

Artificial intelligence beyond the law: a debate that can no longer be postponed

Artificial intelligence (AI) has established itself as one of the most transformative technological phenomena of our time, with direct effects on justice, legal records, public administration, healthcare, the economy, ethics and relations between citizens and institutions. Far from being a purely technical issue, its impact requires profound legal reflection and regulatory decisions that cannot be postponed.

The cross-cutting nature of AI allows it to be approached from multiple perspectives. Not only is it changing the provision of public services and the organisation of the judiciary, but it is also redefining responsibilities, altering business models, introducing unprecedented risks and forcing a reinterpretation of traditional principles of law. An automated system can influence the granting of a mortgage, a medical diagnosis, the termination of a contract or the classification of a legal act. This presents legal practitioners with an unprecedented transformation.

Europe as the only area with a comprehensive legal framework

A particularly significant aspect of the current debate is the role of the European Union. Today, the EU is the only political environment that has built a comprehensive regulatory architecture to regulate artificial intelligence. In contrast to models based on private self-regulation or non-binding ethical declarations—which predominate in other regions of the world—Europe has opted for strict regulation based on legal obligations, public oversight, and an approach focused on the protection of fundamental rights.

The Artificial Intelligence Act, together with regulations on data, cybersecurity and digital services, forms a framework that aims to ensure legal certainty in an environment where innovation is advancing at speeds that transcend traditional regulation. This strategy puts Europe in a unique position: it is the only regulator of a global technology whose decisions and effects know no borders.

However, this leadership presents a paradox. To what extent can a European framework effectively protect citizens if other major international players leave AI governance in the hands of the private sector or opt for minimal regulation? This question is one of the most complex challenges of contemporary regulation.

A constantly evolving subject: the difficulty of legislating for something that changes every month

Another key element of the discussion is the speed of innovation. AI is evolving faster than the law is accustomed to absorbing. Regulations that come into force today may become outdated in a matter of months, when new models, capabilities or risks not previously contemplated appear. This forces us to reinterpret traditional legal categories — civil liability, documentary evidence, public service, authorship, intellectual property — and to create new concepts for unforeseen situations.

For legal practitioners, adaptation poses a double challenge:

- acquiring sufficient technical knowledge to understand how automated systems work.
- and reviewing the applicable legal framework to integrate these technologies without undermining fundamental guarantees.

In professions such as registration, where legal certainty is an essential condition of the system, this adaptation must be particularly careful. Digitisation and algorithms can streamline processes, but they also raise questions about formal publicity, the certainty of entries, and the possibility of auditing automated decisions.

The issue of responsibility: the 'black box' as a systemic risk

One of the most complex issues is that of liability arising from algorithm-based systems. Many models function as true 'black boxes': they offer results without allowing us to know, with sufficient precision, how they arrived at them. This complicates the attribution of liability when a failure, bias, discrimination or incorrect automated decision occurs that causes economic or personal damage.

Difficult questions arise, such as: Should the programmer who designed the system be held responsible? The supplier who markets it? The public or private entity that applies it to its processes? Or the end user who relied on it to decide?

This dilemma cuts across sectors as diverse as justice, healthcare, urban planning, social services and, of course, legal records. In the latter area, there is a pressing need to ensure

that any AI-based system can be audited and that relevant information is accessible to those with a legitimate interest. Transparency, in this context, becomes an indispensable requirement for legal certainty.

Legal safeguards in the face of disruptive technologies

From an institutional and legal perspective, AI cannot be addressed using traditional approaches. Legal certainty is no longer an abstract concept but a practical requirement: ensuring that citizens, businesses and administrations have clear, predictable and auditable rules. This does not mean rejecting technology but rather integrating it within limits that respect essential principles such as legality, accountability, transparency and the protection of rights.

The risks associated with generative AI, the possibility of criminal use, the automatic reproduction of biases and the dissemination of false content show that the debate cannot remain theoretical. Although European regulations provide a common framework, there are still interpretative gaps that will need to be filled by case law, national legislation and shared technical criteria.

A transformation that directly affects citizens

Although the legal approach tends to dominate the debate on AI, its impact on citizens must not be overlooked. Automated systems affect decisions that have a direct impact on everyday life: the granting of credit, the outcome of litigation, the contracting of services, access to public administration, and the processing of personal data.

Therefore, algorithmic transparency, data protection and the ability to challenge decisions made by automated systems are essential guarantees to ensure that technology does not dilute responsibilities or unduly replace human intervention.

Conclusion: a challenge on three fronts

Three conclusions emerge from the analysis that can no longer be ignored.

First, Europe has established the only comprehensive and binding regulatory framework for AI, positioning itself as a global benchmark. But this regulatory authority coexists

with a paradox: it regulates a world that, to a large extent, is built outside its reach, while technology continues at its own relentless pace.

Second, the law lags behind technological innovation, and inherited legal categories are no longer sufficient to explain or contain its effects.

Third, responsibility for AI requires approaches that break with traditional moulds, designed for much simpler realities. Forcing them to fit only highlights their obsolescence.

The challenge is no longer to anticipate distant scenarios, but to boldly adapt institutions, professions and legal processes to a present that waits for no one. And in that effort, legal certainty remains the pillar that allows us to operate with certainty: a tangible guarantee for citizens, operators and administrations in a world that is redefined with every technological advance.

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