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Artificial Intelligence and the Law: Constitutional Challenges, Regulatory Responses, and Emerging Doctrines of Accountability

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Significant legal and constitutional issues have arisen as a result of artificial intelligence's (AI) quick integration into business, government, and adjudication procedures. While AI promises efficiency, objectivity, and scalability, it simultaneously raises critical concerns regarding transparency, accountability, and the protection of fundamental rights. This article explores the relationship between AI and law from five main perspectives: liability regimes, judicial procedures, intellectual property, constitutional rights, and regulatory frameworks. With special emphasis on opaque "black box" systems, it critically assesses the effects of algorithmic decision-making on equality, privacy, and due process. The paper also examines international regulatory strategies, such as India's developing digital regulatory environment and the risk-based AI governance model of the European Union. It investigates the unresolved issues of authorship and inventorship in AI-generated works within the field of intellectual property. It also evaluates the use of AI in judicial decision-making, emphasising issues with procedural justice and bias. The article concludes by analysing new theories of accountability for autonomous systems, taking into account both conventional fault-based methods and cutting-edge frameworks like strict liability and electronic personhood. A human-centric, rights-based approach to AI governance that strikes a balance between innovation and constitutional protections is suggested in the study's conclusion.

Keywords: artificial intelligence, constitutional rights, algorithmic governance, privacy, equality, intellectual property.

INTRODUCTION

Artificial intelligence is now thoroughly ingrained in daily administration and decision-making processes, rather than being a theoretical concept limited to research labs. AI has revolutionised the way governments and private entities use power, from automated welfare distribution to algorithmic credit rating to predictive policing systems. However, this change has taken place in the absence of a cogent legal structure that can handle the dangers these technologies offer.

The law, which has historically been reactive, finds it difficult to keep up with AI's quick development. Fundamentally, the difficulty is in balancing technology advancement with fundamental legal precepts like responsibility, openness, and the rule of law. AI systems frequently use complicated, opaque algorithms to make decisions, in contrast to traditional methods, which raises questions about bias and arbitrariness.¹ The application of AI affects fundamental rights in constitutional democracies like India, especially the rights to equality, privacy, and due process.² Concurrently, the emergence of AI-generated content calls into question established principles of intellectual property law, and the application of AI in legal proceedings raises concerns about human oversight and impartiality. The goal of this essay is to present a thorough analysis of these problems, placing them in both domestic and international legal contexts.

AI AND CONSTITUTIONAL RIGHTS

Algorithmic Decision-Making and Equality: Although algorithmic systems are frequently thought of as impartial and objective, actual data shows that they have the ability to replicate and magnify preexisting societal prejudices. Discriminatory patterns may unintentionally be encoded by machine learning models trained on historical data, producing unfair results. Article 14³ forbids arbitrary state action and ensures equality before the law. Therefore, algorithmic decision-making must pass the non-arbitrariness standard⁴, especially when

¹ Cathy O'Neil, *WEAPONS OF MATH DESTRUCTION* (Crown Pub 2016)

² *Justice K S Puttaswamy (Retd) & Anr v Union of India Ors* (2017) 10 SCC 1

³ Constitution of India 1950, art 14

⁴ *E P Royappa v State of Tamil Nadu & Anr* (1974) 4 SCC 3

used in public administration. This evaluation is made more difficult by the lack of openness in AI systems, which may prevent impacted parties from contesting unfair results.

Privacy and Surveillance: The right to privacy is seriously threatened by the spread of AI-driven surveillance technologies. Mass data collecting, facial recognition technology, and predictive analytics allow for hitherto unheard-of levels of state monitoring. A constitutional foundation for assessing such technology is established by the acknowledgement of privacy as a basic right in *Justice K.S. Puttaswamy v Union of India*⁵. Any violation must meet the requirements of proportionality, need, and legality⁶. However, determining whether these requirements are satisfied is challenging due to the opacity of AI systems.

Due Process and the “Black Box” Problem: The inability of AI systems to be explained is one of the most urgent issues. Even the creators of complex algorithms may not be able to understand the decisions they produce. Because people are unable to effectively challenge judgments that impact their rights, this ‘black box’ aspect compromises procedural fairness. Such opacity challenges natural justice norms,⁷ especially the need for reasoned decisions and the right to be heard. To guarantee due process compliance, courts might need to create new algorithmic transparency criteria.

REGULATORY FRAMEWORKS FOR ARTIFICIAL INTELLIGENCE

The European Union’s Risk-Based Model: Through the AI Act⁸, which categorises AI systems according to risk levels, the European Union has taken a thorough regulatory strategy. Strict regulations, including accountability systems, human oversight, and transparency, apply to high-risk systems. This model prioritises fundamental rights over unchecked innovation, reflecting a cautious attitude.

India's Emerging Framework: The country's regulatory strategy is still disjointed, with sector-specific laws and policy initiatives addressing AI governance. While it does not directly control AI systems, the Digital Personal Data Protection Act 2023⁹ lays the

⁵ *Justice K S Puttaswamy (Retd) & Anr v Union of India Ors* (2017) 10 SCC 1

⁶ *Modern Dental College and Research Centre & Ors v State of Madhya Pradesh & Ors* (2016) 7 SCC 353

⁷ *Maneka Gandhi v Union of India* AIR 1978 SC 597

⁸ Artificial Intelligence Act 2024

⁹ Digital Personal Data Protection Act 2023

groundwork for data governance. Uncertainty arises from the lack of a single AI law,¹⁰ especially in relation to standards of accountability and compliance.

Innovation versus Precaution: The main conflict in AI legislation is between protecting people from damage and promoting innovation. While underregulation runs the risk of making social inequality worse, overregulation could hinder technological advancement. Adaptive regulation that combines effective protections with flexible principles is necessary for a balanced approach.

INTELLECTUAL PROPERTY AND AI-GENERATED WORKS

Authorship and Ownership: Human authorship is the foundation of traditional copyright law.¹¹ This notion is called into question by AI-generated works, which may be created without direct human participation. Whether authorship should be given to the AI system itself, the user, or the programmer is a decision that courts and legislators must make. Many AI-generated works lack unambiguous protection since current legal frameworks typically deny authorship to non-human entities.¹²

Inventorship and Patent Law: There has been a lot of discussion about whether AI qualifies as an inventor.¹³ Innovations produced independently by AI systems face difficulties since patent regimes usually require a human inventor. While acknowledging AI as an inventor presents difficult moral and legal issues, denying inventorship may deter progress.

Moral Rights and Creativity: Concerns around moral rights, such as the right of attribution and integrity, are also raised by AI-generated content. The implementation of these rights is complicated by the lack of a human author, which calls for a review of current concepts.

AI IN JUDICIAL AND DISPUTE-RESOLUTION PROCESSES

Predictive Analytics in Adjudication: Predictive analytics powered by AI is being incorporated more and more into legal and quasi-judicial procedures, especially for tasks like

¹⁰ *National Strategy for Artificial Intelligence* (NITI Aayog, 2018)

¹¹ Copyright Act 1957, s 13

¹² *Naruto v Slater* [2018] 888 F 3d 418 (9th Cir)

¹³ *Thaler v Comptroller-General of Patents* [2021] EWCA Civ 1374

predicting case outcomes, evaluating recidivism risks,¹⁴ and supporting bail or sentencing choices. These tools offer improved consistency, efficiency, and the capacity to handle massive amounts of data that might otherwise be too much for humans to handle. However, there are significant issues with their use. Predictive systems are frequently trained using judicial data from the past, which may reveal preexisting biases in the legal system. Therefore, behind the pretence of impartiality, the outputs of such systems run the risk of reinforcing or even intensifying existing biases. Furthermore, judicial independence and discretion may be compromised by an over-reliance on algorithmic recommendations, which could subtly affect court reasoning.

Procedural Fairness: Important concerns regarding procedural justice are also brought up by the use of AI in adjudicatory procedures. The ability of parties to comprehend and contest the reasoning behind decisions that impact their rights is a crucial component of due process¹⁵. When algorithmic tools, particularly those that are private or opaque, are employed, litigants might not be aware of the variables affecting results or might not have the resources to successfully challenge them. One party may be at a disadvantage as a result of this information and power imbalance. Therefore, ensuring procedural justice necessitates both meaningful explainability and transparency in the application of such tools. Courts must make sure that AI systems complement reasoned judicial orders rather than replace them.

Online Dispute Resolution: Online dispute resolution (ODR)¹⁶ systems powered by artificial intelligence (AI) are a major step forward in expanding access to justice, especially for high-volume or low-value conflicts. ODR lowers costs, minimises delays, and increases accessibility to dispute resolution by allowing parties to settle disputes through digital platforms, particularly in situations with limited resources or geographical dispersion. AI can help with things like automating regular decision-making, providing settlement choices, and prioritising cases. However, accountability and fairness must not be sacrificed for these systems' efficiency. Automated procedures run the risk of failing to sufficiently defend the

¹⁴ Julia Angwin et al., 'Machine Bias' (*ProPublica*, 23 May 2016)

<<https://www.propublica.org/article/machine-bias-risk-assessments-in-criminal-sentencing>> accessed 30 March 2026

¹⁵ *State of Orissa v Dr (Miss) Binapani Dei & Ors* (1967) 2 SCR 625

¹⁶ Danrivanto Budhijanto et al., 'UNCITRAL Technical Notes on Online Dispute Resolution as Soft Law Instrument for Online Dispute Resolution: An Indonesia Perspective' (2025) 2(1) *BANI Arbitration and Law Journal* <<https://doi.org/10.63400/balj.v2i1.25>> accessed 30 March 2026

rights of vulnerable parties or ignoring the subtleties of particular circumstances. Concerns around permission, data privacy, and the enforceability of results also need to be addressed. To maintain legitimacy, ODR systems must incorporate safeguards such as transparency in decision-making processes, opportunities for human intervention, and robust mechanisms for appeal or review.

LIABILITY AND ACCOUNTABILITY FOR AUTONOMOUS SYSTEMS

Traditional Liability Frameworks: A basic framework for addressing harm produced by AI systems is provided by existing legal concepts, especially strict liability¹⁷ and negligence¹⁸, although applying them in this situation is far from simple. The existence of a duty of care, a breach, and predictable harm, all of which need some degree of human control and predictability, are the foundations of negligence. Determining what qualifies as ‘reasonable care’ in the context of AI, particularly systems that develop through machine learning, may not be fully predictable, even for the developers. Strict liability, which has historically been used in situations involving dangerous activity, can also seem appealing for high-risk AI deployments. But applying it widely to AI systems runs the risk of over-penalising innovation, especially in cases where harm results from intricate interactions rather than inherent danger. While these doctrines remain relevant, they require careful adaptation to account for the autonomous and adaptive nature of AI technologies.

Challenges of Attribution: Because AI systems are developed and deployed in a distributed and multi-layered manner, assigning culpability in this setting is challenging. AI systems frequently involve a chain of participants, such as data producers, algorithm designers, software developers, deployers, and end users, in contrast to traditional goods or services. It is challenging to assign blame when harm happens since each of these parties contributes in a different way. Furthermore, when AI systems have some autonomy or when results are derived from probabilistic decision-making, causality issues¹⁹ become very complicated. This issue is made worse by some algorithms’ ‘black box’ characteristics, which make it difficult to reconstruct the exact logic underlying a negative result. Conventional legal standards of

¹⁷ *Rylands v Fletcher* [1868] LR 3 HL 330

¹⁸ *Donoghue v Stevenson* [1932] AC 562

¹⁹ Mireille Hildebrandt, *LAW FOR COMPUTER SCIENTISTS and OTHER FOLK* (OUP 2020)

culpability and causation may therefore be insufficient, necessitating a rethinking of attribution standards.

Emerging Approaches: Many different approaches to liability have been put out in response to these difficulties. Adopting calibrated tight liability rules for high-risk AI systems is one such strategy that guarantees victims can get compensation without having to prove wrongdoing. In addition, mandated insurance programs have been proposed as a way to spread risk and guarantee financial responsibility, especially in industries like autonomous cars and healthcare. The acknowledgement of ‘electronic legal personhood’²⁰ for some autonomous systems, which would permit AI entities to have limited legal responsibility, is another, more contentious concept. However, this strategy presents serious philosophical and normative issues, especially with regard to the reduction of human accountability and the possible abuse of such a legal fiction. While these emerging models offer promising avenues, they must be carefully evaluated to ensure that they align with broader principles of justice, deterrence, and fairness.

FINDINGS

1. Constitutional rights, especially those about equality, privacy, and due process, are seriously threatened by AI systems.
2. To handle the complexity of AI governance, current legislative frameworks are disjointed and inadequate.
3. AI-generated works are difficult for intellectual property law to accept, creating legal ambiguity.
4. Concerns about accountability, openness, and justice are raised by the application of AI in legal procedures.
5. The harm created by autonomous systems cannot be adequately addressed by traditional liability rules.

²⁰ Civil Law Rules on Robotics 2017

SUGGESTIONS

Adopt a Human-Centric Regulatory Framework:²¹ AI governance should put human dignity and fundamental rights first by making sure that technology is still governed by constitutional principles. This necessitates controls throughout the AI lifecycle, such as impact assessments to stop discrimination and human monitoring in high-impact choices.

Promote Explainability and Transparency:²² AI systems need to be clear, understandable, and subject to examination. To maintain justice and public confidence, legal standards should require explainability in high-stakes situations and be backed by audits and accountability systems.

Create All-Inclusive AI Law in India: To fill in the holes in the existing frameworks, India requires a single, risk-based AI law. Such laws ought to specify regulatory bodies, requirements for compliance, and flexible protections for developing technologies.

Reform Intellectual Property Laws: IP regulations need to clarify authorship and ownership to accommodate AI-generated creations. This could entail balancing innovation and the public interest while acknowledging human input or developing sui generis frameworks.

Create Explicit Liability Regimes: To address AI-related problems, a hybrid liability model that combines stringent and fault-based methods is required. Accountability and efficient solutions can be guaranteed by systems such as insurance plans and clear responsibility allocation.

CONCLUSION

For modern legal systems, artificial intelligence poses both a significant structural difficulty and an unparalleled potential. On the one hand, its implementation in commerce, government, and adjudication has the potential to improve productivity, lower human error, and facilitate data-driven decision-making on a scale that was previously unthinkable. AI has the potential to be a potent instrument for institutional reform, from expediting

²¹ *AI Principles* (OECD, 2019)

²² Sandra Wachter et al., 'COUNTERFACTUAL EXPLANATIONS WITHOUT OPENING THE BLACK BOX: AUTOMATED DECISIONS AND THE GDPR' (2018) 31(2) *Harvard Journal of Law & Technology* <<https://jolt.law.harvard.edu/assets/articlePDFs/v31/Counterfactual-Explanations-without-Opening-the-Black-Box-Sandra-Wachter-et-al.pdf>> accessed 30 March 2026

administrative procedures to enhancing access to justice via digital channels. However, these same capabilities speed, scale, and autonomy also run the risk of reinforcing opacity, spreading accountability, and reproducing systemic biases in ways that are challenging to identify and even more challenging to address. Algorithmic systems pose a threat to fundamental legal values, including procedural justice, equality before the law, and reasoned decision-making when they function without significant oversight or comprehensibility.

Therefore, the normative framework that underpins technical innovation is just as important as the technology itself. The foundation of legal systems is the idea that authority must be justified, subject to scrutiny, and limited by rights, regardless of whether it is used by the government or private entities. This idea is called into question by AI systems, especially those with sophisticated machine learning models, which introduce decision-making processes that might not be clear or readily traceable to a single actor.

In this situation, the lack of control does not imply neutrality; rather, it allows mechanisms that have the potential to have a substantial impact on societal structures and individual rights to operate unchecked. As a result, the legal system must change in reaction to AI in a way that is both principled and flexible. Relying only on current legal theories, which were created for human-centric decision-making systems, is insufficient. Rather, in order to guarantee that legal standards remain relevant, they must be reinterpreted and, if needed, reconstructed. This entails creating legally binding standards for explainability in crucial algorithmic choices, bolstering accountability systems across the AI lifespan, and guaranteeing that impacted parties have access to practical solutions.

In this sense, a human-centred, balanced approach to AI governance becomes crucial. Instead of rejecting innovation, this strategy aims to harmonise technology advancement with democratic legitimacy and constitutional principles. Transparency must be viewed as meaningful intelligibility that allows for scrutiny rather than just disclosure. Developers, deployers, and regulators must all have distinct lines of accountability in addition to formal liability. Similarly, rather than being viewed as an ideal, fairness needs to be operationalised by proactive steps to identify and reduce bias.

The ultimate goal is to make sure AI continues to be a tool that advances human interests rather than a system that redefines them without permission or supervision. Legal

frameworks can transition from reactive governance to a more proactive, rights-oriented paradigm by incorporating ideas of responsibility, transparency, and justice into the development and regulation of AI systems. By doing this, they can allow society to take advantage of artificial intelligence's transformational potential while maintaining the integrity of the rule of law²³.

²³ Lon L Fuller, *The Morality of Law* (revised edn, Yale University Press 1977)