, and the UN's global platform for inclusion and AI[35] .

It should be noted that in the recommendations on the Ethics of Artificial Intelligence published by UNESCO, 10 principles for ethical AI were codified as soft law:

1. Proportionality and the requirement not to cause harm – use must be proportionate to achieving a legitimate goal and must not violate human rights.

2. Safety and security – AI must not cause human or material damage and must not be vulnerable to cyber attacks.

3. Fairness and non-discrimination – benefits must be accessible to all, and AI systems must avoid discrimination and bias.

4. Sustainability – the human, social, cultural, economic and environmental impact of AI technologies must be continuously assessed.

5. Right to privacy and data protection – development of appropriate frameworks for the protection of personal data.

6. Human oversight and determination – an AI system can never replace ultimate human responsibility.

7. Transparency and explainability – the ability of a system to explain its decision-making process.

8. Responsibility – respect for fundamental rights and freedoms, and protection of the environment.

9. Awareness and education – raising awareness and understanding of AI systems.

10. Adaptive governance and collaboration – open participation, government and international regulations for AI and data use.[36]

All these initiatives have led to the conclusion that AI regulation must be human-centred and ensure respect for fundamental rights and freedoms. Regulatory efforts have underpinned European standards on artificial intelligence and culminated in the adoption of the European AI Regulation. This regulation is the first international legal framework to directly address the challenges and risks of AI use and places, at least declaratively, a strong emphasis on protecting fundamental rights and freedoms.[37]

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[33] Johanna Costigan. "China's New Draft AI Law Prioritises Industry Development." *Forbes*, 22 March 2024. https://www.forbes.com/sites/johannacostigan/2024/03/22/chinas-new-draft-ai-law-prioritizes-industry-development/.

[34] Ibid.

[35] European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Fostering a European Approach to Artificial Intelligence*, COM (2021) 205 final (Brussels: European Commission, 2021), https://eur-lex.europa.eu/legal-content/RO/TXT/HTML/?uri=CELEX:52021DC0205.

[36] UNESCO, *Recommendation on the Ethics of Artificial Intelligence* (Paris: United Nations Educational, Scientific and Cultural Organisation, 2021), https://unesdoc.unesco.org/ark:/48223/pf0000380455, pp. 10-13.

[37] Costanza Nardocci. 'The (Second) Turning Point of 2024. The Council of Europe Also Decides to

3.2. Brief Overview of the European Regulation on AI

The first part of this regulation sets out its stated purpose, referring to "improving the functioning of the internal market by establishing a uniform legal framework for the development, placing on the market, putting into service and use of AI systems in the Union".[38] It then goes on to say "adopting trustworthy and human-centred AI, while ensuring a high level of protection of health, safety and fundamental rights enshrined in the Charter of Fundamental Rights of the European Union". So we see that, at least at Union level, artificial intelligence has no place unless fundamental rights are respected.

The Regulation introduces a methodology for classifying AI systems using a risk-based pyramid approach[39]. It is classified into the following risk levels:

1. Artificial intelligence systems that pose an unacceptable risk, such as those used in social and discriminatory scoring. The EU categorically prohibits them.

2. High-risk AI systems – those used in the management and operation of certain critical infrastructures.

3. AI systems with limited risk, such as chatbots for customer service. They mainly require transparency and informing the user that they are interacting with such a system.

4. Minimal risk AI systems, such as spam filters. These are not subject to detailed regulations.

The regulation also sets out a number of requirements for high-risk AI systems. AI must have a risk management system in place, the data used must be relevant, accurate and complete, there must be technical documentation demonstrating that high-risk systems comply with the requirements of the regulation, it must allow records to be kept of events during operation, it must ensure transparent operation and allow the interpretation of the system's results, and last but not least, it must be effectively supervised by natural persons throughout its use[40].

We will see below that until these systems with unacceptable risk were banned, they worked, and still work in other countries outside the EU.

Regulate Artificial Intelligence'. *BioLaw Journal - Rivista Di BioDiritto*, fasc. 1S (December 2024): 73–90. https://doi.org/10.15168/2284-4503-3303 [The European Parliament's position on artificial intelligence].

[38] Idem, note 8.

[39] Article 5 of this regulation provides a long list of extremely harmful AI systems. Without going into too much detail, we mention: a) Systems that use subliminal techniques that cannot be perceived or techniques that are intentionally manipulative or deceptive, the effect of which is to distort human behaviour; b) Systems that exploit a person's vulnerabilities associated with age, disability or specific social or economic situations; c) Systems that evaluate or classify individuals based on known, inferred or predicted social behaviours or personal or personality characteristics, with a social score, leading to discrimination; d) Systems for assessing a person's risk with the aim of evaluating or predicting the risk of a natural person committing a crime, based solely on the profiling of a natural person or on the assessment of personality traits and characteristics; e) others.

[40] At European Union level, see European Union, *European Declaration on Digital Rights and Principles for a Digital Decade*, adopted December 2022, European Union, https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/733518/EPRS_BRI(2022)733518_EN.pdf.

At national level, the Romanian Government adopted Government Decision No. 832/2024 approving the national strategy in the field of artificial intelligence 2024-2027, whose purpose is to contribute to the adoption of digital technologies in the economy and society while respecting human rights and promoting excellence and trust in AI.[41] Future legislation implementing the European regulation should include general rules that, in principle, are not subject to technological developments. Technical and/or methodological rules should be the subject of a strategy that can be approved by Government Decision and have an action plan attached. This plan will include general objectives, responsible parties, deadlines, etc., and may be updated when necessary.

3.3. Examples of the Impact of Artificial Intelligence on Fundamental Rights and Freedoms with Reference to the Case Law of the Constitutional Court

The first example I would like to discuss concerns the annulment of the electoral process for the election of the President of Romania in 2024. The Romanian Constitution enshrines the right to vote in Article 36, which is one of the pillars of democracy, ensuring the expression of the will of the people. Etymologically, the term "democracy" derives from the Greek terms *demos*, meaning people, and *kratos*, meaning power, thus the term designates the power of the people, or rather, the will of the people.[42] In a democratic state, the will of the people must be the central element of the electoral process.

However, in the era we live in, this right is visibly vulnerable to the influences generated by new technologies. We are surrounded by and use smart devices, from phones and computers to other accessories that promise to make our lives easier. This promise actually comes at a costly price, the continuous collection of our data, from online activity or geo-location to heart rate or blood oxygen concentration. By analysing this collected data, it is possible to identify behavioural patterns and triggers, which leads to the digital labelling of users. Based on these patterns and knowledge of triggers, an AI system can directly alter human behaviour. This alteration occurs by "flooding" multiple channels with personalised information designed to modify human decisions, thereby altering the outcome of the electoral process.

In exercising its duty to oversee compliance with the procedure for electing the President, regulated by Article 146(f) of the Constitution, the Constitutional Court of Romania issued *Decision No. 32/2024 on the annulment of the electoral process for the election of the President of Romania in 2024*. In the grounds for this decision, the Court notes that the free nature of the vote was affected and the vote was manipulated through disinformation campaigns and promotion algorithms on social media platforms.[43]

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[41] Romania, *Government Decision No. 832 of 11 July 2024 approving the National Strategy on Artificial Intelligence 2024–2027*, *Official Gazette of Romania*, Part I, No. 730 of 25 July 2024. For a comparative view, see Toni Erskine, Steven E. Miller. "AI and the Decision to Go to War: Future Risks and Opportunities." *Australian Journal of International Affairs* 78 (2), 2024: 135–47. https://doi.org/10.1080/10357718.2024.2349598.

[42] H. Clay Jent. "Demos Kratos: Democracy, Old and New." *The Social Studies* 58 (6) 1967: 242–45, https://doi.org/10.1080/00220973.1942.11018856.

[43] Romania, Constitutional Court, *Decision No. 32 of 6 December 2024 on the annulment of the electoral*

(points 6-9, 11-14 of the Decision). However, a freely expressed vote means that "the expression of the will of citizens in elections must not be vitiated in any way"[44].

The second example concerns fundamental rights, and although it does not directly address AI systems, analogies can be made.

Decision No. 461/2014 on the objection of unconstitutionality of the provisions of the Law amending and supplementing Government Emergency Ordinance No. 111/2011 on electronic communications. In substantiating its decision to uphold the objection of unconstitutionality and finding the entire law subject to constitutional review to be unconstitutional, the Court notes several relevant aspects.

From the outset, the Court points out that the subject matter of the law subject to constitutional review affects the right to privacy, the secrecy of correspondence, freedom of expression, and also does not provide clear guarantees against abuse and to protect these rights (point 44 of the Decision). At the same time, the Court points out that unclear provisions that do not comply with the constitutional principle of proportionality, the risks involved in excessive data collection and storage, in the absence of appropriate safeguards, "may undermine the very essence" of these fundamental rights (para. 46).[45]

Mutatis mutandis, the principles set out in this decision, the principle of proportionality, clarity and balance between individual rights and the public interest, lead to the conclusion that a continuous assessment of the proportionality of the measure of collection and processing of personal data in relation to the expected benefits is necessary. At the same time, these principles are essential for the development and use of AI systems in a responsible and ethical manner.

All these issues are not specific to Romania; they can also be observed in other countries. Many intelligent systems created for a noble purpose end up doing more harm than good. One such example is Denmark, where three towns near Copenhagen were invited to take part in a project in which an AI system was used to identify vulnerable children, prevent abuse and anticipate the need for social assistance. The local authorities implemented a social scoring system, whereby families were awarded points based on certain criteria.[46] These criteria included divorce, parents' medical problems, missing a paediatrician appointment, and so on. Thus, for each evaluation criterion that families ticked, they received points, and a high score indicated a need for intervention by social services. At least on the surface, the goal is commendable, but what actually happened was that this system labelled and controlled the lives of these families, and even exacerbated their problems through stigmatisation, discrimination, and surveillance of already vulnerable individuals. These practices are now prohibited by the IA Regulation.

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process for the election of the President of Romania in 2024, *Official Gazette of Romania*, Part I, No. 1231 of 6 December 2024, https://www.ccr.ro/wp-content/uploads/2024/12/Hotarare_32_2024.pdf.

[44] Ioan Muraru, Elena Simina Tănăsescu, *Constituția României. Comentariu pe articole* [The Constitution of Romania. Commentary on Articles], 2nd ed. (Bucharest: C.H. Beck, 2019). p. 340.

[45] Romania, Constitutional Court, *Decision No. 461 of 16 September 2014*, *Official Gazette of Romania*, Part I, No. 775 of 24 October 2014.

[46] Brigitte Alfter, "Denmark," in *Automating Society Report 2020*, AlgorithmWatch, accessed 9 February 2026, https://automatingsociety.algorithmwatch.org/report2020/denmark/.

In addition to the example from Denmark, we also recall the Netherlands, where SyRI (Systeem Risico Indicatie) was in operation. The Dutch government implemented this system in an attempt to detect forms of fraud, including fraud involving social benefits, unemployment benefits, child allowances, housing subsidies and others. How did it work? SyRI had access to official databases of the police, tax authorities, and immigration services and, with the help of an algorithm, identified individuals at high risk of fraud based on risk factors such as low income, debt history, criminal record, etc. In other words, it labelled them. All these people who, according to the SyRI system, presented a high risk of committing fraud were subject to further investigation by the authorities.[47] In 2020, after analysing the subject matter of the regulation, namely the prevention and combating of fraud in the interests of economic welfare, in relation to the violation of the right to privacy, the District Court of The Hague concluded that Article 8(2) of the ECHR had not been complied with. The SyRI system did not guarantee a balance that sufficiently justified a violation of privacy. The SyRI system did not guarantee a balance that would sufficiently justify an infringement of privacy[48]
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4. The Effects of AI in Justice

Justice is the fundamental institution of a state governed by the rule of law, with a vital role in the realisation and observance of fundamental rights and freedoms. The AI Regulation classifies the field of justice as one with a high degree of risk. Of course, in the desire to streamline and support the administration of justice, but also to prevent crime, AI systems have also entered this field[49].

The compatibility of the use of artificial intelligence systems in judicial activity cannot be affirmed or denied in the abstract. It must be assessed in terms of the specific role assigned to the system and the procedural safeguards attached to it, with reference to the standards of Article 6(1) of the European Convention on Human Rights, which states that "everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law, which will decide on the violation of their civil rights and obligations or on the merits of any criminal charge against them." The compatibility of the use of AI in the administration of justice can be assessed by a functional test based on Article 6(1) of the European Convention on Human Rights: (i) procedural guarantees (adversarial proceedings, equality of arms, reasoning); (ii) institutional guarantees (independence and impartiality); (iii) the quality of the outcome (fairness, proportionality and non-discrimination). (iii) quality of the result (fairness, proportionality and non-discrimination). The usefulness of this analysis comes from practice, where risks do not arise in isolation, but at the intersection of

[47] *Ibid*.

[48] Netherlands, District Court of The Hague, *Judgment of 5 February 2020, C-09-550982-HA ZA 18-388 (SyRI)*, ECLI:NL:RBDHA:2020:865 (English version: ECLI:NL:RBDHA:2020:1878), 5 February 2020, https://uitspraken.rechtspraak.nl/details?id=ECLI:NL:RBDHA:2020:1878.

[49] Muthukuda Arachchige Dona Shiroma Jeeva Shirajanie Niriella. “Artificial Intelligence and Sentencing Practices: Challenges and Opportunities for Fairness and Justice in the Criminal Justice System in Sri Lanka.” *International Annals of Criminology* 62, no. 3–4 (2024): 492–542. https://doi.org/10.1017/cri.2024.24.

opacity, biased data and diminished human control.

Starting from the first component, namely "fair trial", the question arises as to whether it is fair for a machine to decide a person's fate. Indeed, AI could be more objective than a human being and apply the law to the letter, because it lacks a number of factors that can cause humans to be biased. However, the law must be applied both to the letter and in spirit, and this requires not only complex reasoning, but also eminently human traits such as compassion and empathy, without which fairness is jeopardised[50].

With regard to compliance with a reasonable time limit, and given that humans have limited working capacity and limited time, AI, which is not "affected" by the need for rest, could operate without interruption. Also, given the large volume of cases that courts have to deal with, but also the AI's ability to analyse a high volume of information, the time taken to resolve cases would decrease and the courts would be less congested.

The independence and impartiality of a court are some of its most important attributes. Although it could be argued, intuitively, that an automated tool is "neutral," we must not lose sight of the fact that it was created by a human being, operates on the basis of source code, and was trained on data also generated by humans. The relevant risk is not necessarily a specific intervention "in the case file", but the possibility of external technical control over the system (code changes, parameterisations, updates, recalibrations) that can influence the results without transparency and without guarantees of integrity. However, this is in flagrant contradiction with the provisions of Article 124(3) of the Romanian Constitution, which states that "judges are independent and subject only to the law". Therefore, when we talk about the benefits that AI can bring in this area, we can think about reducing the time it takes to resolve cases, but also about helping the authorities to ensure the integrity of the judicial system.

Therefore, when we talk about the benefits that AI can bring in this area, we can think about reducing the time it takes to resolve cases, but also about helping law enforcement agencies to identify crimes and their perpetrators, the help that lawyers can receive in building a defence or determining the chances of winning by using predictive justice tools, the prevention of recidivism, the standardisation of case law, and others. There are, however, cases where AI systems have performed better than human experts in terms of parole and recidivism[51].

On the other hand, the risks associated with this technology when used in this field are enormous, especially when the system used is a "black box" type. These systems lack transparency, and the way in which they arrive at a solution is unclear and cannot be understood even by the creators of such a system. This could complicate the individualisation of punishment, for example. Can AI take into account all the criteria set out in Article 74(1) of the Criminal Code for the individualisation of punishment

[50] Isaac Taylor. "Justice by Algorithm: The Limits of AI in Criminal Sentencing." *Criminal Justice Ethics* 42 (3), 2023: 193–213. https://doi.org/10.1080/0731129X.2023.2275967. See also Petar Radanliev. "AI Ethics: Integrating Transparency, Fairness, and Privacy in AI Development." *Applied Artificial Intelligence* 39 (1), 2025. https://doi.org/10.1080/08839514.2025.2463722.

[51] Jon Kleinberg, Jens Ludwig, Sendhil Mullainathan, Cass R Sunstein, „Discrimination in the Age of Algorithms", *Journal of Legal Analysis*, Volume 10, 2018: 113–174, https://doi.org/10.1093/jla/laz001.

when determining the duration or amount of the punishment? Can AI take into account and weigh mitigating circumstances? Will it go for the special minimum, the special maximum, or will it randomly determine the duration or amount of the punishment? Will it go for the special minimum, the special maximum, or will it randomly decide on the length or amount of the punishment? These are questions that we hope we won't get answers to too soon. Furthermore, the lack of transparency in decision-making also affects the right to defence, as not knowing the reasons that led to a solution deprives the defendant of this right provided for in Article 24 of the Romanian Constitution.

Previous analyses of the security of intelligence agents have introduced the distinction between motivational control and capacity control. With regard to justice, all these concepts must be reinterpreted constitutionally. It is not enough for the system to be designed to avoid harmful behaviour or to limit the capacity to produce negative effects; its influence must be legally intelligible, contestable and subject to real human deliberation. Technical control is not equivalent to constitutional control. AI-assisted justice is compatible with Article 6 of the ECHR only if the judge remains the effective holder of reasoning and if the parties can understand and challenge the technological elements that contributed to the solution. Otherwise, the algorithm becomes an implicit authority, but one that is not recognised by the judiciary[52].

A useful reference point in the discussion of algorithmic discrimination in justice is the recidivism risk assessment tools used in some jurisdictions in the United States, namely *Correctional Offender Management Profiling for Alternative Sanctions* (COMPAS). This aggregates information on criminal history and other relevant indicators to produce a risk score that can influence sensitive decisions (e.g., measures, sanctions, or supervision conditions). A data-based journalistic analysis has claimed that there are significant differences between groups in the distribution of errors (especially 'false positives' for people of colour), despite the fact that race does not appear as an explicit variable in the questionnaire.[53]

However, the methodology and conclusions themselves have been challenged, with the argument that the tool is "fair" under its own statistical criteria, which shows that the dispute is not only factual, but also one of defining the relevant metrics of fairness (e.g., "predictive parity/calibration" vs. error rate parity).[54] In this sense, the issue is not whether "race" is explicitly included among the variables in the data set, but whether, in practice, the model ends up generating differentiated effects: different treatments or disproportionate consequences for certain groups, incompatible with the requirements of equality and the standard of impartiality. This raises a particularly

[52] Corneliu Andy Pușcă. 2020. "Legal Aspects on the Implementation of Artificial Intelligence": 5–7.

[53] Julia Angwin, Jeff Larson, Surya Mattu, Lauren Kirchner, *Machine Bias: There's Software Used Across the Country to Predict Future Criminals. And It's Biased Against Blacks*, ProPublica, 23 May 2016, https://www.propublica.org/article/machine-bias-risk-assessments-in-criminal-sentencing

[54] Northpointe, *COMPAS Risk Scales: Demonstrating Accuracy Equity and Predictive Parity* (technical commentary responding to ProPublica's analysis), 2016 (argues that bias depends on the statistics used; defends predictive parity/calibration). https://go.volarisgroup.com/rs/430-MBX-989/images/ProPublica_Commentary_Final_070616.pdf, pp. 9–11. See also Jeff Larson & Julia Angwin, *Technical Response to Northpointe*, ProPublica, 29 July 2016, https://www.propublica.org/article/technical-response-to-northpointe, accessed on 16 February 2026.

important question: what procedural and technical safeguards need to be put in place to prevent such outcomes, identify them in a timely manner and, where appropriate, correct them.

Alongside all these arguments, the use of a proprietary system, with limited access to the calculation logic and relevant parameters, raises a distinct procedural control issue, namely that if the mechanism remains opaque to the parties, it becomes difficult to verify the premises, identify errors and formulate an effective defence against the way in which the score influenced the solution. It follows that a risk score cannot function as a substitute for human judicial assessment; at most, it can play an auxiliary role, strictly conditioned by transparency, verifiability, and a clear delimitation of its impact on the decision.[55]

5. Conclusions

From all the above, we can draw some conclusions, the first of which is that artificial intelligence has a dual effect on fundamental rights and freedoms. On the one hand, it delivers benefits such as increased efficiency, prevention and identification of abuse, and even better policy-making. On the other hand, if it is not regulated and used responsibly, it creates serious problems. Excessive data collection, algorithmic bias caused by biased data or programming errors, and lack of transparency are some of the risks that we must treat with caution and care. Also, given the speed at which AI is developing, it is certain that the AI Regulation will become outdated and a new approach to regulating new technologies will be needed, such as agile regulation, a conclusion that brings us back to the imperative of finding regulatory solutions compatible with the intense pace of technological evolution.

The transformations described above cannot be fully absorbed by the traditional content of civil, constitutional, international or procedural law. They converge towards a new cross-disciplinary field called AI Law, which studies the interference between legal normativity and algorithmic rationality. If in classical law the norm was the product of human deliberation crystallised in codes, in the algorithmic age we are witnessing the evolution of a probabilistic normativity, in which data and statistical models influence solutions in advance. AI Law is a law of the limits of technology, whose purpose is to protect the human person in the face of a decision-making power that is not explicitly manifested, but infrastructurally. Thus, the debate on electronic personality, mentioned above, is only the preliminary stage of a broader issue, namely the constitutionalisation of algorithmic influence.

Given that we are rapidly approaching general artificial intelligence, and that technological progress in AI is being matched by the development of quantum computers, it is very possible that we will even achieve super artificial intelligence in the future. This may lead us to consider the moment when the concept of fundamental rights, as we know it today, will be modified or even redefined.

[55] Mirko Bagaric, Dan Hunter, and Nigel Stobbs, „Erasing the Bias Against Using Artificial Intelligence to Predict Future Criminality: Algorithms are Colour Blind and Never Tire", *University of Cincinnati Law Review,* vol. 88, issue 4 (2020): 1037-1081. Available at: https://scholarship.law.uc.edu/uclr/vol88/iss4/3.

At the same time, looking at things from another perspective, given that the data on which these systems are trained comes from humans, and that they themselves are human creations that we can consider extensions of humans in a sense of exosomatisation, AI does nothing more than reveal existing inequalities. AI can also be seen as a barometer of existing prejudices and discrimination. Responsible regulation is important, coupled with individual accountability to avoid the potential for influence through intelligent systems.

The direction we are heading in is in our hands, and if we are not careful, we risk becoming mere organisms that can be influenced (even hacked) by or with the help of intelligent systems.

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