

Legal and Ethical Conundrums in the AI Era: A Multidisciplinary Analysis

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Abstract

The article embarks on an investigative journey into the complex legal and ethical landscape shaped by the advent of Artificial Intelligence (AI). The research problem centres on the urgent need to understand and address the gap between evolving AI technologies and the existing legal and ethical frameworks. This gap poses significant challenges to societal norms, legal systems, and ethical principles, warranting a comprehensive multidisciplinary analysis.

The research objectives are twofold: firstly, to dissect the legal implications AI poses to existing regulatory structures, and secondly, to explore the ethical dilemmas emanating from AI's pervasive influence across various societal sectors. The study employs an eclectic research method, integrating doctrinal analysis with a qualitative examination of case studies and existing literature across disciplines like law, ethics, technology, and sociology. This approach facilitates a holistic understanding of the AI era's legal and ethical intricacies.

The key findings of this research underscore a dissonance between rapid technological advancements in AI and the slower evolution of legal and ethical norms. This disjunction leads to legal loopholes and ethical ambiguities in AI governance, privacy, accountability, and human rights. Furthermore, the study identifies a pressing need for adaptive legal frameworks and ethical guidelines that can keep pace with AI's transformative impact.

Implications of these findings are profound for both theory and practice. Theoretically, the article contributes to an enriched understanding of the intersection between law, ethics, and technology. Practically, it offers actionable insights for policymakers, technologists, and ethicists to collaboratively formulate responsive legal and ethical strategies. These strategies are essential for safeguarding societal values while embracing technological progress, ensuring AI's development is both legally sound and ethically responsible.

Keywords: legality and ethics, artificial intelligence, societal impact, governance, corporate responsibility, ethical decision-making

1. Introduction

Legality and ethics have long been pivotal in shaping societies, yet they often exist in a complex and sometimes contradictory relationship (Simonati, 2022). Legality refers to the laws and regulations governing a society, ensuring order and justice. Ethics, on the other hand, is concerned with moral principles that govern an individual's behaviour or the conducting of an activity, often transcending legal frameworks (Serio et al., 2023). This article aims to explore the divergence between legality and ethics, examining instances where actions, while legal, may not necessarily be ethical and vice versa.

In recent years, the advent of Artificial Intelligence (AI) has indeed complicated the relationship between legality and ethics (Henz, 2021). AI, as a rapidly evolving field, often operates in grey areas of both legality and ethics, challenging established norms and provoking new discussions. For instance, the use of AI in decision-making processes raises questions about bias and fairness that are not yet fully addressed by existing laws (Gordon, 2021). This is particularly evident in industries such as healthcare, banking, retail, and manufacturing, where AI's growing

appeal and utility are undeniable, but its complex, opaque systems may do more societal harm than economic good. With virtually no U.S. government oversight, private companies use AI software to make determinations about health and medicine, employment, creditworthiness, and even criminal justice without having to answer for how they're ensuring that programs aren't encoded, consciously or unconsciously, with structural biases (Pazzanese, 2020).

Understanding the nuances of this divergence is crucial. It allows us to appreciate the impact of actions taken under the guise of legality or ethics and their implications on society. This article seeks to delve into the historical context of these concepts, provide contemporary examples, particularly in AI, and discuss the societal implications. Furthermore, it aims to offer recommendations on achieving a balance between legality and ethics, a balance that respects both the letter of the law and the spirit of moral reasoning.

2. Methodology

The methodology of this article integrates both doctrinal and non-doctrinal research methods. This comprehensive approach is designed to thoroughly examine the multifaceted legal and ethical implications of Artificial Intelligence (AI).

Doctrinal research forms the backbone of the study's legal analysis. This method involves a meticulous examination of statutes, case law, and legal principles related to AI. The study's methodology aligns with Hart's concept of legal positivism, a theory that emphasizes the systematic structure of law and its application to contemporary issues (Hart, 2012). This approach is crucial for understanding how the rapid evolution of AI challenges and reshapes existing legal frameworks. This perspective is echoed by Susskind (2019) in his exploration of the impact of technology on law, where he argues that the transformative nature of AI necessitates a re-evaluation of traditional legal structures.

Simultaneously, the article also employs non-doctrinal research methods to delve into the ethical, social, and philosophical dimensions of AI. This approach aligns with the perspective of Floridi (2019) on the ethical impact of information technology, which calls for a broader, more inclusive approach to understanding the implications of AI. The study uses qualitative methods, including thematic analysis of scholarly articles and case studies, to understand the societal implications of AI. This reflects Nissenbaum's perspective on contextual integrity in the digital age (Nissenbaum, 2010), which emphasizes the importance of understanding the societal context in which AI operates.

The interplay between doctrinal and non-doctrinal approaches in this article allows for a nuanced understanding of AI's dual impact on legal norms and societal ethics. This methodology acknowledges that while legal frameworks provide the structure for governance, the ethical and societal implications of AI demand a more expansive analytical lens. It recognizes that the legal and ethical implications of AI are intertwined and that a comprehensive understanding of these implications requires a multidisciplinary approach that encompasses both legal and ethical perspectives. It also underscores the complexity of the AI era and the need for a comprehensive, multidisciplinary approach to understanding its legal and ethical conundrums.

3. The Conceptual Gap between Legality and Ethics

Understanding the conceptual gap between legality and ethics necessitates a deep dive into their definitions and historical underpinnings (Parley, 1999). Legality refers to the system of laws and regulations enforced by governing bodies, ensuring societal order and justice. This system, rooted in the principles of predictability and enforceability, provides a tangible framework for what is permissible and enforceable within a society (Pirsig et al., 2024). Legal standards, while often clear-cut, are subject to changes reflecting societal evolution and political processes (Parley, 1999).

In contrast, ethics according to Singer (2023) encompasses a broader spectrum of moral principles and values that guide individual and collective behaviour. Ethical principles, inherently subjective and often influenced by cultural, religious, and philosophical underpinnings, guide what is considered 'right' or 'wrong' in human conduct (Marks, 2020; Singer, 2023). Unlike legality, ethical standards are not enforced by law but by social and personal conscience (Singer, 2023).

The divergence between legality and ethics has evolved over centuries (Devereaux, 2023). According to Slanski (2012) ancient legal systems, such as Hammurabi's code, were deeply intertwined with the moral and ethical considerations of their time, suggesting an almost indistinguishable line between legal and ethical dictates. This intertwining of law and ethics is evident in the Law Stele of Hammurabi, which publicized standards for justice while simultaneously preserving an enduring record of Hammurabi's commitment to just ways for the land (Slanski, 2012). However, the Enlightenment era brought about a paradigm shift, leading to the development of

modern legal systems where a clear demarcation between legal and ethical standards emerged (Gordon, n.d). This separation became necessary to accommodate the growing diversity of societal beliefs and to establish a universally applicable legal framework (Parley, 1999). The basic history of legal ethics and the identifying milestones are well known. Before the turn of the century from the nineteenth to the twentieth, there were no ethical codes that could be identified as the basis for the regulation of lawyers' conduct (Parley, 1999).

4. Case Studies on the Complexity in Aligning Legality with Ethics

Corporate tax avoidance, while often legal, raises significant ethical questions about corporate social responsibility and fairness in contribution to societal welfare (de Colle & Scarpa, 2022). According to Scarpa & Signori (2020) corporate tax avoidance is generally used as an umbrella term to refer to all tax minimization practices which stay within the legal boundaries. However, the practice of tax avoidance has been subject to intense public and political attention. The media, NGOs, and the general public recurrently scrutinize and "name and shame" companies not only for their illegal tax practices but also when they consider such practices as unfair, outrageous, and/or immoral. Some major lines of argumentation clearly explain why tax avoidance has become a relevant issue for the business ethics debate, above and beyond the purely legal sphere (Scarpa & Signori, 2020).

The ethical debates surrounding euthanasia and abortion present scenarios where personal moral convictions and legal restrictions are often in direct conflict. Suy (2022) opines that euthanasia is a practice that is still heavily debated in modern bioethics. Among many definitions, the American Medical Association defines euthanasia as the administration of a lethal agent by a medical professional to a patient to relieve their intolerable or incurable suffering (Suy, 2022). Euthanasia is generally illegal in the United States, but in a nationwide 2017 American poll, 73% of the public were in favour of euthanasia, and 57% said euthanasia is morally acceptable (Suy, 2022).

Abortion is an issue that has ethical, moral, and religious considerations for many people, making it a topic that impacts all of society. In *Roe v. Wade* (1973), the US Supreme Court ruled that the Constitution protects a woman's right to an abortion prior to the viability of a fetus. A woman may exercise that right at her own discretion through the end of the first trimester, generally around the twelfth week of pregnancy (Pew Research Center, 2022). The ruling in *Roe v. Wade*, allows states to regulate but not completely restrict a woman's access during the second trimester. During the third trimester, after viability, the state can restrict all abortions unless the mother's health or life is in danger. However, the issue of abortion remains highly controversial (Gale, 2022).

The instances above demonstrate the varying degrees to which legal actions align with ethical principles, leading to societal debates and moral dilemmas. The evolution of laws surrounding same-sex marriage in various countries exemplifies how legal recognition can follow shifts in ethical and social attitudes (Wills, 2022).

Moreover, the legal and ethical divide influences not just legislative and judicial decisions, but also everyday personal and professional choices. Legal professionals often face dilemmas where ethical courses of action may not align with legal mandates, challenging their professional integrity and moral compass (Banks et al., 2022). Individuals and organisations must constantly navigate this divide, striving to balance legal obligations with ethical considerations (Forester-Miller & Davis, 2016).

Further complicating this landscape is the dynamic nature of societal values and legal systems (Přibáň, 2019). What is considered ethical or legal in one era or culture may not be viewed the same in another (Siems, 2019). This fluidity demands continual reassessment and adaptation of both legal and ethical standards, ensuring they remain relevant and reflective of current societal values (Galligan, 2006).

The gap between legality and ethics represents a dynamic and evolving interplay of societal norms, moral values, and legal principles (Simonati, 2022). It highlights the ongoing challenge of ensuring that legal frameworks not only enforce order and justice but also reflect the ethical conscience of society (Jenlink & Jenlink, 2018).

5. The Role of AI in Highlighting the Legality-Ethics Divergence

Artificial Intelligence (AI) stands at the forefront of modern technological advancements, reshaping how we interact with the world and each other. Its rapid development and integration into various sectors highlight significant challenges and raise crucial questions at the intersection of legality and ethics (Henz, 2021). As AI systems become more complex and autonomous, they expose gaps in existing legal frameworks and ethical guidelines, necessitating a re-examination of both (Gordon, 2021).

The ethical concerns surrounding AI are diverse and multifaceted. One of the most pressing issues is the inherent bias in AI algorithms (Nazer et al., 2023). AI systems, trained on datasets that may contain historical biases, can perpetuate and amplify these biases, leading to unfair and discriminatory outcomes (Ferrara, 2023). For example, AI used in recruitment can inadvertently favour certain demographics over others, raising ethical concerns about fairness and equality (Thakur et al., 2023). While such practices may not be illegal, they certainly challenge ethical

norms of equity and non-discrimination (Hunkenschroer & Luetge, 2022; Adib-Moghaddam, 2023).

Another significant area of concern is privacy and surveillance. AI's ability to process vast amounts of personal data poses risks to individual privacy rights (Kerry, 2020). The legal frameworks governing data privacy, such as the General Data Protection Regulation (GDPR) in the European Union, provide some safeguards (Thiel, 2022). However, the pace at which AI evolves often outstrips the speed of legislative responses, leaving gaps in protection and raising ethical dilemmas about the balance between public safety, national security, and individual privacy rights (Chatterjee & Hussain, 2022).

The use of AI in autonomous vehicles (AVs) further illustrates the legality-ethics divide. While the legal infrastructure for AVs is still in development, the ethical challenges are immediate and profound. Decisions programmed into AVs in scenarios of unavoidable accidents — often referred to as the 'trolley problem' in ethics — raise profound questions. Should an AV prioritise the safety of its passengers over pedestrians? How it resolves these dilemmas is not just a legal issue but a deeply ethical one (Henz, 2021).

AI's role in the justice system also highlights the delicate balance between legality and ethics. AI tools used in predictive policing and sentencing can potentially improve efficiency and consistency in legal processes. However, they also bring up ethical concerns about transparency, accountability, and the potential for reinforcing systemic biases (Hill et al., 2022).

The ethical implications of AI extend to the realm of intellectual property as well. AI's capability to create art, music, and literature poses questions about authorship and copyright. While laws may protect intellectual property, they struggle to address the ethical implications of AI-generated content and the definition of creativity and originality (Appel et al., 2023).

The challenges posed by AI call for a collaborative approach involving technologists, ethicists, legal experts, and policymakers. Developing ethical AI requires not just adherence to legal standards but also a deep understanding of the moral implications of AI technologies. This includes establishing guidelines for responsible AI development, ensuring transparency in AI algorithms, and fostering public engagement in AI policy-making (Savaget et al., 2019; Spisak et al., 2023).

AI not only highlights the existing gap between legality and ethics but also urges us to rethink and reformulate both legal and ethical frameworks. As AI continues to evolve, it becomes imperative to address these challenges in a manner that respects both legal norms and ethical values, ensuring that AI benefits society as a whole.

6. Societal Implications of the Legality-Ethics Divide

The divide between legality and ethics not only poses theoretical challenges but also has profound implications on society. This impact is evident in various realms, including governance, corporate behaviour, and individual moral decision-making. Understanding these implications is crucial in navigating the complex interplay of legal and ethical considerations in modern society.

6.1 Governance and Policy Making

In the realm of governance, the legality-ethics divide often manifests in policy-making dilemmas. Lawmakers are frequently confronted with decisions where legal imperatives may conflict with ethical considerations. For instance, the debate over asylum policies showcases this complexity. While strict immigration laws may be legally justified, they often raise ethical questions about humanitarian responsibilities and the rights of asylum seekers (Mayblin, 2019). Such scenarios force governments to balance legal obligations against ethical duties to humanity, often under the scrutiny of international opinion and human rights standards (Tasioulas, 2013).

6.2 Corporate Responsibility and Ethics

In the corporate world, this divide challenges businesses to navigate legal compliance while maintaining ethical integrity. Corporate decisions, from environmental practices to labour policies, often straddle the line between what is legally permissible and what is ethically commendable. The increasing consumer and investor focus on corporate social responsibility (CSR) reflects this shift (McWilliams, 2020). Companies now face pressure not just to abide by laws but to operate in ways that are socially responsible and ethically sound. For example, the use of sweatshops for manufacturing, while not illegal in some countries, has drawn ethical criticism and consumer backlash against major brands (Powell & Skarbek, 2004; Powell & Zwolinski, 2012).

6.3 Individual Behaviour and Moral Choices

On an individual level, the legality-ethics gap influences personal moral choices in everyday life. Individuals often encounter situations where legal boundaries do not fully address ethical dilemmas. Issues like digital piracy, where downloading content illegally is straightforward but ethically questionable, demonstrate this conflict. The decision

to engage in such actions reflects the individual's reconciliation of legal rules with personal ethical standards (Smith & Danaher, 2020; Xhemajli, 2021).

6.4 Technological Advancements and Ethical Challenges

The advent of advanced technologies, particularly AI, has further complicated this interplay. As AI applications permeate various aspects of life, they bring forth new ethical challenges (Weitzman, 2023). For instance, facial recognition technology, while legal in many contexts, raises concerns about privacy, consent, and surveillance (Smith & Miller, 2022). The public debate over these technologies underscores the need for a societal consensus on balancing innovation with ethical values. These debates are valid as AI's growing appeal and utility are undeniable, but its game-changing promise to do things like improve efficiency, bring down costs, and accelerate research and development has been tempered of late with worries that these complex, opaque systems may do more societal harm than economic good (Tyson & Kikuchi, 2023).

6.5 Cultural Differences and Ethical Perceptions

The perception of what is ethical can vary dramatically across cultures, further complicating the legality-ethics relationship. Practices that are ethically acceptable in one culture may be considered unethical in another, and legal frameworks often reflect these cultural differences. This diversity necessitates a more nuanced understanding and respect for ethical pluralism in global interactions, be it in diplomacy, international business, or cultural exchange (Ess, 2006; Sheahan & Lamont, 2020).

The societal implications of the legality-ethics divide are far-reaching and multifaceted. They require a thoughtful approach that recognises the complexities of balancing legal obligations with ethical considerations. This balance is crucial for fostering a society that not only adheres to the rule of law but also upholds moral integrity and respects human dignity (Card, 2020; Gordon, 2021).

7. Balancing Legality and Ethics: Theoretical and Practical Perspectives

The quest to balance legality and ethics in society is both a theoretical challenge and a practical necessity. This balance is crucial for ensuring that societal practices and norms are not only compliant with the law but also uphold moral integrity. Theoretical frameworks provide a philosophical understanding of this balance, while practical strategies offer tangible ways to implement it.

7.1 Theoretical Frameworks: Philosophical Insights

Philosophical theories offer profound insights into the relationship between law and morality. John Rawls' theory of justice, for example, suggests that a fair and just society can be achieved when legal systems align with ethical principles of equality and liberty (Richards, 2021). Rawls' theory, often referred to as 'justice as fairness', envisions a society of free citizens holding equal basic rights cooperating within an egalitarian economic system (Dutta, 2017). Similarly, virtue ethics, derived from Aristotelian philosophy, argues for ethical conduct based on virtues like justice and honesty, proposing that legal systems should promote these virtues. This perspective proposes that legal systems should promote these virtues. Aristotle's virtue ethics emphasizes the role of character and virtue in moral philosophy (Fisher & Dimmock, 2020).

These philosophical perspectives provide a foundational understanding of how laws can be more than mere rules; they can be instruments of ethical guidance and societal well-being. They encourage a view of laws as frameworks that promote ethical behaviour and contribute to the overall moral fabric of society (Galligan, 2013).

7.2 Practical Approaches: Governance and Policy Making

In the realm of governance and policy-making, striking a balance requires integrating ethical considerations into the legislative process. This might involve the establishment of ethics committees within legislative bodies, tasked with evaluating the moral implications of laws and policies (Sivasubramaniam et al., 2021). Another approach is incorporating public opinion and ethical discourse into the law-making process, ensuring that laws reflect contemporary moral values and societal norms (Banks et al., 2022).

7.3 Corporate Ethics: Beyond Legal Compliance

In the business world, balancing legality and ethics goes beyond mere compliance with laws. It entails embracing corporate social responsibility (CSR), focusing on ethical business practices, environmental stewardship, and social engagement. Companies can implement ethical codes of conduct, provide ethical training, and adopt transparent reporting to ensure they are not only legally compliant but also ethically responsible (Camilleri, 2017; McWilliams, 2020).

7.4 Individual Responsibility: Ethical Decision-Making

On an individual level, achieving this balance involves cultivating ethical literacy and a strong sense of personal responsibility. This can be facilitated through education and awareness campaigns aimed at enhancing understanding of ethical principles and promoting moral reasoning. Encouraging individuals to reflect on the ethical implications of their actions, even when they are legally permissible, fosters a more conscientious and morally aware society (Spielmann et al., 2022). Reflection-based learning, for instance, has been shown to promote moral development and professional identity formation, enabling individuals to better navigate ethical dilemmas. Furthermore, fostering a culture of academic integrity has been linked to promoting ethical behaviour in the workplace (Branch, 2017; Guerrero-Dib et al., 2020).

7.5 AI Governance: Ethical Considerations in Technology

In the realm of AI and emerging technologies, this balance is particularly pertinent. Establishing governance frameworks for AI that ensure legal compliance while respecting ethical norms is crucial. This includes formulating ethical guidelines for AI development, ensuring transparency in AI algorithms, and fostering public engagement to reflect societal values and ethical concerns in AI policy-making (Taeihagh, 2021).

7.6 Global Perspectives: Legal and Ethical Diversity

Additionally, in a globalised world, balancing legality and ethics requires a recognition of the diversity in legal and ethical perspectives across cultures. International collaboration and dialogue are essential in creating legal frameworks and ethical guidelines that respect this diversity and promote global understanding and cooperation (Lin, 2019).

Achieving a balance between legality and ethics is a multifaceted endeavour, requiring philosophical understanding, practical strategies, and a commitment to ethical principles across various aspects of society. This balance is not only pivotal for legal compliance but also for fostering a morally responsible and equitable society (Banks et al., 2022).

8. Conclusion and Recommendations

The exploration of the distance between legality and ethics has unveiled a complex and dynamic relationship, one that is crucial to the functioning of a just and equitable society. This article has highlighted how legal frameworks, while essential for societal order, may not always align with ethical principles. The advent of AI and other technological advancements further complicates this interplay, underscoring the need for a nuanced approach that respects both legal norms and ethical values.

8.1 Recommendations for Policymakers

Policymakers should strive to create laws that are not only legally sound but also ethically considerate. This involves incorporating ethical perspectives in the legislative process and ensuring that laws are adaptable to evolving societal values (Grigoropoulos, 2019). Establishing ethics committees within legislative bodies can provide valuable insights into the moral implications of laws. These committees play a crucial role in identifying, analyzing, and resolving ethical issues, thereby contributing to the quality of legislation and making it more legitimate (Avci & ten Have, 2023). Additionally, engaging in public consultation processes can help align laws with current ethical standards and societal expectations. Public consultations are a form of public participation where the government invites citizens to provide feedback and express opinions on a specific law or policy. Such consultations can help ensure that laws are reflective of the needs and values of the society they govern (Chêne, 2016).

8.2 Recommendations for the Corporate Sector

Businesses should go beyond legal compliance and embrace ethical responsibility. This can be achieved through robust CSR policies, ethical training for employees, and transparent reporting mechanisms. Companies should also engage in ethical auditing to ensure their practices align with societal values and ethical standards (Schöppel et al., 2022).

8.3 Recommendations for Individuals

Individuals are encouraged to develop ethical literacy and engage in moral reasoning. Educational initiatives and awareness campaigns can enhance understanding of ethical principles and promote responsible decision-making. Individuals should be mindful of the ethical implications of their actions, even in areas where the law may be silent or ambiguous (Ruedy & Schweitzer, 2010).

8.4 AI Governance and Ethical Development

In the context of AI, developing ethical guidelines and governance frameworks is essential. This includes promoting transparency in AI algorithms, engaging in public dialogue to understand societal concerns, and formulating policies that ensure responsible AI development (Taeihagh, 2021).

8.5 Global Collaboration

Recognising the diversity in legal and ethical perspectives across cultures, international collaboration is vital. Dialogue and cooperation can help create legal frameworks and ethical guidelines that respect cultural differences and promote global understanding. This approach acknowledges the complexity of cultural diversity and the tension it can create between universal ethics and local values and norms (Lin, 2019).

Bridging the gap between legality and ethics requires concerted efforts from all sectors of society. It is a continuous process that demands adaptability, foresight, and a commitment to upholding both legal and moral standards. As society evolves, so too must our legal and ethical frameworks, ensuring they remain relevant, just, and reflective of our collective values (Henz, 2021).

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Authors contributions

Both authors were responsible for study design and data collection. Ogochukwu C. Nweke was responsible for drafting the manuscript and Gordian I. Nweke revised it. Both authors read and approved the final manuscript.

Ogochukwu C. Nweke, leveraging his legal background, primarily contributed to the exploration of legal implications AI technologies pose to existing regulatory frameworks. His analysis focused on the identification of legal loopholes and the need for adaptive legal structures that can keep pace with AI advancements.

Gordian I. Nweke with knowledge acquired through his doctoral research in Strategy and Innovation, contributed to understanding the strategic implications of AI within various sectors, including the ethical dilemmas that arise from AI's pervasive influence. His contributions were crucial in formulating recommendations for developing responsive strategies which ensure that the development of AI is ethically responsible and strategically innovative.

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