

Regulating Artificial Intelligence in Palestine: A Proposed Legal Framework

تنظيم الذكاء الاصطناعي في فلسطين: مقترح لإطار قانوني

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Abstract: Artificial intelligence is defined as a set of systems and software that operate with a degree of autonomy, resemble the human mind, and are used in many fields. This study addresses the problem of the absence of a specific legislative regulation for artificial intelligence in Palestine, in light of the increasing expansion in the use of smart systems within public facilities and the private sector. It starts from the premise that there is a legislative gap in the matter of regulating artificial intelligence. The study adopted the analytical method and the comparative method, by analyzing the manifestations of the legislative gap in the Palestinian environment, and comparing it with the European experience, which adopted a regulatory model based on risk classification, hierarchy of obligations, and strengthening institutional control. It also sought to extract the general principles and procedural mechanisms that can form the basis for an integrated national legislative framework.

The study concluded that it is necessary to adopt a special law regulating artificial intelligence in Palestine, based on the principles of legitimacy, transparency, accountability, risk management, and ensuring human oversight of electronic administrative decisions, while establishing effective institutional mechanisms for oversight and compliance. The results confirm that balanced legal regulation is a prerequisite for employing artificial intelligence in the service of development and good governance, without compromising the protection of fundamental rights and freedoms.

Keywords: Artificial Intelligence, legal regulation, the regulation of artificial, E-government.

المستخلص: يعرف الذكاء الاصطناعي بأنه مجموعة من الأنظمة والبرامج التي تعمل بدرجة من الاستقلالية وتشبه العقل البشري وتستخدم في العديد من المجالات، هذا وتتناول هذه الدراسة مشكلة غياب تشريع محدد للذكاء الاصطناعي في فلسطين، في ضوء التوسع المتزايد في استخدام الأنظمة الذكية في المرافق العامة والقطاع الخاص. وتنطلق الدراسة من فرضية وجود فجوة تشريعية في تنظيم الذكاء الاصطناعي. وقد اعتمدت الدراسة المنهج التحليلي والمقارن، من خلال تحليل مظاهر هذه الفجوة التشريعية في البيئة الفلسطينية، ومقارنتها بالتجربة الأوروبية التي تبنت نموذجًا تنظيميًا قائمًا على تصنيف المخاطر، وتسلسل الالتزامات، وتعزيز الرقابة المؤسسية. كما سعت الدراسة إلى استخلاص المبادئ العامة والآليات الإجرائية التي يمكن أن تشكل أساسًا لإطار تشريعي وطني متكامل.

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وخلصت الدراسة إلى ضرورة اعتماد قانون خاص ينظم الذكاء الاصطناعي في فلسطين، قائم على مبادئ الشرعية والشفافية والمساءلة وإدارة المخاطر، وضمان الإشراف البشري على القرارات الإدارية الإلكترونية، مع إنشاء آليات مؤسسية فعالة للرقابة والامتثال. وتؤكد النتائج أن التنظيم القانوني المتوازن شرط أساسي لتوظيف الذكاء الاصطناعي في خدمة التنمية والحوكمة الرشيدة، دون المساس بحماية الحقوق والحريات الأساسية.

الكلمات المفتاحية: الذكاء الاصطناعي، التنظيم القانوني، تنظيم الذكاء الاصطناعي، الحكومة الإلكترونية.

INTRODUCTION

The world is witnessing an accelerating digital transformation, where artificial intelligence has become one of the most prominent tools for reshaping patterns of management, the economy and public services. Consequently, artificial intelligence applications have entered the security, health and education sectors, which has produced unprecedented legal challenges affecting the principle of legitimacy, the protection of rights and freedoms, and ensuring transparency and accountability (Palaniappan et al., 2024).

In light of this development, many countries and regional blocs have rushed to establish regulatory frameworks for artificial intelligence, based on risk classification, control of high-risk uses, and the establishment of safeguards related to transparency, interpretability, and human oversight. This trend reflects a growing awareness that leaving artificial intelligence technologies without precise legal regulation could lead to privacy violations, undermine fair trial guarantees, or weaken confidence in public administration.

In the Palestinian context, the move towards government digitization and the development of electronic services raises the issue of regulating the use of artificial intelligence technologies within a legal environment that still lacks specific legislation that comprehensively regulates this technology, noting the existence of legislation related to cyberspace such as the Decree-Law on Electronic Crimes and the Decree-Law on Electronic Transactions, although they constitute a primary basis, they do not address the problems resulting from the use of artificial intelligence applications .

Hence the importance of research into establishing a Palestinian legal framework that regulates artificial intelligence, based on achieving a balance between encouraging innovation and digital transformation on the one hand, and ensuring respect for constitutional rights and the principles of legitimacy and accountability on the other hand, while benefiting from comparative experiences, in order to reach a legislative vision that keeps pace with technological developments and protects the public interest at the same time.

The Problem Statement of the Study

This study revolves around the following main question:

To what extent is the existing Palestinian legal framework sufficient to regulate the uses of artificial intelligence in a way that ensures a balance between the requirements of technological innovation and the protection of rights and freedoms?

Several sub-questions stem from this main question, most notably:

Is there a legislative gap regarding the legal regulation of artificial intelligence in Palestine?

How can the European Union's experience be utilized to develop a legal framework that aligns with the specificities of Palestinian law?

Study Objectives

This study aims to analyze the current legal framework in Palestine and determine its adequacy in accommodating artificial intelligence (AI) applications. It also seeks to identify legislative gaps in addressing emerging challenges related to AI. Furthermore, the study aims to draw upon comparative experiences in regulating AI, particularly the European Union's experience, to derive principles adaptable to the Palestinian legal context. The ultimate goal is to develop a legal framework for regulating AI in Palestine.

Study Methodology

This study employs an analytical approach, examining relevant Palestinian legal texts and analyzing their applicability to AI technologies. It also explores legal concepts related to legitimacy, oversight, and administrative responsibility within the digital environment.

It also relies on a comparative approach by studying the regulatory frameworks adopted in some advanced international models in this field, and extracting general principles that can be adapted to the specific Palestinian legal and institutional context, without neglecting structural and political differences.

Previous Studies

One of the few studies that addressed the legislative framework governing artificial intelligence in Palestine is the study by Amir Khalil and Banan Tantour in 2023, published by the Institute of Law at Birzeit University. However, this study did not discuss comparative legislation, particularly with the European Union, which is considered one of the first countries to enact legislation on artificial intelligence.

Study Structure

First requirement: The legislative gap in regulating artificial intelligence

Section one: Manifestations of legislative vacuum in the Palestinian legal system.

Section Two: The legal consequences of the absence of legal regulation.

The second requirement: The importance of having a law to regulate artificial intelligence.

Section One: The legal justifications for issuing a law to regulate artificial intelligence.

Section Two: Features of the Proposed Legislative Framework for Regulating Artificial Intelligence.

First requirement: The legislative gap in regulating artificial intelligence

The rapid development of artificial intelligence technologies raises a fundamental problem in the Palestinian legal system, which is the absence of a specific legislative regulation to control the use of these technologies. Despite the trend towards government digitization and the expansion of electronic services, the existing legal framework is still based on general rules that were developed in a traditional context. This reality reveals a clear legislative gap, manifested in the absence of a legal definition of artificial intelligence, a classification of its risk levels (Khalil & Tantour, 2023) and binding controls for transparency, human oversight, or liability for technical errors. Therefore, studying the manifestations of this legislative gap and its legal implications is a necessary step to understand the nature of the problem at hand and to determine the extent of the need for a specific legislative intervention that keeps pace with the digital transformation and at the same time preserves the principles of the rule of law and guarantees of rights and freedoms .

Section One: Manifestations of the legislative vacuum in regulating artificial intelligence in Palestine

Artificial intelligence is defined as a set of computer technologies that enable systems to mimic certain human abilities such as learning, analysis, reasoning, and decision-making (Algarvio et al., 2025)

It relies on mathematical algorithms and statistical models that learn from data, so that its results improve over time without the need for detailed programming for each case (Gayed, 2025). Its most prominent techniques include machine learning, deep learning (Kamalov et al., 2023), natural language processing, and image and speech recognition. It lacks self-awareness or consciousness; rather, it operates within the confines of the data it is trained on and the rules according to which it is designed (Koçak et al., 2025) .

In the government sector, artificial intelligence is used to improve the efficiency of public services, expedite procedures, and reduce costs. It is employed in big data analysis to support planning and policymaking, intelligent traffic systems, city management, crisis prediction, detection of financial fraud or tax evasion, and various forms of robotics (Mahmmoud et al. , 2025).

Some entities also rely on intelligent systems for automated responses to citizen (Chiu et al., 2024) inquiries or for faster and more accurate analysis of service requests. This contributes to improved performance and reduced human error, but it requires clear controls to ensure transparency and accountability. (Gil de Zúñiga et al., 2024).

In the corporate and private sectors, artificial intelligence (AI) is considered a key tool for increasing productivity and enhancing competitiveness (Chowdhury et al., 2024) Companies use it to analyze customer behavior, personalize advertising, and implement recommendation systems in e-commerce stores (Jiang et al., 2022) manage risk in banks and insurance companies, and perform predictive maintenance on industrial equipment. It is also used in job application screening, performance analysis,

and supply chain optimization. This has led to faster processes, reduced costs, and improved data-driven decision-making (Sheikh et al., 2023).

Despite its wide-ranging benefits, artificial intelligence (AI) carries several risks. Among the most prominent are privacy violations resulting from the collection of vast amounts of personal data, and the potential for algorithmic bias if the data is unbalanced or inaccurate, which could lead to unfair outcomes. It may also contribute to job losses due to automation and raises liability issues when technical errors occur. Furthermore, there are security risks related to its misuse in cyberattacks, the spread of disinformation, or the commission of crimes. Therefore, the world is moving towards establishing regulatory frameworks that balance encouraging innovation with protecting rights.

Therefore, the absence of specific legislation regulating artificial intelligence in Palestine is considered one of the most prominent manifestations of the legislative vacuum in the contemporary digital environment. Although there are some legal rules that regulate cyberspace, such as the Decree-Law on Electronic Transactions and the Decree-Law on Cybercrimes, this system was not originally designed to deal with technologies capable of self-learning and analyzing huge amounts of data that may directly affect the legal status of individuals. (Demaïdi, 2025).

Accordingly, the researcher notes that there is no Palestinian law that regulates a legal definition of artificial intelligence, nor a classification of its risk levels. There are also no texts that obligate the state or private companies to ensure algorithmic transparency when using intelligent electronic systems (Lund et al., 2025), or the necessity of effective human intervention in cases with a substantial impact on rights and freedoms. This results in a state of legal ambiguity, whether in terms of determining liability for technical errors when using artificial intelligence applications.

In contrast, the European Union adopted a comprehensive regulatory approach, culminating in the adoption of the European Artificial Intelligence Act (European Act on Artificial Intelligence, 2024), which classifies applications according to their level of risk unacceptable risk, high, limited, minimal risk. This was preceded by the enshrining of important safeguards in the General Data Protection Regulation (GDPR), which established the principle of the individual's right to privacy and mandated a degree of transparency and interpretability (Mügge, D. 2024).

A comparison between the Palestinian situation and the European experience reveals a clear gap in the legislative framework. While Europe adopted a proactive framework that balances innovation with the protection of fundamental rights, Palestinian regulation still lacks general rules governing artificial intelligence or defining the resulting legal liability. This deepens the need for national legislative intervention that takes into account the Palestinian context, while benefiting from comparable European regulatory principles, particularly the risk assessment methodology, human oversight, and guarantees of transparency and accountability.

Therefore, the legislative vacuum in Palestine is not limited to the absence of special texts, but extends to the absence of an integrated vision of how to integrate artificial intelligence within the system of the rule

of law, in a way that ensures that the government sectors and private companies that use artificial intelligence applications are subject to legal rules.

Section Two: The Content of the European Experience in Regulating Artificial Intelligence

The European Union's experience is considered one of the most prominent global models in regulating artificial intelligence, as it adopted an integrated legislative framework based on the philosophy of protecting fundamental rights and controlling risks, without hindering technological innovation. This trend culminated in the adoption of the European Artificial Intelligence Act (European Act on Artificial Intelligence, 2024), as the first comprehensive legislation to regulate the uses of artificial intelligence based on risk assessment (European Act on Artificial Intelligence, 2024). The European legislation is based on classifying artificial intelligence systems into four main categories: prohibited systems such as applications that pose a direct threat to rights and freedoms, such as behavioral manipulation or comprehensive social assessment systems; high-risk systems, such as those used in employment, education, justice, and public services, which are subject to strict obligations related to transparency, documentation, and risk management; limited-risk systems, which impose requirements to inform users of the nature of the interaction with an intelligent system such as chatbots and low-risk systems, which are not subject to heavy regulatory obligations, in order to encourage innovation (Regona et al, 2026). Thus, this classification reflects a balance between protecting rights and promoting the digital infrastructure.

The European Union's experience also focuses on governance guarantees. Compliance (Rassolov & Chubukova, 2022), as European law obliges developers and operators of high-risk systems to a number of controls, the most important of which are, conducting prior risk assessments, documenting data sources and ensuring their quality, enabling effective human control over automated decisions, and registering systems in a common European database (Nikolinakos, 2023).

An institutional framework for oversight was also established, comprising national enforcement bodies, with central European coordination to ensure uniformity of standards.

European artificial intelligence law also addresses the legal and ethical dimensions, thus integrating with the European data protection system, particularly the General Data Protection Regulation (GDPR), thereby reinforcing the principles of transparency, accountability, non-discrimination, and privacy protection.

This makes the European experience a model based on the rule of digital law and considering artificial intelligence as an activity subject to legal control, not just technical control.

Accordingly, the researcher notes that Palestine can benefit from the European experience by adopting a gradual legislative approach based on risk assessment, enacting legal texts that clarify the precise legal definitions of artificial intelligence and its systems, and determining civil and criminal liabilities for the damages resulting from it (Elmahjub, 2023), in addition to establishing a national body competent to supervise the application of the law. Accordingly, the content of the European experience is not transferred literally to the Palestinian context, but rather it is used as a normative reference to build a

legislative framework that is compatible with the legal particularity and the services sector and its development in Palestine.

The second requirement: Features of a proposed legislative framework for regulating artificial intelligence in Palestine

In light of the above statement regarding the clear legislative gap in the field of regulating artificial intelligence, and what the European experience has shown regarding the importance of adopting a clear legal framework based on determining liability for damages related to artificial intelligence , managing risks, and protecting rights, the urgent need arises to develop a national legislative vision that is compatible with Palestinian particularities .

Regulating artificial intelligence in Palestine should not be understood as a restriction on innovation or a slowdown in digital transformation, but rather as a tool to regulate the relationship between technology and humans, and to ensure that technological development is directed in a way that serves the public interest.

Section One: General Principles of the Proposed Legislative Framework

Any effective legal framework for artificial intelligence rests on a set of general principles and foundations that form the reference framework for detailed texts. Legislation is not limited to establishing technical rules, but also establishes a value system that governs the development and use of intelligent systems, ensuring their consistency with constitutional principles and the protection of fundamental rights.

Therefore the principle of legality and the rule of law must be observed. Accordingly, all artificial intelligence applications, especially those used by government agencies, must be subject to the principle of legality, so that no action is taken that has a legal effect based on an intelligent system except on a clear legislative basis. This means the necessity of explicitly stating the scope of use of intelligent systems, their limits and controls, and preventing open technical authorization that may lead to negative effects (Miaz , 2023).

The principle of transparency and interpretability must also be taken into account, as the principle of transparency is the cornerstone of any contemporary legislative framework related to the regulation of artificial intelligence and the determination of legal responsibility for existing risks. This obligates the developers and users of intelligent systems to disclose the nature of the system, its limits of operation, and the standards on which it relies in processing, allowing individuals to understand the basis on which the procedure using artificial intelligence is built, and guaranteeing them the right to object and review (Mtuze & Morige, 2024).

The principle of protecting fundamental rights and freedoms must also be taken into account when enacting a new law, as the regulation of artificial intelligence should be integrated with the national system for the protection of rights, especially the right to privacy and data protection, and the principle of non-discrimination. Some artificial intelligence systems may involve risks related to algorithmic bias

or excessive surveillance, which necessitates subjecting them to prior impact tests and periodic risk assessments (Peschke et al., 2022).

As can be seen from the European experience, the focus has been on the principle of risk management and regulatory hierarchy. Therefore, the Palestinian legislator should adopt an approach based on classifying artificial intelligence systems according to their level of risk, imposing stricter obligations on high-risk systems (such as those used in the judiciary, security, or essential public services) compared to low-risk systems. This hierarchy allows for a balance between encouraging innovation and ensuring legal protection.

The principle of legal responsibility must also be taken into account. When the artificial intelligence law is passed, no legislative framework is complete without a clear determination of who is responsible when harm occurs as a result of an intelligent system (Mtuze & Morige , 2024) . This requires setting special rules for civil and criminal liability, defining the obligations of developers and operators, and not allowing evasion of responsibility under the pretext of “automated decision”.

Therefore, these principles form the theoretical and practical basis for the proposed legislative framework in Palestine, and pave the way for the transition from a vacuum to an integrated legal system that keeps pace with technological development and at the same time preserves the guarantees of the rule of law.

Section Two: Procedural Mechanisms for Activating the Legislative Framework

It is not enough to establish general principles for regulating artificial intelligence; rather, they must be supported by governmental mechanisms and procedural controls that ensure effective implementation and continuous monitoring. Modern legislation is not limited to defining obligations, but also establishes a regulatory and supervisory structure capable of keeping pace with rapid technological development. (Hadzovic et al., 2023)

Therefore, it is necessary to establish a national body specializing in artificial intelligence. Accordingly, it is preferable that the law stipulate a regulatory body specializing in supervising artificial intelligence systems, which undertakes the issuance of executive regulations, granting licenses for high-risk systems, and monitoring compliance. This body can be a governmental body, or the jurisdiction can be assigned to an existing body with enhanced technical powers (Gulyamov, 2023) , such as the Ministry of Communications and Information Technology. The importance of institutional independence is highlighted to ensure neutrality, especially in the case of the use of smart systems by the governmental bodies themselves.

Furthermore, an impact and risk assessment mechanism must be in place before implementation. Public and private entities should be obligated to conduct a prior assessment of the impact of AI systems on rights and freedoms, particularly in cases affecting individuals' legal status. A model should be adopted that mandates conformity assessments and compliance tests for high-risk systems before their market launch or use in the public sector. This model can be adapted to the Palestinian legal environment, along with ensuring human oversight of intelligent systems (Mtuze & Morige , 2024) . A crucial safeguard is explicitly stipulating that no actions or decisions may be taken by an automated system without the

possibility of human review. Human oversight constitutes a fundamental guarantee of the principle of legality and enables the correction of technical errors or algorithmic biases.

It is also assumed that a system of penalties and precautionary measures should be put in place, through administrative and financial penalties in case of breach of obligations, in addition to the authority of the regulatory body to suspend or prohibit the use of systems that pose a serious risk. The existence of clear penalties promotes compliance and prevents the irresponsible use of smart technologies.

Therefore, activating the proposed legislative framework requires combining effective regulation of artificial intelligence applications, keeping pace with rapid developments, and institutional oversight, in order to achieve a delicate balance between encouraging digital innovation, protecting rights, and ensuring that artificial intelligence is subject to the rule of law.

The conclusion

The analysis reveals that the rapid development of artificial intelligence technologies is no longer merely a technical issue, but has become a legal and institutional challenge that touches the very core of legitimacy and the protection of rights and freedoms. In the Palestinian context, this challenge manifests itself in a clear legislative vacuum regarding the regulation of the use of intelligent systems. The use of AI applications in various fields impacts the legal standing of individuals in the absence of a specific legislative framework that defines controls and responsibilities.

The study demonstrated that addressing this gap requires more than simply enacting general provisions; it necessitates building a comprehensive legislative framework based on the principles of transparency, accountability, risk management, human oversight, and data protection, along with establishing effective institutional mechanisms to ensure compliance and practical implementation. Furthermore, a comparison with the European experience showed that a risk-based and hierarchical regulatory framework offers a viable model, while taking into account specific legal and national contexts.

Therefore, the move towards a Palestinian law specific to regulating artificial intelligence is no longer a postponed legislative option, but a legal necessity to ensure that these technologies are employed in the service of development and good governance, without violating the principles of the rule of law or infringing on fundamental rights.

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