

Artificial Intelligence Lives Among Us: Dialogues on Its Social and Regulatory Impacts¹

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Introduction

For months, a topic has echoed across debates ranging from multilateral organizations such as the UN and UNESCO to conversations between elementary school teachers and students, as well as the redefinition of investment strategies in major corporate conglomerates and the reassessment of perspectives on the future of various professions. It concerns the popularization of artificial intelligence (AI), a subject that, while fascinating and attracting a legion of admirers and users, also raises fears and, in a way, rekindles an old controversy between technological progress and the social fabric. This theme has been at the core of heated discussions across diverse circles and forums, stirring passions, generating debate, and, to some extent, mythologizing the perennial clash between technology and social life.

In December 2022, Sam Altman, then president of OpenAI, an artificial intelligence research laboratory based in the United States and later associated with Microsoft, gained prominence in an interview with the American magazine *MIT Technology Review*. On that occasion, Altman reflected on the future impact of new technologies, predicting that “images, video, audio, eventually everything will be generated. I think this will spread everywhere” (Heaven, 2022). This prediction gained more concrete contours weeks earlier, on November 30, 2022, when OpenAI made ChatGPT available to the public, a tool that quickly became a milestone in the evolution of AI, enabling natural language interactions with unprecedented reach and versatility.

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The technology was designed to create and interpret texts in natural language, as close as possible to that used in human interactions, enabling dialogues with users. ChatGPT, trained on vast volumes of textual data, learns language patterns and contexts, enabling it to answer a wide range of questions, provide information, and perform specific tasks. Its uses include text generation, translation, programming code, and content summaries. With the paid version, ChatGPT 4.0, its capabilities expand to include web browsing, image creation, and interaction with other document formats, such as PDFs (OpenAI, 2024).

This disruptive potential was promptly noticed by individuals, companies, and professionals in science and technology, deepening interest in and study of this technology, and attracting the attention of governmental entities. Beyond ChatGPT, other AI tools, such as Bard (now known as Gemini) from Google, and technologies developed by Meta, illustrate the diversity of possible applications. The GPT 4.0 version already offers plugins, similar to the app stores of Google and Apple, which make it possible to customize “parent” artificial intelligences for specific functions in chatbots and other implementations, opening an almost infinite range of possibilities. This evolution has not only energized the professional market and education, empowering producers, but has also posed significant challenges for governments, which now need to find ways to balance the limits and potentials of these new tools. Regulation emerges as a fundamental domain to ensure that the benefits of AI are amplified while its risks and ethical and social dilemmas are mitigated.

AI regulation proposals soon began to proliferate across all continents and legislative houses worldwide. According to the report *Regulação da Inteligência Artificial: benchmarking de países selecionados* (Melo et al., 2022), such proposals existed even before the popularization of neural language chatbots, with the text under vote in the European Union being the oldest, dating back to 2017 and now in the implementation phase.

The Artificial Intelligence Act, which is at an advanced stage in Europe, aims to regulate a variety of AI applications through a risk management approach to ensure user safety. The

legislation also provides for sanctions in case of violations of established rules. In the United Kingdom, the *National AI Strategy, AI Action Plan* proposes regulation based on use and on the impact it has on individuals, groups, and companies, adopting an approach oriented toward innovation and economic development. In the United States, the government is engaged in coordinating specific actions to position the country as a leader in artificial intelligence research and development, both in the public and private sectors (The White House, 2023). This reflects a clear priority to strengthen the country's competitiveness in AI through investments and initiatives aimed at research and development.

A recent study conducted by Stanford University (Maslej et al., 2023) analyzed legislative records from 127 countries and revealed a significant increase in the approval of bills related to artificial intelligence. In 2016, only one bill was enacted into law, while in 2022 that number jumped to 37.

Multiple AIs

The content production capabilities demonstrated by OpenAI's tool sparked unprecedented impact. The term "ChatGPT," for example, ranked as the most searched entry on Wikipedia worldwide in 2023 worldwide, according to a recent report published by the company, with about 52.5 million searches (Wikimedia Foundation, 2023). Under the same parameters, ChatGPT also became the most successful application in history. In just two months after its launch, the platform recorded 100 million active users, far surpassing TikTok, which had taken nine months to reach the same milestone and previously held the top spot. (Reuters, 2023).

Although the phenomenon may appear recent, discussions on AI date back to 1956. From then to now, the understanding of this kind of application has changed considerably. Initially, it was understood as the possibility of machines imitating a set of aspects of human intelligence (Russel & Norvig, 2010). Today, there is a much wider epistemological understanding of these concepts. Among the first public debates on the topic in Brazil, in the form of Bill no. 21/2020 (Bismarck, 2020), the adoption of the following understanding is

suggested: a “system based on a computational process that can, for a given set of objectives defined by humans, make predictions and recommendations or make decisions that influence real or virtual environments”.

In pursuit of this goal, two distinct approaches emerged: the first is symbolic AI, which focuses on programming computable rules, and the second is machine learning, which aims to extract patterns from extensive datasets. In recent years, advances have been driven mainly by a machine learning technique known as deep neural networks. Inspired by how the human brain works, this technique is a statistical model capable of predicting with greater accuracy the occurrence of specific events. Widely recognized as “AI algorithms”, this approach permeates a variety of artificial intelligence applications, exerting a significant impact on individuals and organizations.

The connected world—digital life, the Internet of Things (IoT), and the Internet of Bodies (IoB)—generates an unprecedented volume of data (big data) with information about how society works, extracted by AI technologies, which bring benefits but also threats. The use of advanced tools such as ChatGPT in journalism, for example, sparks controversy. A study by the Reuters Institute for the Study of Journalism found that ChatGPT’s response changes significantly after news sites in five countries block its access. Almost half of the 1,148 news publishers surveyed implemented such blocks, resulting in variations in AI responses, ranging from limiting information to redirecting users to other sources, a phenomenon notably prevalent in leading news organizations in the United Kingdom and the United States (Reuters Institute for the Study of Journalism, 2024). This situation underscores the importance of an AI regulatory framework to guide its development and use in Brazil, ensuring that technological innovation advances in harmony with information integrity and ethics (Kaufman, 2021).

Bill No. 2338/2023

The Legal Framework for Artificial Intelligence in Brazil is an initiative aimed at establishing principles, rules, guidelines, and foundations to regulate the development and application of

AI in the country. Initial discussions on the topic began with Bill No. 5051 (Valentim, 2019) and Bill No. 872 (Rêgo, 2021). On February 17, 2022, a Commission of Jurists was established by Act of the President of the Federal Senate no. 4 of 2022 (Brasil, 2022). The regulatory proposal under discussion is based on three premises: (1) regulation of rights; (2) creation of an entity to ensure continuity of progress, particularly regarding oversight of what is established in law and the promotion of periodic revisions in line with technological advances; and (3) classification of risk levels for AI systems—based on the AI Act (European Parliament, 2021) and the Blueprint for an AI Bill of Rights (The White House, 2022).

From its inception, the Commission of Jurists responsible for supporting the drafting of a substitute text on artificial intelligence in Brazil (CJSUBIA) held a wide range of meetings and internal discussions, public hearings, an international seminar, gathered public contributions, and finally produced a final report (Cueva et al., 2022). In December 2022, the report was approved unanimously.

The group's internal work was organized around thematic areas addressing key aspects of the discussion. These axes were organized into four main categories: a) concepts, understanding, and classification of artificial intelligence; b) impacts of artificial intelligence; c) rights and duties; d) accountability, governance, and oversight. During the hearings, several relevant reflections emerged, covering a wide range of topics, as highlighted in specific references: a) legal structure (p. 76); b) definition of artificial intelligence (AI) (p. 78); c) regulatory model (p. 81), including the regulatory authority (p. 83), sectoral regulation (p. 85), risk-based regulation (p. 86), and self-regulation (p. 89); d) multisector governance (p. 89); e) liability (p. 92); f) ethics (p. 102); g) biases (p. 104); h) transparency and explainability (p. 109); i) research, development, and innovation (p. 118); j) education, training, and work (p. 124); k) children, adolescents, and vulnerable groups (p. 126); and l) data mining (p. 127). During the International Seminar, there were also complementary contributions in the axes of fundamental rights (p. 129) and data protection (p. 136).

The bill partially mirrors global regulations and debates on AI use and focuses on five pillars: principles; rights of affected parties; risk classification; governance obligations and requirements; and supervision and accountability. It establishes general rules for the development, implementation, and responsible use of AI systems in order to protect people's fundamental rights, ensure safe and trustworthy systems, and create governance, oversight, and supervisory tools.

Political and regulatory agenda

The Bill addresses ethics only in a punitive sense, through “administrative sanctions applicable by the competent authority,” as set out in Article 36, Chapter VIII, which requires “the repeated and demonstrated adoption of internal mechanisms and procedures capable of minimizing risks, including algorithmic impact assessment and the effective implementation of a code of ethics”.

Although AI systems possess highly advanced analytical and data-processing capabilities, they still cannot replicate the complexity and moral discernment inherent to human judgment, an essential aspect of social coexistence. At the same time, the existing regulatory framework does not fully address the procedural or conceptual dimensions of ethical dilemmas, which arise at scale every day across multiple ecosystems. These environments, which constantly generate new ethical challenges, require a proactive approach and a regulatory framework capable of effectively addressing such situations. As society becomes increasingly digital and interconnected, and as Artificial Intelligence plays an ever more important role in this setting, the need for clear and effective rules becomes evident. Regulation must ensure both the integrity of content-production processes and fairness and equity in the use of AI, always taking into account the specificities and ethical challenges that this new technology presents.

Ethical discussions within the Bill also encompass debates on AI transparency. In Bill 2338/23, transparency covers: governance measures adopted in the development and use of the artificial intelligence system by the organization; the use of artificial intelligence systems in interactions with natural persons, including the use of sufficiently clear and informative human-machine interfaces; and information to the public, especially potential users of the

system, about residual risks, particularly when they involve a high degree of harm or danger to users' health or safety, under Articles 9 and 10 of Law No. 8.078, of September 11, 1990 (Consumer Protection Code).

As an AI grounded in algorithms, it can reflect the prejudices and biases that exist in the society in which it was developed. Machine-learning algorithms can be influenced by biased data, which can result in discriminatory or unfair decision-making. Therefore, it is essential that Bill 2338/23 gains broader visibility in civil society, promoting dialogue about equality and justice in its applications.

Here, the major challenge for AI developers is to translate non-mathematical questions into mathematical assessments. Neural machine-learning models perform millions of probabilistic operations to better build an argument in strict adherence to grammar, semantics, and the context in which they were prompted. Mathematically, the machine is biased toward the premise that variation exists only between true and false answers. Yet, based on these criteria, challenges arise concerning machine training; the definition of ethical and unethical patterns and their values; which society we are talking about; and which historical period is relevant.

The capacity to make decisions, considering nuances and dilemmas inherent to each individual, is a fundamental and complex ability that lies at the core of being human. According to a UNESCO report (Unesco, 2022), "Preliminary Study on the Ethics of Artificial Intelligence", the use of AI-based tools for content production, for example, raises questions of responsibility, transparency, and copyright. Responsibility can be problematic when it is difficult to determine fault in algorithm-based reports, for example, in defamation cases. Transparency and credibility become problematic when consumers do not notice, or cannot notice, when content is machine-generated, which sources it comes from, and how verified, or even how false, the information is, with current discussions about deepfakes as extreme cases. In this context, the role of certain professionals, such as the press, becomes extremely important, because they fulfill the role of informing and analyzing events, contributing significantly to the cultural and identity formation of a given community.

In another direction, the debate over copyright also intensifies. This is a looming problem, since AI-generated content depends increasingly less on human input, which leads some to argue that some form of copyright responsibility should be attributed to the algorithms themselves.

The issue takes on a new dimension in the context of AI, especially when we consider the databases used to train these systems. It is important to recognise that many of these databases draw on information and journalistic productions created by professionals who devoted time and effort to producing them. Therefore, it is fair to state that, if AI benefits from these productions, there should be adequate remuneration for their creators.

In a scenario in which companies use datasets available on the internet to train their AI systems, it is necessary to establish a mechanism that ensures these companies ensure fair remuneration for the original producers of this information. After all, if these materials are used as a basis for developing profitable products and services, it is fair that there be just compensation for rights holders, as already proposed in Bill 2370/19 (Feghali, 2019), which updates the Copyright Law, and in Bill 2630/2020, known as the Fake News Bill.

The Commission that produced the report chose, as described in Article 42, to establish that data-mining activity by research organisations and institutions, journalism, and museums, archives, and libraries, as well as other actors in specific situations, does not violate copyright, provided that it is not intended for expressly commercial purposes and that it complies with requirements set out in international conventions to which Brazil is a party.

Artificial Intelligence (AI) presents significant potentialities regarding the creation of disinformation ecosystems. Advanced AI techniques, such as natural language processing and machine learning, contribute to informational disorder by enabling rapid spread, with the dissemination and amplification of disinformation, in its most recognised form, false information—known as perijournalism (a term referring to distorted or fake journalism) (D’Arcadia, 2021). In the report presented by the European Commission, as well as the document under discussion in the United Kingdom (Secretary of State for Digital, Culture, Media and Sport, 2021), for example, the disinformation agenda is highlighted. In both cases, concerns are raised about the use of AI systems for the purpose of producing so-called

deepfakes. The United Kingdom also addresses so-called Targeted Disinformation, when a set of false news produced on demand aims to destabilise public figures, institutions, and the country's own government.

There are also risks and concerns regarding security and national security that must be considered here and now, from deepfakes and targeted disinformation by authoritarian regimes, to sophisticated attacks against consumers or critical infrastructures. As AI becomes increasingly ubiquitous, it has the potential to bring risks to daily life, to businesses, and to national security and defence (Secretary of State for Digital, Culture, Media and Sport, 2021).

Even though, in Brazil, there may be passages in the final report that address the signalling of content generated or manipulated artificially, the EU proposal (European Parliament, 2021, p. 69), for example, is precise in Article 52, item 3, when it states:

Users of an AI system that generates or manipulates image, audio, or video content that closely resembles existing persons, objects, places, or other entities or events, and that appears falsely as authentic or true (deepfake), must disclose that the content was generated or manipulated artificially (European Parliament, 2021).

It is also necessary to remain vigilant for other types of emergencies. For example, the results generated by ChatGPT must be rigorously checked by the user, since, for some tasks, the tool produces imprecise material and, not rarely, false material (Moran, 2023). The report produced by the Commission addresses the right of persons affected by artificial intelligence systems.

The name of an author; the headline of a news story; the title of a film or book; and the biographical data of a given individual, for example, are part of the set of information that can potentially be generated at random by AI, since, in some cases, such as the free version of ChatGPT, the tool does not have continuous access to the internet. For this reason, the proposed Brazilian regulation, in Section III, Article 9, Paragraph 1 (p. 24), ensures the right to correct incomplete, inaccurate, or outdated data used by AI systems, as well as the right to request the anonymisation, blocking, or deletion of unnecessary, excessive, or unlawfully processed data, under Article 18 of Law No. 13.709, of August 14, 2018, and the relevant

legislation. Therefore, the establishment of suitable partnerships and tools (for example, plugins) for the mitigation of false or imprecise content should have a place on these companies' development agendas.

The Brazilian political and regulatory agenda concerning Artificial Intelligence (AI) has received special attention for addressing digital culture and platform regulation. This interest, as mentioned earlier, is expressed through significant legislative projects such as Bill 2370/19, proposed by Deputy Jandira Feghali, which aims to update the Copyright Law, and Bill 2630/2020, known as the Fake News Bill. These projects highlight efforts to adapt the national regulatory framework to the new dynamics imposed by technology, aiming not only at the protection of copyright, but also at an effective fight against the dissemination of false information in a context shaped by AI.

Moreover, the relevance of AI goes beyond the legislative sphere and is present in several branches of government, highlighting the need for a comprehensive approach to face its challenges. In the judiciary, for example, the Superior Electoral Court (TSE) established specific rules for the use of AI in the 2024 elections, with the goal of preserving electoral integrity and transparency. In the executive branch, there is recognition of the urgency of debating AI, indicating the need for regulations that can keep pace with the accelerated rhythm of innovation. Bill No. 2338, of 2023, under the leadership of Senator Rodrigo Pacheco, President of the Federal Senate, emerges as a prominent legislative attempt to formulate a regulatory framework for AI in Brazil, inspired largely by European regulation. This legislative initiative signals a movement toward the design of a regulatory environment that balances the protection of citizens and the promotion of justice with the encouragement of innovation and responsible technological development.

In Synthesis: Emerging Questions

As we delve deeper into the era of Artificial Intelligence (AI), we encounter a transformative scenario that challenges established societal norms. Generative AI models have emerged as a milestone in redefining content production, threatening to alter traditional dynamics of work and creativity. This technological disruption, pointed out by UNCTAD in 2010 and by

UNESCO in 2022, suggests a future in which authorship and creativity intertwine between human beings and machines, raising questions about income concentration and its impact on cultural diversity and equality (UNCTAD, 2010; Unesco, 2022).

In parallel, the political and regulatory agenda becomes essential in the attempt to balance the promises and dangers brought by AI. The Legal Framework for Artificial Intelligence in Brazil, driven by Bills No. 5051 of 2019 and 872 of 2021, seeks to establish firm ground for the development and application of AI in the country. This effort is fundamental to ensure that technological evolution goes hand in hand with the protection of fundamental rights and the promotion of safe and trustworthy systems. The creation of an entity responsible for monitoring advances and carrying out periodic reviews highlights the need for constant and adaptive vigilance in the face of rapid technological progress.

The debate about AI regulation is broad, reflecting the complexity of balancing innovation with the need for protection. How can we safeguard fundamental rights without slowing technological progress? How can we establish responsibilities in a scenario where AI creates content with real consequences? These questions reflect the challenge of navigating the uncharted territory that generative AI represents.

Generative AI broadens the discussion about the relationship between technology and society, challenging concepts of authorship and truthfulness. How can we confront the spread of disinformation and guarantee the authenticity of creation in a world increasingly mediated by technology? These reflections go beyond the regulatory scope, touching the very essence of human work and trust in institutions.

In addition, the evolution of AI promotes a re-evaluation of work and employability. History shows that the adoption of new technologies transforms the labour market. In the face of generative AI, which performs tasks once carried out by humans, how can we adapt to guarantee an equitable and inclusive transition?

A full assessment of generative AI's impacts remains premature. The speed of its adoption suggests insufficient preparation for its arrival. Regulation presents itself as an initial step to protect rights, but we are still learning how the State can facilitate coexistence with this new

presence in social life. The journey toward a balance between innovation and protection is ongoing, highlighting the importance of maintaining a broad and engaging dialogue with all sectors of society.

Additionally, reflecting on the work of the Commission of Jurists and the broad scope of the debates held, it becomes clear how complex and multifaceted the challenges imposed by AI are. The multidisciplinary approach adopted to understand and shape AI regulation demonstrates the interconnection between technology, ethics, rights, and the need for continuous collaborative effort. Recognizing that AI transcends sectoral and disciplinary barriers reinforces the need for inclusive and flexible governance that can adapt to the new realities brought by this technological evolution.

Consequently, as we move forward with establishing regulatory frameworks for AI, it is vital to maintain a broad and continuous dialogue involving the whole of society. The emerging issues in this debate are not only technical or legal in nature, but profoundly human. How can we shape technology to reflect our collective values? How can AI contribute to the common good, promoting a fairer and more inclusive society? These questions guide us on our journey into the uncharted territory of artificial intelligence, illuminating the path with new inquiries and challenges.

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