

AI and politics: ensuring or threatening democracy?

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Abstract

Artificial Intelligence constitutes one of the most fundamental pillars for the implantation of the EU Digital Agenda. Its impact both in private and public life is omnipresent. AI has become an inherent part of the political life since politicians use it for several reasons, such as to promote their strategy as well as to achieve better and closer communication with people. All this is based on the existing set of legal rules. However, there are significant issues, both ethical and legal, which pose a wide range of concerns: from the protection of fundamental rights and freedoms to the safeguard of the principle of rule of law. The core question is the following: does AI strengthen democracy or lead to its deterioration? This paper aims at demonstrating the implementation of AI in politics. Firstly, there will be pursued, via a juridical methodology, a description of the regulatory framework governing AI, in connection with justice and democracy. Following a critical approach, there will be an analysis of principal ethical and legal concerns regarding the necessity and/or efficiency of use of AI in political life. Finally, the ultimate goal of the paper is to stimulate critical thinking and suggest fruitful proposals for the safeguard of the democracy and the establishment of a trustful and powerful digital environment.

Keywords: new legal regulation, artificial intelligence, politics, democracy, principle of rule of law.

JEL Classification: K24, K29, K38

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1. Introduction

Artificial Intelligence (AI) constitutes one of the most fundamental pillars for the implantation of the EU Digital Agenda. As it is explicitly declared by the EU leaders building a trustworthy and powerful AI is of primary interest². The concept of the term has received several interpretations since it applies in various areas, such as legal, economic and technological³. Thus, according to the computer scientist Nils John Nilsson it corresponds to a technology that “functions

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² For an intense and holistic presentation of the EU's Digital Agenda and the implementation of Artificial Intelligence as a fundamental pillar of it, see the official site of European Commission https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/europe-fit-digital-age/europes-digital-decade-digital-targets-2030_en as well as <https://digital-strategy.ec.europa.eu/en/policies/artificial-intelligence>, accessed on 1st November 2023.

³ Russell, Stuart., & Norvig, Peter., *Artificial Intelligence: A modern approach*, 4th ed., Pearson, 2020, p. 57.

appropriately and with foresight in its environment”⁴. The English Oxford Living Dictionary provides the following definition: “*The theory and development of computer systems able to perform tasks normally requiring human intelligence, such as visual perception, speech recognition, decision-making, and translation between languages*”. The Encyclopedia Britannica states, “*artificial intelligence (AI), the ability of a digital computer or computer-controlled robot to perform tasks commonly associated with intelligent beings*”. Based upon the aforementioned interpretations and a holistic approach, the High-Level Expert Group on Artificial Intelligence (AI HLEG) of the European Commission (EC) defined AI as “*Systems that display intelligent behaviour by analysing their environment and taking actions – with some degree of autonomy – to achieve specific goals*”⁵. Therefore, it can be concluded by the above definitions that the key term is “intelligence” which is attributed from human to machines⁶.

Living in the digital era, especially after the pandemic which brought an explosion of digitalization, the impact of AI both in private and public life is omnipresent⁷. AI tools are used for purposes of better communication between citizen and public administration, in educational area AI applications are used for the implementation of the educational process helping children in numerical acts. In the field of environment and climate, AI applications are used to predict extreme weather conditions and weather events, as well as to understand the causes of climate change⁸. Since AI constitutes one of the fundamental pillars of the EU Digital Agenda, EU member states have to adopt their own AI policies.

In terms of politics, the deployment of AI in this field is either directly or indirectly connected with the exercise of fundamental rights, such as those to access to justice, freedom of expression and security⁹. Thus, its impact demands a thorough and critical analysis. Especially in political area the impact of artificial intelligence is huge and of primary interest since it is strongly used from politics through their strategy. Indicatively, there are provided the following illustrative

⁴ Nilsson, Nils, *The Quest for Artificial Intelligence*, Cambridge University Press, 2009, p. 74.

⁵ High-Level Expert Group on Artificial Intelligence. (2019). A definition of AI: Main capabilities and scientific disciplines. European Commission, 2019. the document is available online at: https://ec.europa.eu/newsroom/dae/document.cfm?doc_id=56341, accessed on 1st November 2023.

⁶ For a thorough analysis of the term “Artificial Intelligence” see Sheikh, Haroon; Prins, Corien; Schrijvers, Erik, (2023). *Artificial Intelligence: Definition and Background*. In: *Mission AI. Research for Policy*. Springer, Cham. the document is available online at https://doi.org/10.1007/978-3-031-21448-6_2, accessed on 1st November 2023.

⁷ For an excellent and exhaustive account of the AI developments see Marcus du Sautoy, *The Creativity Code: How AI Is Learning to Write, Paint and Think* (Harper Collins Publishers Ltd. 2019).

⁸ For the variety of uses of AI see Arta Selmani-Bakiu, Adnan Jashari, *Establishing a Family by the New Technologies for Artificial Reproduction According to the Positive Legislation of North Macedonia in the Light of Comparative Family Law*, Perspectives of Law and Public Administration, Volume 10, Special Issue, October 2021, p. 57.

⁹ Regarding the impact of AI on the exercise of fundamental rights see Bajgar, O., & Horenovsky, J. (2023). *Negative Human Rights as a Basis for Long-term AI Safety and Regulation*, Journal of Artificial Intelligence Research, 76, 1043-1075.

cases: in Denmark there has been a new political party in Denmark, named Synthetic Party which is led by an artificial intelligence responsible for the development of its political program. The party is eyeing a seat in parliament, even though it didn't manage to take part in the country's general election in November 2022.

The party was founded in May 2022 by the art collective Computer Lars and the non-profit art-technology organization MindFuture Foundation. The public face and leader of the Synthetic Party is the artificial intelligence chatbot Leader Lars, who has been programmed for the politics of Danish fringe parties since 1970 and is designed to represent the values of the 20% of Danes who do not participate in elections. Leader Lars was not included on the ballot, but the human members of the Synthetic Party are committed to implementing their platform created by artificial intelligence. The Synthetic Party's mission is certainly dedicated to raising awareness about the role of AI in human life and how governments can hold AI accountable for bias and other societal impacts¹⁰.

Moreover, the Danish prime minister, Mette Frederiksen, recently used ChatGPT to help write a part of her speech in parliament. She wanted to highlight both the groundbreaking aspects and the potential risks of artificial intelligence¹¹. As she declared officially *"what I have just read here is not from me. Or any other human for that matter... Even if it didn't always hit the nail on the head, both in terms of the details of the government's work programme and punctuation... it is both fascinating and terrifying what it is capable of"*.

A recent survey on Europeans' attitudes towards technology led by the Center for the Governance of Change at Spain's IE University in 2023 demonstrates that Europeans trust the EU more than their national governments and corporations. According to this survey, 44% of Europeans trust the European Union more than their own countries or corporations to regulate Artificial Intelligence (AI) while 88% of citizens hope that the EU will play an active role in guiding technological developments¹².

In addition, in terms of pure political conditions, republicans conducted their campaign against Biden via an AI-generated attack video. The ad depicts a dystopian vision of the US if Biden is reelected. It also raises worrying questions about the place of deepfakes in political campaigning¹³. In response to this, the

¹⁰ See a relevant article regarding the Synthetic Party in Denmark in Harrison, Maggie, "New European Political Party Is Led by an Artificial Intelligence. Oh, okay", 16 October 2022, the document is available online at <https://futurism.com/political-party-led-by-artificial-intelligence>, accessed on 1st November 2023.

¹¹ See indicatively Verma, Mimansa, *Denmark's prime minister used ChatGPT to write part of her speech to make a point about AI*, the document is available online at <https://finance.yahoo.com/news/denmarks-prime-minister-used-chatgpt-153000043.html>, 31 May 2023, accessed on 1st November 2023.

¹² See a commentary of the survey by Carlos Luca de Tena and Dario García de Viedma, *European Tech Insights. Mapping European Attitudes towards Technological Change and its Governance, 2023*, the document is available online at <https://www.ie.edu/cgc/research/european-tech-insights/>, accessed on 1st November 2023.

¹³ See Vincent, James, *Republicans respond to Biden reelection announcement with AI-generated*

U.S. President Joe Biden announced that it is among his strong priorities to reduce the risks that artificial intelligence (AI) poses to consumers, workers, minority groups and national security promoting a new executive order. As he explicitly declared “*to realize the promise of AI and avoid the risk, we need to govern this technology. In the wrong hands AI can make it easier for hackers to exploit vulnerabilities in the software that makes our society run*”¹⁴.

However, there are serious legal and ethical concerns which arise by the use of AI in political life. The main question is not whether or not use AI but how and to what extent. How sure and safe can be an algorithm¹⁵? This paper aims at demonstrating the implementation of AI in politics. At first level, there will be pursued, via a dogmatic methodology, a description of the regulatory framework governing AI, putting special emphasis on its connection with justice and democracy. Following a critical approach, there will be an analysis of principal ethical and legal concerns regarding the necessity and/or efficiency of use of AI in legal area and in political life in general. Issues, such as AI in political elections, protection of fundamental rights and freedoms when decisions are taken either via algorithms or by a learning machine tool, address significant challenges. Finally, the ultimate goal of the paper is to stimulate critical thinking and suggest fruitful proposals for the safeguard of the democracy and the establishment of a safe and powerful digital environment.

2. Seeking a normative status of AI in politics

For the time being, there is not a uniform and binding regulatory framework at the field, something which poses serious concerns regarding the protection of privacy and security as well as of other fundamental rights and freedoms, as K. Kouroupis and I. Serotila thoroughly analyze in their latest book¹⁶.

On 21 April 2021, the European Commission ("Commission") adopted a proposal for a "Regulation laying down harmonized rules on Artificial Intelligence" ("AI Regulation"), which sets out how AI systems and their outputs can be introduced to and used in the European Union. The draft AI Regulation is accompanied by a proposal for a new Regulation on Machinery Products, which focuses on the safe integration of the AI system into machinery, as well as a new Coordinated Plan on AI outlining the necessary policy changes and investment at

attack ad, the document is available online at <https://www.theverge.com/023/4/25/23697328/biden-re-election-rnc-ai-generated-attack-ad-deepfake>, 25 April 2023, accessed on 1st November 2023.

¹⁴ See further details regarding the Biden's policy for AI in Mason, Jeff, Hunnicutt, Trevor and Alper, Alexandra, "Biden administration aims to cut AI risks with executive order", 31 October 2023, the document is available online at <https://www.reuters.com/technology/white-house-unveils-wide-ranging-action-mitigate-ai-risks-2023-10-30/>, accessed on 1st November 2023.

¹⁵ See indicatively Busuioc, M. (2021), *Accountable artificial intelligence: Holding algorithms to account*. Public Administration Review, 81(5), 825-836, Jackson, M. C. (2021). *Artificial Intelligence & Algorithmic Bias: The Issues with Technology Reflecting History & Humans*. J. Bus. & Tech. L., 16, 299.

¹⁶ Konstantinos Kouroupis, Igor Serotila, "Privacy and Security in light of the European Digital Agenda", Nomiki Bibliothiki, 2022, pp. 97-128.

Member State level to strengthen the EU's leading position in trustworthy AI¹⁷.

Putting people first is of primary interest for the European institutions while designating a trustworthy artificial intelligence. The suggested rules aim to develop an AI which guarantees trust, safety and fundamental rights, while also promoting excellence in innovation¹⁸. In those terms, such technology which encompasses manipulative, exploitative and social control practices poses serious threats to human dignity, democracy and the rule of law, as it is explicitly mentioned in recital 15 of the draft AI Act. Consequently, AI and politics have a very important common point since they both intend -ideally- to guarantee as well as to promote the respect of the aforementioned values.

According to the official press release published the European Commission regarding the new rules for Artificial Intelligence¹⁹, there are adopted risk categories based on the intended purpose of the AI system, in line with the existing EU product safety legislation. Those categories are the following: unacceptable, high, limited and minimal risk. The criteria for this classification include the extent of the use of the AI application and its intended purpose, the number of potentially affected persons, the dependency on the outcome and the irreversibility of harms, as well as the extent to which existing Union legislation provides for effective measures to prevent or substantially minimise those risks.

Following the above classification, in accordance with the provisions of the draft AI Act²⁰ "*certain AI systems intended for the administration of justice and democratic processes should be classified as high-risk, considering their potentially significant impact on democracy, rule of law, individual freedoms as well as the right to an effective remedy and to a fair trial*". Apparently, AI technology which is used in the political area falls directly into the scope of that category²¹.

In accordance with that sectorial legislation, in order to ensure trust and a consistent and high level of protection of safety and fundamental rights, mandatory requirements for all high-risk AI systems are proposed. Those requirements cover the quality of data sets used; technical documentation and record keeping; transparency and the provision of information to users; human oversight; and

¹⁷ At the time being the draft AI Regulation is being processed by the European Parliament and Council. For a more detailed overview of specific issues, see Cristina Elena Popa Tache, *About the Human Rights and Consumer Protection in the Digital Age of Digital Services Act 2022 or What Aspects Interested Investors Should Pay Attention To*, International Investment Law Journal, Volume 3, Issue 2, July 2023, pp. 121-132.

¹⁸ The EU's digital strategy regarding AI adopt a human-centric approach, according to official statement. See the European Commission's digital strategy the document is available online at <https://digital-strategy.ec.europa.eu/en/policies/artificial-intelligence>, accessed on 1st November 2023.

¹⁹ https://ec.europa.eu/commission/presscorner/detail/en/QANDA_21_1683, consulted on 1 October 2023.

²⁰ Recital 40 and articles 6 et seq of the regulatory text.

²¹ See an intense analysis of the draft AI Act in Konstantinos Kouroupis, *The AI Act in light of the EU Digital Agenda: a critical approach*, Journal of Data Protection and Privacy, vol.5.3, 2022, Henry Stewart Publications.

robustness, accuracy and cybersecurity²². In case of a breach, the requirements will allow national authorities to have access to the information needed to investigate whether the use of the AI system complied with the law.

In addition, it is of primary interest to underline that Artificial Intelligence poses new challenges because it enables machines to “learn” and to take and implement decisions without human intervention. Yet, decisions taken by algorithms could result from data that is incomplete and therefore not reliable, they may be tampered with by cyber-attackers, or they may be biased or simply mistaken. On the other hand, AI tools which are used in order to address special messages to people are not reliable and could seriously affect freedom of expression or critical thinking. Thus, the adoption of ethical values which would complete the regulatory framework of AI is of primary interest.

The need for ethics guidelines led to the establishment by the Commission of a high-level expert group on AI representing a wide range of stakeholders²³. The group is responsible on drafting AI ethics guidelines as well as preparing a set of recommendations for broader AI policy. The AI high-level expert group published a first draft of the ethics guidelines in December 2018. Following a stakeholder consultation and meetings with representatives from Member States, the AI expert group has delivered a revised document to the Commission in March 2019. In their feedback so far, stakeholders overall have welcomed the practical nature of the guidelines and the concrete guidance they offer to developers, suppliers and users of AI on how to ensure trustworthiness.

Guidelines for trustworthy AI drafted by the AI high-level expert group: the guidelines postulate that in order to achieve ‘trustworthy AI’, three components are necessary: (1) it should comply with the law, (2) it should fulfil ethical principles and (3) it should be robust. the guidelines identify seven key requirements that AI applications should respect to be considered trustworthy. The seven key requirements are the following²⁴: *Human agency and oversight, Technical robustness and safety, Privacy and data governance, Transparency, Diversity, non-discrimination and fairness, Societal and environmental well-being and Accountability*.

3. AI and politics: a critical approach

3.1 The institutional approach

The European institutions have already foreseen the huge impact of AI on democratic life as well as the serious concerns that arise. In the framework of an

²² Federica Cristani, *Designing a Governance System for Cybersecurity of Foreign Investment in Europe*, International Investment Law Journal, Volume 3, Issue 2, July 2023, pp. 102- 120.

²³ <https://ec.europa.eu/digital-single-market/en/high-level-expert-group-artificial-intelligence>, consulted on 1 October 2023.

²⁴ Ethics Guidelines for Trustworthy AI, <https://ec.europa.eu/futurium/en/ai-alliance-consultation.1.html>, consulted on 1 October 2023.

open debate between European Parliament and citizens²⁵, it has been initially recognized the huge and vague variety of services that can be offered by AI tools. As it is explicitly declared “*AI is an opportunity to improve the democratic process in our societies. For example, it can help citizens to gain a better understanding of politics and engage more easily in democratic debate*”. The latter statement leads politicians to adopt methods and strategies which encompass the implementation of artificial intelligence in order to achieve a more direct and persuasive contact with people.

In such manner new forms of political campaigns are launched and technology becomes a predominant tool of communication. AI can serve to educate citizens in the principles of democratic life, whether by gaining knowledge about a policy issue or getting familiar with a politician's stance. For instance, via the use of chatbots or other learning machine tools politicians come closer to the citizens and they can easier respond to their questions or inquiries. Moreover, such communication strategy is more friendly for the youth since young people are quite familiar with technology and social media in the current digital age. Therefore, democratic participation would be achieved and artificial intelligence would act as a powerful motivation for citizens to better express their opinions when addressing governments and politicians.

The above revolutionary dimension of artificial intelligence has also been underlined by the Council of Europe. During an on -line keynote speech at the Council of Europe Conference, of Ministers responsible for Media and Information Society²⁶ it has announced as a common belief that AI constitutes the major illustrative reference of the digital revolution. Its impact on democratic life is undeniable and multi-dimensional since it can be appeared in various forms, such as in social media, in e-mails, video etc. Moreover, the Parliamentary Assembly of the Council of Europe in October 2020 declared that “*Artificial Intelligence has become a determining factor for the future of humanity as it continues to substantially transform individual lives and impact human communities*”²⁷. Recently, a Round Table on “Artificial intelligence, freedom of expression and disinformation: challenges and risks for democracy” took place after the Standing Committee meeting in Riga, organised by the PACE Interparliamentary Co-operation and Project Support Division in co-operation with the Latvian delegation

²⁵ Think Tank European Parliament, Adam, Michael and Hockuard, Clotilde, Artificial intelligence, democracy and elections, European Parliamentary Research Service, October 2023, the document is available online at [https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/751478/EPRS_BRI\(2023\)751478_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/751478/EPRS_BRI(2023)751478_EN.pdf), accessed on 1st November 2023.

²⁶ On-line keynote speech at the Council of Europe Conference, of Ministers responsible for Media and Information Society, Artificial Intelligence – Intelligent Politics. Challenges and opportunities for media and democracy, 10 June 2021, the document is available online at <https://www.coe.int/fi/web/commissioner/-/artificial-intelligence-intelligent-politics-challenges-and-opportunities-for-media-and-democracy>, accessed on 1st November 2023.

²⁷ Parliamentary Assembly of the Council of Europe, Artificial Intelligence: Ensuring respect for democracy, human rights and the rule of law, October 2020, the document is available online at <https://pace.coe.int/en/pages/artificial-intelligence>, accessed on 1st November 2023.

to PACE²⁸. The major goal was to to elaborate a framework Convention on the development, design and application of artificial intelligence which would serve people and democracy. Besides that, it should be noticed the Committee on Artificial Intelligence (CAI) of the Council of Europe which aims at designating and promoting the application of AI based on human rights, the rule of law and democracy²⁹.

3.2 Modernizing or weakening democracy?

It has been demonstrated through the above analysis that using artificial intelligence in politics is not a vision but already a reality. Moreover, despite the fact that there has not yet been adopted a solid and homogenous regulatory framework on AI there are significant attempts to establish minimum standards both at legal and ethical level. However, from a critical point of view, there can be mentioned serious risks raised by the invasion of artificial intelligence in politics not only to our privacy but also to the progress of the society. The ultimate concern is the following: is democracy safeguarded or are we moving to a manipulation of people?

At first side, it became clear that one of the most important areas where artificial intelligence is used in politics is in attracting voters with an innovative and modern method. Using videos, showing robots or taking advantage of the current technology has always a great impact on our way of thinking. Political campaigns are done quickly and without cost. Additionally, AI tools do have the possibility to capture the citizens' queries as well as to predict their needs. That could correspond to new methods to involve people in decision-making³⁰. AI citizens' assemblies could help people and politicians to navigate through the trade-offs required to tackle the big problems³¹. These concepts are not entirely strange as it has been already demonstrated through the introduction of the paper.

But this may be a superficial approach to the issue since the invasion of the AI in the function of a democratic society may lead to negative results on evolution and the progress³². The fact that massive amounts of data are processed in order to

²⁸ Parliamentary Assembly of the Council of Europe, Artificial intelligence, freedom of expression and disinformation: challenges and risks for democracy, 26 May 2023, the document is available online at <https://pace.coe.int/en/news/9116/artificial-intelligence-freedom-of-expression-and-disinformation-challenges-and-risks-for-democracy>, accessed on 1st November 2023.

²⁹ See further details regarding CAI, its role, tasks and contribution to the designation of trustful and powerful AI, the document is available online at <https://www.coe.int/en/web/artificial-intelligence/cai>, accessed on 1st November 2023.

³⁰ For a specific opinion on this matter see Brkan, Maja, *Artificial Intelligence and Judicial Decision-Making*, European Data Protection Law Review, Volume 9, Issue 3, pp. 290 – 295, 2023 as well as Maxi Scherer, *Artificial Intelligence and Legal Decision-Making: The Wide Open?*, 5(36) Journal of International Arbitration, 539-57, 2019.

³¹ Curtis, Polly, *Artificial intelligence is powering politics – but it could also reboot democracy*, the document is available online at <https://www.theguardian.com/commentisfree/2023/jul/28/artificial-intelligence-powering-politics-reboot-democracy>, 28 July 2023, accessed on 1st November 2023.

³² Raso, F. A., Hilligoss, H., Krishnamurthy, V., Bavitz, C., & Kim, L. *Artificial intelligence & human*

assimilate user trends and behaviors and create a policy is quite dangerous. Predictions correspond to political strength and power for candidates. Algorithms can analyze people's intentions through activity on their profiles, helping election campaigns produce messages that are effective and targeted. New polling tactics are being developed, tailored to optimize ads and find the right audience.

In such manner, political communication is not only seriously damaged but also hacked since it loses its natural, direct and original dimension. Living in a digital era marked by the explosion of digitalization, a political communication of this kind has a tremendous impact on the choices of citizens at the polls, but also on the formation of political perceptions. An illustrative example of the aforementioned statement can be provided by an interesting scientific survey. Researchers at Stanford University wanted to see if AI-generated arguments could change minds on controversial hot-button issues. By using learning machine models they attempted to produce persuasive messages on several controversial topics. Thousands of real human beings read those persuasive texts. The readers were randomly assigned texts - sometimes they were written by AI, other times they were claimed by humans. In all cases, participants were asked to declare their positions on the issues before and after reading. The result was tremendous: across all the comparisons conducted, the AI-generated messages were "*consistently persuasive to human readers*"³³.

The above conclusion may lead to even more dangerous consequences. Since a generative AI message can adopt a remarkable persuasive nature, not only political communication but also the whole democratic process may lose its originality and roots which are traced into the direct, unobstructed and clear contact among human beings. An AI drafted strategy corresponds to a strong transformation on the policymaking process. Democracy is tampered with false correspondence with the aim of influencing voters, something which seriously damages the democratic engagement.

Additionally, there is another point that should be underlined, that of disinformation and misinformation. It is a common belief that internet may constitute an arena of massive fake news and propaganda³⁴.

Facts, news, comments and ideological arguments under posts in social media are exploitable elements, which artificial intelligence uses to analyze the emotions of the psychology of the people, but also to actively participate in the public debate, directing and/or shaping public opinion. Furthermore, as it has been explicitly

rights: Opportunities & risks. Berkman Klein Center Research Publication, (2018-6).

³³ See further details about the scientific research conducted by researchers at Stanford University on the topic of the intervention of AI in politics in Myers, Andrew, "*AI's Powers of Political Persuasion*", the document is available online at <https://hai.stanford.edu/news/ais-powers-political-persuasion>, 27 February 2023, accessed on 1st November 2023.

³⁴ According to the latest Eurobarometer on media and news conducted in 2022, over a quarter of respondents (28%) think that they have very often or often been exposed to disinformation and fake news. Citizens trust traditional broadcast and print media, including their online presence, more than online news platforms and social media channels. See the whole findings of the Eurobarometer the document is available online at <https://europa.eu/eurobarometer/surveys/detail/2832>, accessed on 1st November 2023.

mentioned in the briefing press of the European Parliamentary Research Service “*politicians are the main potential target of deepfakes, especially when they do not have the resources to protect their online presence*”³⁵. Consequently, generative AI content “*can lead to deception on a large scale and damage public trust in democratic institutions*”³⁶.

The aforementioned statement may adopt additional aspects. In fact, misinformation derived from the generative AI tools correspond directly to an important threat to democratic trust. Since there is an explosion of disinformation, fake news and inauthentic content, in combination with the low trust in online sources as the recent Eurobarometer survey proved³⁷, people do not know what to believe. Respectively, misbelief in politicians may increase. Moreover, democratic representation is equally in threat since a false generative AI content implies a malicious political strategy. In that manner the scenario of the adoption of a legislation, either partially or not, shall not be considered far away from the reality³⁸. It has been also argued that the unconditioned access to undefined personal data by corporate companies especially on social media platforms may be used by law enforcement agencies in the future³⁹.

This futuristic theory would promote AI tools as democratic actors, something which is not only dangerous but also raises another issue: that of accountability. Since a learning machine model may produce decisions that affect people and manipulate public opinion while humans may not be completely aware of its decision-making processes, the question raised is the following: who is responsible for any false act or result⁴⁰? This encompasses huge risks to human rights and democratic values⁴¹.

³⁵ See Think Tank European Parliament, above.

³⁶ OECD underlines the strong combination and significant impact of AI on political level in its scientific economic paper entitled “AI language models. Technological, socio-economic and policy considerations”, the document is available online at https://www.oecd-ilibrary.org/science-and-technology/ai-language-models_13d38f92-en, published on April 2023, OECD Digital Economy Papers, p.10, accessed on 1st November 2023. See also Anis Benabed, *Overhanging the Future Socio-Economic Aspects through the Consequences of Globalization and International Law*, in Perspectives of Law and Public Administration, Volume 11, Issue 1, March 2022, pp. 165-168.

³⁷ See the latest Eurobarometer on media and news conducted in 2022, as mentioned above.

³⁸ See a very interesting analysis and theory regarding the manipulation of people and the serious threats of an AI generative content to democracy, especially in terms of trust and disinformation, in Kreps, Sarah and Kriner, Doug, “*How AI Threatens Democracy*”, “Journal of Democracy”, Volume 34, Issue 4, October 2023, the document is available online at <https://www.journalofdemocracy.org/articles/how-ai-threatens-democracy/> as well as in Schneier, Bruce and Sanders, Nathan.E, “*Six ways that AI could change politics*”, “MIT Technology Review”, 28 July 2023, the document is available online at <https://www.technologyreview.com/2023/07/28/1076756/six-ways-that-ai-could-change-politics/>, both accessed on 1st November 2023.

³⁹ Lageson, S. E. (2020). *Digital punishment: Privacy, stigma, and the harms of data-driven criminal justice*. Oxford University Press.

⁴⁰ See also a different approach on AI and civil liability in Baris Soyer, Andrew Tettenborn, *Artificial intelligence and civil liability—do we need a new regime?*, International Journal of Law and Information Technology, Volume 30, Issue 4, Winter 2022, pp. 385-397.

⁴¹ Tchillinzi. Marwala, *Artificial Intelligence in Politics*. In: *Artificial Intelligence, Game Theory and Mechanism Design in Politics*, Palgrave Macmillan, Singapore, 2023, the document is available

4. Conclusions

It has been thoroughly demonstrated through the above analysis that AI plays is about to play a decisive role in the political arena due to its unlimited and tremendous interactive nature. Despite the fact that it may modernize the current political scene or even reform international relations, unknown or unpredictable trends may appear and affect contemporary governance⁴². The crucial issue lays on the following question: how safe can be an algorithm? What kind of justice may be produced by an AI tool?

In few months, on 6-9 June 2024, European elections will take place. Additionally, the 2024 United States presidential election is scheduled for 5th November 2024. It is more than likely that AI will transform those upcoming elections. Consequently, it is of primary interest to safeguard democracy and fundamental values. The lack of a binding regulatory framework governing AI is certainly a major problem. At least, there is a great possibility for draft AI Act to be adopted and come into force during 2024. In the meanwhile, it is our strong belief that the use of AI in politics is inevitable. Moreover, in short future, in accordance with the visions of the European Digital Agenda, AI will have a determinant impact on the quality of our democracy. Hence, any use of such technology, especially in politics, should respect, among others, the principle of transparency. Any AI generative content shall be notified to the people either by the politicians or by its designer. On the other hand, it is an imperative need to reincarnate digital consciousness to citizens. The contribution of any competent authority and/or organization is of primary interest.

In future, politicians may design their strategy via AI tools, communicate with people via generative content or even put at the center of their policy a learning machine model. However, voters will be always human and people will be always the receivers of the political messages. European digital transformation shall have a human-centric approach. This is why we must put people at the center of our digital strategy in order to protect our fundamental rights and freedoms⁴³. Only then a trustful and powerful AI will find its proper content, leading to an original modernization of democracy without any depreciation of its quality. Otherwise, we will never achieve a “digital constitutionalism”⁴⁴ based on common

online at https://doi.org/10.1007/978-981-99-5103-1_4, accessed on 1st November 2023.

⁴² Arsenault, Amelia.C., Kreps, Sarah.E., “*AI and International Politics*”, the document is available online at <https://doi.org/10.1093/oxfordhb/9780197579329.013.49>, published on 14 February 2022. See also Cristina Elena Popa Tache, *Public International Law and FinTech Challenge*, Perspectives of Law and Public Administration, Volume 11, Issue 2, June 2022, pp. 218-226; or for a comprehensive view: Cristina Elena Popa Tache, *Le dynamisme du droit international public contemporain et la transdisciplinarité*, Préface de Florent Pasquier, Ed. L’Harmattan Paris, la collection « Le droit aujourd’hui », 2023, p. 25 et seq. For particular discussions in perspective see Decebal Bogdan Manole, *The Law of the Digital Economy a Reality for Legal Relations in the Future - New International Investment Protection*, International Investment Law Journal, Volume 3, Issue 2, July 2023, 146-155.

⁴³ Giovanni De Gregorio, *From Constitutional Freedoms to Power: Protecting Fundamental Rights in the Algorithmic Society*, European Journal of Legal Studies, 11(2), 2019.

⁴⁴ According to the Professor Celeste Edoardo the concept “digital constitutionalism” corresponds to

values and principles.

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