

AI, LAW, AND HUMAN RIGHTS: A DEMOCRATIC PARTICIPATION FRAMEWORK FOR ENSURING JUSTICE, EQUALITY, AND TRANSPARENCY

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Abstract

This research work aims to look at the relationship that exists among Artificial Intelligence (AI), Law, and Human Rights. Artificial Intelligence (AI) is a machine developed that simulates human intelligence. The problematic issue here is that AI lacks transparency and accountability in decision-making, insufficient protection of human rights, and limited democratic participation in AI governance. Therefore, to this effect, the democratic participatory framework is essential for ensuring that AI systems are developed and deployed in a way that leads to the promotion of justice, equality, transparency, and respect and protection of fundamental human rights. This work argues that, if there is increased use of AI in various sectors of society without a participatory democratic system, it will result in significant problem on justice, equality, and transparency, and also it will threaten the observance of human rights. So, to this effect, the participatory democratic system is needed to tackle this problem. The analytic method of research is employed to analyze this topic. The possible solution to the problems of this topic mentioned above is inclusive decision-making processes and citizen engagement. And if this solution

is put into practice, it will help solidify the use of AI to strengthen law, human rights, and the participatory democratic system.

Keywords: Artificial Intelligence, Law, Human Rights, Democracy, Justice, Equity, Transparency

Introduction

Significant advancements in Artificial Intelligence (AI) in the past two decades have led to a pivotal moment for contemporary society in determining the direction of humanity's future within democratic frameworks²¹⁴. Artificial Intelligence (AI) has been developed and deployed in various sectors of society to carry out specific task, this has brought transformation in the various aspects of modern life, which has influenced the judiciary and democratic sectors. However, this technological revolution is also interested in impacting justice, equality, and transparency, which are the major tenets of participatory democratic settings.

Furthermore, the introduction of Artificial Intelligence (AI) systems in society has altered decision-making processes, and citizens can participate by contributing meaningfully to the democratic activities. While the AI systems play a crucial role and bring valuable

²¹⁴David Leslie, Christopher Burr, Mhairi Altken et al. *Artificial Intelligence, Human Rights, Democracy, and the Rule of Law*. Europe: (The Alan Turing Institute, 2021), 5.

contributions to society, it is imperative to ensure that the systems are designed and deployed in ways that it would have respect the fundamental human rights and as well protect these human rights.

The combination of AI, law, and human rights is complicated because AI systems can exhibit social inequalities, especially if they are trained on biased data or designed with a narrow perspective. Since most of these AI systems deployed are not transparent and there is a lack of accountability in them regarding the process of decision-making, it can result in a lack of trust in the democratic institution, which will bring injustice in society.

Therefore, in order to tackle these problems, it is important to build a democratic participation framework that will bring justice, equality, and transparency, which are the component of participatory democracy. For this framework to actualize its maximum goal, it must embrace or take cognizance of the fundamental human rights, which are the inalienable rights enjoyed by every individual. And it must also have respect for democratic values, by granting individuals access to participate in the decision-making processes through deliberation and engaging individuals in the activities of the society.

This research work aims to examine the relationship that exists among Artificial Intelligence (AI), Law,

Human Rights, and Democratic Participation. This aim can be achieved through the development and deployment of just, equitable, and transparent AI systems that will be based on the promotion of the well-being of humanity and also have absolute respect for human rights.

The Overview of the Concept of Artificial Intelligence (AI)

Artificial Intelligence (AI) is the simulation of human intelligence processes by machines, especially computer systems. Examples of AI applications include expert systems, Natural Language Processing (NLP), speech recognition, and machine vision²¹⁵ AI is the technique of duplicating human judgments in an automated way by a computer. Alternatively, AI may be described as the ability of machines to initiate intelligent human behaviour, with intelligence defined as the ability to learn from experience, discriminatively, reasonably, and critically, and to generalize from that experience to other situations. The behaviour of a machine is intelligent if it makes smart actions, having a purpose for achieving goals²¹⁶ Artificial Intelligence (AI) is about creating human- like intelligence in a computer system. AI has been extremely successful in getting computers to perform tasks that generally require human

²¹⁵Kelly Damore “edt” A Guide to Artificial Intelligence in the Enterprise-Tech Targets Network of sites. 2024-<https://www.techtarget.com>.

²¹⁶Mateusz Brodowicz. *The Impact of Artificial Intelligence on Employment Opportunities and Job Security*-article ><https://arhor.com>>2024.

intelligence and cognitive abilities²¹⁷. A study by McKinsey Global Institute recently estimated that by 2030, AI could eliminate as much as 30% of the world's current human labour needs. Machines are learning how to perform our work for us. This is not just limited to the job people do, but it will also take over our democratic system, where deliberation and democratic decision-making processes will be done by machines²¹⁸.

Furthermore, the term Artificial Intelligence (AI) broadly refers to applications of technology to perform tasks that resemble human cognitive function and is generally defined as the capability of a machine to initiate intelligent human behaviour²¹⁹. AI typically involves the theory and development of computer systems able to perform tasks normally requiring human intelligence, such as visual perception, speech recognition, decision-making, and translation between languages²²⁰.

²¹⁷Mateusz Brodowicz. *The Impact of Artificial Intelligence on Employment Opportunities and Job Security*-article ><https://arthur.com>>2024.

²¹⁸Manyika, James, Jonathan Woetzel, Peter Bisson, Michael Chui et al. *Notes from the AI Frontier: Modeling the Impact of AI on the world Economy*. New York: (McKinsey Global Institute, 2018).

²¹⁹Artificial Intelligence, Merriam

Webster, <https://www.merriamwebster.com/dictionary/artificial%20intelligence>.

Accessed 4th April, 2025.

²²⁰Artificial Intelligence, Oxford English Dictionary,

<https://www.lexico.com/definition/artificial-Intelligence>. Accessed 4th April, 2025.

John McCarthy, one of the founders of AI, referred to it as the field that is used to make the computer perform things which, when done by people, are said to involve intelligence²²¹ AI applications generally have to do with the use of data which is generated in the financial services industry and with the application of AI, data are analyzed by identifying patterns and to make determinations or predictions based on those patterns; Algorithms, which is a set of well-defined, step-by-step instructions for a machine to solve a specific problem, and generate an output using a set of input data²²² and human feedback, which deals with human interaction. Human involvement is imperative throughout the lifecycle of any AI application, from preparing the data and the algorithms to testing the output, retraining the model, and verifying results.

The Overview of the Concept of Law

Law is a set of rules governing conduct that has been established by the government or society within a specific jurisdiction. It adheres to particular practices and customs to address issues such as crime, business, social interactions, property, finance, and civic

²²¹Shukla Shubhendu and Jaiswal Vijay. Applicability of Artificial Intelligence in Different Fields of Life, *International Journal of Scientific Engineering and Research*, 29-35 (2013), <https://pdfs.semanticscholar.org/2480a71ef5a5a2b>.

²²²Alexandre Gonfalonieri. What is an AI Algorithm?, medium, apr.21, 2019, <https://medium.com/predict/what-is-an-ai-algorithm-acecab80e7e3>.

participation. The enforcement and regulation of laws are carried out by the governing body. It is of significance to acknowledge that various scholars from different periods have contributed to the definition and interpretation of the concept of 'law'. Two prominent definitions include natural law and legal positivism. The natural law concept dates back to around 500 B.C. and is considered the basis for the other laws. Proponents argue that natural law is rooted in a rational order inherent in human nature, providing objective value judgments that are universally valid²²³ St. Thomas Aquinas (1224-1274) was one of the greatest exponents. He defines law as: "An ordinance of reason directed towards the common good, and promulgated by the one who has the care of the community."²²⁴ He also describes law as "a certain rule and measure of acts whereby man is induced to act or is restrained from acting."²²⁵

Francis Suarez (1548-1617) went in same line with Aquinas by defining law as " a common, just and stable percept which has been sufficiently promulgated" it is essential to the nature of law that it be intended for a common good of the community.

²²³Simeon Onyewueke Eboh. *Human Rights and Democratization in Africa*. Portharcourt: (Snap Press Ltd, 2003), 93.

²²⁴Simeon, O.E, *Human Rights and Democratization in Africa*2003, 93.

²²⁵Simeon, O.E, *Human Rights and Democratization in Africa*2003

In addition, one essential requirement of law is that it must be just; otherwise it would not qualify as law²²⁶. On the other hand, the legal positivist also laid their own foundation on the definition and explanation of the concept of law. This began with Jeremy Bentham (1748-1832), who happened to be the father of legal positivism. He sees law as “essentially a command issued by a sovereign to his subordinates, or by a superior to his inferiors who owe him allegiance.” By sovereign, he means “persons or assemblage of persons to whose will a whole political community owes loyalty and obedience²²⁷.”

John Austin followed the definition of his master, Jeremy Bentham. He conceives law essentially in terms of command backed by sanction. Law, for Austin, is the command of a sovereign enforced by sanction. The purpose of a sanction is to enforce obedience by the threat of evil consequences for obedience²²⁸.

H.L.A Hart views laws as rules made by humans, and that there is no inherent or necessary connection between law and morality²²⁹.

²²⁶Simeon, O.E, *Human Rights and Democratization in Africa*2003, 94.

²²⁷Simeon, O.E, *Human Rights and Democratization in Africa*2003,PP, 94-95

²²⁸Simeon, O.E, *Human Rights and Democratization in Africa*2003,95

²²⁹Hart, H.L.A. *The Concept of Law*. Oxford: Oxford University Press, 1961.

Kinds of Law

Law is used in different senses. The use of the term “law” is made in various senses. It denotes different kinds of rules and principles.

1. **Imperative Law:** Imperative law means a rule of action imposed by some authority that enforces obedience to it. In other words, it is a command enforced by some superior power either physically or in any other form of compulsion. There is divine law, which consists of the commands imposed by God upon men either by threat of punishment or by hope of his blessings, and human laws, which are laws by analogy²³⁰.

2. **Natural Law:** This could also be referred to as moral law, divine law, God's law, etc. This refers to the principles of natural right and wrong (the principles of natural justice).

3. **Conventional Law:** This is the body of rules agreed upon and followed by the concerned parties to regulate their mutual conduct. It is a form of special law and law for the parties which can be made valid or enforced through an agreement, for example, international law.

4. **Customary Law:** These are rules of custom that are habitually followed by the majority of the persons subject to them in the belief of their binding nature. According to Salmond, customary laws mean “any rules of action which are actually observed by

²³⁰Salmond, J.W. *Jurisprudence*. United kingdom: (Stevens and Sons, 1902)

men (any rule which is the expression of some actual uniformity of voluntary action²³¹).

5. **International Law:** According to Hughes, international law is the body of principles and rules which civilized states consider as binding upon them in their mutual relations. We have public international law (it prevails universally all over the world), and private international law (it is enforced only between some states).

6. **Civil Law:** According to Salmond, civil law is the positive law or law of the land, which means the law as it exists. This law, according to him, is backed by the force and might of the state for the purpose of enforcement²³²

The Overview of the Concept of Human Rights

Human rights could also be referred to as fundamental rights. Fundamental rights are the inalienable rights and privileges a person or group of people enjoys as a human being. These rights are enshrined in the constitution in order to guarantee the value of the rights and so that it cannot be tampered with. Another major reason for the inclusion of human rights in the constitution is to establish the “rule of law”, to prevent legislative tyranny and oppression. It is also designed to forestall the despotism of the majority and of the legislatures who are “deaf to the

²³¹Salmond, J.W. *Jurisprudence*, 1902.

²³²Salmond, J.W. *Jurisprudence*, 1902

voice of justice” from having their way²³³. The rule of law deals with the superiority of law. It is made up of principles which were propounded by Prof. A.V. Dicey as follows; principle of equality before the law, the principle of impartiality, and the principle of individual rights. If these principles of the rule of law are observed and practiced, it will strengthen and give democracy its natural meaning, and there will be justice, equality, and transparency in the society. Stephen P. Marks gave a clear explanation of human rights as follows:

“Human rights constitute a set of norms governing the treatment of individuals and groups by states and non-state actors based on ethical principles regarding what society considers fundamental to a decent life. These norms are incorporated into national and international legal systems, which specify mechanisms and procedures to hold the duty-bearers accountable and provide redress for alleged victims of human rights violations.”²³⁴

The concept of human rights has been viewed from different political, sociological, and philosophical perspectives. Socio-politically, human rights are a concept that regards human beings as having

²³³Simeon, O.E, *Human Rights and Democratization in Africa* 2003, 111.

²³⁴Stephen P. Marks. *Human Rights: A Brief Introduction*. Harvard: (Harvard University Press, 2016),1.

universal rights or status, regardless of legal jurisdiction, and other localizing factors, such as ethnicity and nationality²³⁵. Philosophically, as observed by Hill; Human rights are based on social contract theories and their conception of natural rights²³⁶. According to Forsythe, human rights refer to the supposed basic rights and freedoms to which all humans are entitled²³⁷. Social contract theory is a theory that states how people come together to form a society in which they live based on their collective agreement, and this society respects individual human rights.

In a domestic sense, according to A. Yusuf, the concept of human rights refers to safeguards for the individual against arbitrary use of power by the government in a democratic settings to the following: (i) the well-being of individuals, (ii) the freedom and autonomy of individuals, (iii) the representation of human interest in government²³⁸

²³⁵Wikipedia, 2006.

²³⁶Hill Thomas. *Human Rights* "1st ed" New York: (Oxford University Press, 2006)

²³⁷Forsythe, David, P. *Human Rights in International Relations*. Cambridge: (Cambridge University Press), 2000.

²³⁸Yusuf, A. *Issues in Fundamental Human Rights*. Department of Arts and Social Sciences Education, University of Ilorin. Ilorin, Nigeria.

History of Human Rights

The history of the human rights movement began with ancient religious and social institutions and shows the evolution of concepts and institutions of human rights across civilization. The roots of the notion of human rights started with the role of the individual in the state and can be drawn s far back as the ancient period. The Cyprus cylinder is recognized as the first document of human rights. According to the cylinder's transcript, the Persian Empire freely let the people of the empire practice their own religious beliefs. This can also be seen in the Bible, where the Persians released the followers of Judaism from oppression and let them migrate back to their land. The cylinder also introduces such concepts as the abolition of slavery, which implies that all human beings have the right to life and the right to be free from any form of discrimination²³⁹.

In the modern era, human rights law can be traced to the British Bill of Rights of 1689, which made illegal a range of oppressive governmental actions in the United Kingdom. During this time, two notable revolutions took place: the 18th century in the United States (1776) and in France (1789). The revolution that happened in the United States led to the United States Declaration of Independence, which states

²³⁹ Finkel, Irving L. *The Cyprus Cylinder: The King of Persia's Proclamation from Ancient Babylon*. I.B. Tauris, 2013

that all people have the right to independence. And one of the French led to the Declaration of the Rights of Man and of the Citizen. This declaration was made to ensure that the slaves who lived in the United States to get justice under the law²⁴⁰.

These revolutions were followed by development in the philosophy of human rights championed by philosophers such as Thomas Paine, John Stuart Mill, and Hegel during the 18th and 19th centuries. Many other groups also came up, like the women's rights movement, which succeeded in gaining for women the right to vote, participate in elections, and ensure gender equality.

A modern interpretation of the original Declaration of Human Rights was made in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in 1948. The United Nations (UN) has set up a number of bodies to monitor and study human rights, under the leadership of the UN High Commissioner for Human Rights (HCHR). The United Nations (UN) remains the only multilateral governmental agency with universally accepted international jurisdiction for universal human rights legislation. So, to this effect, the United Nations has an international mandate to:

“....achieve international co-operation in solving international problems of an

²⁴⁰British Bill of Rights. UK Parliament, 1689, accessed 5th April, 2025.

economic, social, cultural, or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedom for all without distinction as to race, sex, language, or religion.”²⁴¹

Some of the fundamental Human Rights that are enshrined in the Nigerian constitution are as follows;

(1) **Right to Life:** In the Nigerian constitution, section 33/1, the first guaranteed right is the right to life. Life is the most precious gift on this earth; therefore, it is but appropriate that it has been given the first place. Every person has the right to life, and no one shall be deprived of their life intentionally. But most of the time, this right is violated by the acts of murder, suicide, and unjustifiable abortion (i.e., abortion carried out for any other reason except for the purpose of saving the endangered life of the mother, therapeutic abortion)²⁴²

(2) **Right to freedom of movement:** According to the constitution of Nigeria, section 41. Every citizen has the freedom to move freely without being arrested. According to Simeon, this section shows clearly that every Nigerian citizen has the right to move freely throughout Nigeria and reside in any

²⁴¹United Declaration of Human Rights><https://www.un.org>> accessed 5th April, 2025.

²⁴²Simeon, O.E, *Human Rights and Democratization in Africa*2003, 112.

part thereof. No citizen of Nigeria shall be expelled from Nigeria or refused either entry or exit from the country, nor would any state in Nigeria enact a law which makes it difficult or impossible for some citizens to enjoy these rights²⁴³

(3) Rights to peaceful assembly and association (section 40): Every person shall be entitled to assemble freely and associate with other persons, and he may form or belong to any political party, trade union, or any other association for the protection of his interests. This provision is a restatement of an existing law which is here entrenched so as to ensure its inviolability (cf. section 62-68 of the Nigerian criminal code). The right of the people of a community to assemble and to associate for the purpose of forming religious groups, political parties, trade unions, or any other lawful purpose connected with the powers or duties of the government is a constitutional right and privilege²⁴⁴

(4) Right to freedom of speech and expression (section 39): Freedom of speech means the right to express one's convictions and opinions freely by word of mouth, writing, printing, picture, or in any other manner. This also includes the right to propagate or publish the views of other people²⁴⁵
Every person shall be entitled to freedom of

²⁴³Simeon, O.E, *Human Rights and Democratization in Africa*2003, 143

²⁴⁴Simeon, O.E, *Human Rights and Democratization in Africa*2003, 140.

²⁴⁵Simeon, O.E, *Human Rights and Democratization in Africa*2003, 123

expression, including the freedom to hold opinions and to receive and impart ideas and information without interference²⁴⁶

The Concept of Participatory Democracy

Participatory democracy, also known as semi-direct democracy, is a form of government wherein citizens engage directly in making political decisions and shaping policies that impact their lives, as opposed to relying on elected representatives for this purpose.²⁴⁷ The primary goal of participatory democracy is to provide citizens with the opportunity to actively participate in decision-making processes regarding issues that affect them²⁴⁸. Though not a new concept, participatory democracy has historical roots dating back to Athenian democracy, where participation was limited to adult, free male citizens. Its modern theoretical framework was developed by Jean Jacques Rousseau in the 18th century and further promoted by scholars such as John Stuart Mill and G.D.H Cole have posited arguments in favor of the idea that political participation is essential for

²⁴⁶ Fundamental Human Rights><https://www.mondaq.com>> Accessed 4th April, 2025.

²⁴⁷Definition of Participatory Democracy. Dictionary.com-www.dictionary.com retrieved 11 December 2024. This Model Combines Elements of Direct and Representative Democracy participatory democracy-metropolis. Retrieved 11 December 2024.

²⁴⁸De Vos et al. South African Constitutional Law in context. Oxford: Oxford University Press, 2014

the establishment of a just society²⁴⁹ In the early 21st century, there has been a notable increase in the examination and implementation of participatory democracy, which has resulted in the emergence of various proposals for institutional reform such as participatory budgeting²⁵⁰ Participatory budgeting (PB) represents a form of citizen engagement wherein ordinary individuals collectively determine the allocation of a portion of a municipal or public budget through a process of democratic deliberation and decision-making. The foundation of the concept of participatory democracy revolves around the fundamental assertion that individuals and their institutions cannot be viewed in isolation from one another. The existence of individuals and institutions is intertwined. Merely having representative institutions at the national level is not sufficient for a democratic system. To ensure maximum participation by all individuals at that level, socialization or ‘social training’ for democracy must occur in other spheres to develop the necessary individual attitudes and psychological qualities. This development occurs through the process of participation. In the theory of participatory democracy, the primary role of participation is seen as educative, encompassing psychological aspects as well as practical skills and procedures of democracy. Participation helps in

²⁴⁹Wolfe, Joel, D “A Defense of Participatory Democracy”, the Review of Politics, 47(3), doi: 10.1017/50034670500036925-ISSN1748—6858-S2CID144872105

²⁵⁰Pateman, Carole. “Participatory Democracy Revisited”: Perspectives on Politics, 10(1), pp.1-19. Doi: 10.1017/51537592711004577-ISSN1541-0986-145534893

cultivating the qualities essential for democracy, with individuals improving their abilities the more they engage. Therefore, for a democratic system to thrive, a participatory society is essential where all political systems have undergone democratization and socialization before participation can fully take place.

Contemporary participatory theories of democracy can be distinguished based on various elements, such as the interpretation of 'democracy' itself and the definition of 'political', which in this theory extends beyond the typical national or local government scope. In participatory theory, "participation" entails equal involvement in decision-making, and "political equality" refers to equal power in influencing decision outcomes²⁵¹ While participatory democracy is primarily a theoretical concept, it is frequently utilized as a democratic mechanism. Some of these mechanisms include:

1 **Petition:** These are formal requests signed by numerous individuals. The right to petition is a privilege afforded to citizens, underscoring the belief of the pioneers of participatory democracy in the indispensable nature of citizen involvement in the governance of any country. This mechanism helps give people a voice, which is the primary goal of participatory democracy.

²⁵¹Carole Pateman. *"Participation and Democracy Theory"*. Cambridge: (Cambridge University Press, 1970), .41.

2 **Referendums:** These are procedures in which citizens can vote to approve or reject specific legislation, often initiated by legislators for citizen approval. This process exemplifies participatory democracy, granting citizens the freedom to accept or reject decisions made by lawmakers.

3 **Initiatives:** These consist of direct and indirect forms, with direct initiatives enabling citizens to propose laws and constitutional amendments for the ballot, and indirect initiatives requiring approval by the legislature.

4 **Town Halls:** These are public meetings facilitated by politicians or officials to gather input from attendees on specific topics. These gatherings serve as a forum for citizens to collectively deliberate and make decisions that align with their interests. Additionally, participatory democracy, as described by Rousseau, is a political system wherein citizens actively engage in the decision-making process through deliberative and inclusive mechanisms²⁵²

Rousseau's vision of participatory democracy is based on his concept of the "General Will," which pertains to the shared interests and desires of the populace.

He advocated for direct citizen involvement in decision-making to guarantee the acknowledgment of their opinions and the representation of their

²⁵²Rousseau, J.J. *The Social Contract*, Translated by G.D.H. Cole. Public Domain, 2010

concerns²⁵³. Participatory democracy, within Rousseau's framework, embodies direct engagement, general will, equality, and inclusivity. Embracing and implementing participatory democracy can foster progress; Dewey contended that it is crucial for nurturing democratic citizenship and cultivating critical thinking and problem-solving skills²⁵⁴ Pateman underscored that one of the key benefits of participatory democracy is its advancement of social justice and equality²⁵⁵

Artificial Intelligence (AI) And Human Rights

Artificial Intelligence (AI) has the potential to transform life and strengthen our democratic system, especially in the aspect of fundamental human rights. It can significantly enhance the protection and promotion of human rights, democracy and the rule of law; however, this also pose serious risks such as discrimination, gender inequality, threats to democratic decision-making processes, infringements on human dignity and autonomy, and the misuse of Artificial Intelligence (AI) by states for repressure

²⁵³Rousseau, J.J. *The Social Contract*, 2010

²⁵⁴Dewey, J. *The Public and Its Problems*, New York: (Henry Holt and Company, 1927).

²⁵⁵Pateman, C. *Participation and Democratic Theory*, 1970

purposes, violating international human rights law²⁵⁶ Furthermore, Artificial Intelligence (AI) is transforming our society, profoundly affecting how we live, work, and interact. As AI technology advances, its impact on human rights will continue to grow, offering both opportunities and challenges. The rapid adoption of Artificial Intelligence (AI) technologies and the increased reliance upon AI by both governments and the private sector have recently led to rising concern about potential negative implications for human dignity, democratic accountability, and the bedrock principles of free societies. We need a global governance framework to address the wide range of societal challenges associated with AI, including threats to privacy, information accessibility, and the right to equal protection and nondiscrimination.²⁵⁷ One of the essentials why AI is developed and deployed is to solve the issues that surround social institutions, especially pre-existing human rights implications. For instance, the deployment of AI in the criminal justice system to deal with the issue of injustice by providing the opportunity for the principles of the rule of law to prevail, such as the principle of legality, the right to a fair trial, and many others.

²⁵⁶Human Rights and Artificial Intelligence CDDH-AI><https://www.coe.int.-accessed> 5th, April, 2025.

²⁵⁷Eileen Donahoe, Megan Macduffee Metzger. *Journal of Democracy* 30(2), 115-126, 2019.

AI is the machine that is used to regulate and redress the negative human rights implications arising from that field. AI then changes the human rights impacts of the field into which the technology is introduced. If the introduction of AI improves the human rights performance of the field, AI can be said to have a positive impact on human rights. Conversely, if the human rights performance of the field of endeavours deteriorates with the introduction of AI, then it is clear that the technology has produced adverse human rights impacts²⁵⁸

The human rights impact of AI stems from at least three sources, such as;

1. **Quality of training data:** This deals with the data used in training, but, surprisingly, the data used to “train” an AI system is biased; the resulting system will reflect, or perhaps even exacerbate, those biases²⁵⁹ This version is what is generally known as the “garbage in, garbage out” problem, and it can have profound consequences for a wide variety of human rights, depending on what the system is intended to do²⁶⁰

²⁵⁸Filippo, A. Raso, Hannah Hilligoss et al. *Artificial Intelligence and Human Rights: Opportunities and Risks*. Harvard: (Berkman Klein Center, 2018), 14.

²⁵⁹Osonde Osoba and William Welser iv. *An Intelligence in our Image: The Risks of Bias and Errors in Artificial Intelligence*. Santa Monica: Rand Corporation, 2017, <https://www.rand.org/content/dam/rand/pubs/research-reports/RR1700/RR.744/RAND-RR1744.pdf>.

²⁶⁰Filippo, A. Raso, Hannah Hilligoss et al. *Artificial Intelligence and Human Rights: Opportunities and Risks*, 15.

2. **System Design:** This deals with the decisions made by an AI system's human designers, and these decisions can have significant human rights consequences. Human designers can, for example, prioritize the variables they would like the AI system to optimize and decide what variables the AI should take into consideration as it operates; such design decisions can have both positive and negative human rights impacts, which will be informed by the individual life experiences and biases of the designers²⁶¹.

3. **Complex interactions:** Once an AI system is introduced, it will interact with the environment in ways that produce outcomes that might not have been foreseen. These complex interactions can have significant human rights impacts²⁶². AI has also positively impacted by addressing the challenges faced by persons with disabilities. For example, converting speech-to-text, enhancing and providing new avenues for communication and interaction, digital platforms and services, voice recognition, and gesture control. AI can provide tailored educational materials and support for students with learning disabilities.

Democratic Participation and AI Governance

²⁶¹Filippo, A. Raso, Hannah Hilligoss et al. *Artificial Intelligence and Human Rights: Opportunities and Risks*, 15.

²⁶²Filippo, A. Raso, Hannah Hilligoss et al. *Artificial Intelligence and Human Rights: Opportunities and Risks*, 15.

AI governance is the set of processes, policies, and tools that bring together diverse stakeholders across data science, engineering, compliance, legal, and business teams to ensure that AI systems are built, deployed, used, and managed to maximize benefits and prevent harm²⁶³. Technical expertise remains crucial; integrating democratic participation in AI governance can help ensure that policy decisions are aligned with societal values, fostering legitimacy and public trust in the outcomes. The key models of democratic initiatives that will be explored here are participatory and deliberative democracy. AI governance emphasizes how democratic engagement can enhance inclusivity, transparency, and accountability in addressing complex, technical challenges²⁶⁴. Participatory democracy emphasizes broad public engagement and direct decision-making, often through methods like voting, surveys, or public comments, aiming for maximum inclusion and citizen power. In contrast, deliberative democracy focuses on informed debate and consensus-building through structured dialogue, typically in smaller groups facilitated by trained moderators. While participatory democracy prioritizes the breadth of participation, deliberative democracy emphasizes depth, requiring more time

²⁶³Credo AI- what is AI governance. <https://www.credo.ai/glossary/ai-governance,2024>

²⁶⁴Lucile Ter-Minassian. *Democratizing AI Governance: Balancing Expertise and Public Participation*. Oxford: (University of Oxford, 2025).

and interaction with technical experts to achieve well-reasoned, collective decisions. These approaches differ in their goals: participatory democracy seeks widespread involvement, while deliberative democracy aims for thoughtful consensus-driven outcomes²⁶⁵.

The governance of AI systems often presents fewer technical barriers than commonly assumed. While some aspects undeniably require deep technical expertise, many critical governance decisions focus on universally relatable societal impacts. Dryzek advocates for participatory and decentralized governance, combining scientific expertise with public values and social considerations to address complex challenges, such as those posed by environmental issues²⁶⁶ Pasternak et al demonstrate how teaching core principles of complex scientific topics can empower policymakers to make informed decisions. They detail their experience in designing and delivering courses aimed at equipping policymakers to understand and apply scientific evidence effectively²⁶⁷

²⁶⁵Lucile Ter-Minassian. *Democratizing AI Governance: Balancing Expertise and Public Participation*., 2025.

²⁶⁶Dryzek, J.S. *The Politics of the Earth: Environmental Discourse*, “4thed”. Oxford: (Oxford University Press, 2019).

²⁶⁷Pasternak, N, Almeida. P, Seixas, R.J et al. “*Teaching Scientific Evidence and Critical Thinking for Policymaking*” *PLOS ONE*, Vol.19, no.4, p:e0293819, 2024.

Based on these perspectives, we argue that effective AI governance demands not only an understanding of core technical concepts, such as AI training methodologies, robustness, and explainability principles, but also a deep awareness of their societal implications for privacy, labour markets, and ethical consideration²⁶⁸.

The democratic institution in this contemporary society is confronted with the crisis of legitimacy. For instance, empirical data indicate that there is a roughly 20% decrease in confidence people have in the governmental bodies over the past two decades, so there is an urgent need to rebuild this confidence through democratic AI governance. Democratic AI governance becomes crucial for two reasons:

a) **Legitimacy and Accountability:** Public participation in AI governance ensures policy alignment with collective interests rather than narrow corporate or technical objectives. Arras and Barun experimentally show that inclusive consultation processes can enhance regular legitimacy²⁶⁹

b) **Transparency and Trust:** AI's inherent opacity and pervasive influence necessitate democratic oversight to prevent public skepticism and resistance.

²⁶⁸Lucile Ter-Minassian. *Democratizing AI Governance: Balancing Expertise and Public Participation.*, 2025.

²⁶⁹Arras, S and Barun, D. "Stakeholder Consultations and The Legitimacy of Regulatory Decision-Making: A Survey Experiment", *Regulation and Governance*, vol. 14, no. 3, pp 435-456, 2020.

AI governance can benefit from structured deliberation, allowing citizens and AI experts to collaboratively address topics such as bias, transparency, and accountability.

Participatory Mechanisms for AI Decision Making

Participatory AI means involving a diverse range of stakeholders in building AI systems. This might be members of the public, subject experts, or the intended end-users of the AI tool²⁷⁰.

Participation is peculiar when it comes to using AI for high-stakes (and high-reward) decisions like climate adaptation, crisis response, or health and social care. Participatory AI comes in many shapes and sizes. People can input at different stages of the AI development pipeline, from data collection to risk assessments and safety testing. By drawing on the experiences, preferences, and grounded expertise of diverse groups, we can start to leverage collective intelligence, building more trustworthy AI systems that work in the public interest²⁷¹.

The impact of participatory AI is to ensure that better AI tools are built, which will be more accurate,

²⁷⁰Nesta. Participatory AI/Nesta><https://www.nesta.org.uk>, June 2021>accessed 4-4-2025.

²⁷¹Nesta. Participatory AI/Nesta><https://www.nesta.org.uk>, June 2021>accessed 4-4-2025.

fair, and trustworthy, while also focusing on applications that advance the public good. So, building a participatory AI system will also ensure that people from different backgrounds (i.e., culture, race, sex, etc.) are also beneficiaries of this AI system.

Participatory AI systems have the potential to transform the way we collaborate and work on problems, which will help to make sense of collective intelligence at scale, while being more creative, collaborative, and cooperative²⁷²

But it is imperative to know that AI systems can be biased, especially when they are placed in the hands of a few individuals; hence the need for collective participation by all citizens.

Furthermore, participation is important because it engages stakeholders, and this engagement is done broadly in two categories; the first is an instrumentalist motivation that stakeholder participation will result in better outcomes²⁷³. The second is a normative motivation; i.e, participation is important because inclusion of the people who may

²⁷²Nesta. Participatory AI/Nesta><https://www.nesta.org.uk>, June 2021>accessed 4-4- 2025.

²⁷³Gro Bjerknes and Tone Bratteteig. *User Participation and Democracy: A Discussion of Scandinavian. Scandinavian Journal of Information Systems*, 7, 1 1995,1

be impacted by the technology or policy being designed is simply the right thing to do²⁷⁴For example, proponents of participatory democracy argue that participation is normatively important, as it aligns organizers' ideological commitment to an egalitarian society with the method to achieve that society²⁷⁵

Participation may be conducted with both goals in mind, as in deliberation theory, which aims to give people a voice in shaping more effective policy decisions that lead to political equality²⁷⁶

Citizen Engagement and Ai Literacy

Citizen engagement, also referred to as civic engagement, deals with the involvement of citizens in developing, deploying, and making use of AI systems. Participatory democracy through citizen engagement can be enhanced through:

1. **Political Knowledge:** Governments around the world are increasingly turning to AI to promote transparency in the public sphere. AI is being employed to increase both political knowledge among citizens and public sector accountability. AI-

²⁷⁴Francesca Polleta. *Freedom is an Endless Meeting*. Chicago: (University of Chicago Press, 2012).

²⁷⁵Francesca Polleta. *Freedom is an Endless Meeting*, 2012.

²⁷⁶James S Fishkin and Robert C Luskin. *Experimenting with a Democratic Ideal: Deliberative Polling and Public Opinion*. Acta politica 40, 3, 2005.

driven systems like chatbots and virtual assistants are being used to enhance government accessibility through communication between citizens and governmental players, such as politicians, departments, and governmental institution²⁷⁷.

2. Empowerment and Trust Building: This forms another important reason for the use of AI systems in participatory democratic settings to improve communication with citizens, bridging the gap between people and their representatives, fostering better engagement and transparency in political processes. Citizens are engaged in a participatory democratic sector through AI-powered chatbots and virtual assistants; there is real-time engagement and interaction between citizens and the government. This goes beyond just engagement, but it also give citizen access to the opportunity of making more informed decisions on the use of AI systems to facilitate the democratic processes²⁷⁸.

3. Involvement in Decision- Making: Artificial intelligence can play a significant role in amplifying citizen voices in decision- making processes. By employing advanced technologies, governments can better integrate citizen input into actionable decision-making, leading to improved responsiveness

²⁷⁷Erzsebet Abram. *AI: Supporting Citizen Engagement in the Modern Era*. Europe: Transatlantic Perspectives><https://medium.com>, 2024.

²⁷⁸Erzsebet Abram. *AI: Supporting Citizen Engagement in the Modern Era*. Europe: Transatlantic Perspectives><https://medium.com>, 2024.

and more equitable outcomes²⁷⁹ The outcome of citizen involvement can help fill in the gap between what the people actually want and need, and what the government wants, bringing them into common ground.

Artificial Intelligence and the Rule of Law

The judiciary plays an important role in the governance of artificial intelligence by applying international human rights standards to the ethical concerns related to bias, discrimination, privacy, and transparency, while also leveraging AI systems to strengthen access to justice and enhance the efficiency of judicial administrations. The rule of law is the bedrock of a flourishing society and is essential for the promotion of our fundamental rights and freedoms, democratic foundations, social justice, security, and economic development. It is important, therefore, to ensure that the rule of law continues to be protected and upheld even now that we are in the era where AI advancements are increasingly transforming the world. We are concerned that the pace at which advanced AI systems are being developed and deployed is outpacing the societal processes required to establish and enforce laws, regulations, and norms around their use. We believe

²⁷⁹Erzsebet Abram. *AI: Supporting Citizen Engagement in the Modern Era*. Europe: Transatlantic Perspectives><https://medium.com>, 2024.

that without adequate governance and oversight, there is a risk that AI advancement will weaken the rule of law and broadly outstrip our ability to establish justice.²⁸⁰ The rule of law is an ideal of political morality that has the effect of elevating the importance of law and legal infrastructure in any system of governance. It has two essential components: official action is authorized by law, hereinafter referred to as the principle of legality²⁸¹. And those laws should have certain qualities to perform their functions.

AI also grants access to justice. Justice, according to Thomas Aquinas, is the firm and constant will to give to each one his due²⁸². Access to justice ensures that everyone, regardless of their background, can seek and obtain a fair resolution to legal matters. It's undeniable that the justice gap is growing; however, technology could offer ways to fill the cracks. Technology is already prevalent in the legal world, and some of this technology can go some way to improving access to justice. One of the most widely known sources is the websites of organizations such as citizens advice, which offer information and advice on legal matters and how the legal system

²⁸⁰AI and the rule of law.<https://thefuturesociety.org>>accessed 5th April, 2025.

²⁸¹MacCormick, N. *Institutions of Law: An Essay in Legal Theory*. Oxford: (Oxford University Press, 2007), 43.

²⁸²Shishima, S.D, Igbum, V.T, and Apenda, A.Z. *Introduction to Moral Philosophy and Disciple*. Makurdi: (The Return Press, 2000),18.

works. There are Online Dispute Resolution (ODR) platforms that can allow parties to resolve conflicts of interest without needing to attend a court in person, and the use of video has become more prominent in courts since the COVID-19 pandemic. There are also some chatbots and apps that have been developed to offer legal advice and guidance to those who need it. There are even some document automation tools that can help simplify some common legal processes, such as will writing²⁸³

The importance of the rule of law in relation to the automation of public decision-making, and AI generally, is gaining attention among regional and international organizations. At a recent Council of Europe high-level conference on AI, it was concluded that since AI positively and negatively impacts “the exercise of human rights, the functioning of democratic societies, and the rule of law, it requires timely and thoughtful policy responses and must be placed at the top of governments’ political agendas.”²⁸⁴

²⁸³The Role of Technology in Access to Justice. The University of Law.
<https://www.law.ac.uk>, 2025.

²⁸⁴Council of Europe, *AI: Governing the Game Changer-Impacts of Artificial Intelligence Development on Human Rights, Democracy, and The Rule of Law*. Helsinki, 26-27 February, 2019.

The Role of Law in Regulating AI

The development and deployment of different kinds of AI systems in various sectors is increasing. So, there is a need for the government to regulate the development, deployment, and use of these AI systems through the outlined laws of the government, to eradicate or reduce the negative impact of AI systems on society.²⁸⁵ Even though, currently, there are no specific laws or regulations that directly regulate AI, particularly in Nigeria. However, the National Information Technology Development Agency (NITDA) announced in 2022 that it was seeking the contributions of stakeholders to enable the development of the National Artificial Intelligence Policy (NAIP). In March 2023, the NITDA announced that it had completed the first draft of the NAIP. There might be no specific law to regulate AI systems yet, but there are laws that affect the development or use of AI systems in Nigeria. These include:

1. The cybercrimes (prohibition, prevention.Etc.) Act, 2015
2. The Nigeria Data Protection Act, 2025
3. The Security and Exchange Commission (SEC) Rules on Robo-Advisory Services
4. The Federal Competition and Consumer Protection Act 2022

²⁸⁵Liane Colonna and Stanley Greenstein “eds” Law in the Era of Artificial Intelligence. Sweden: stiftelsen juridisk fakultetslitteratur (sjf), 2020, 229.

5. The Nigeria Communication Commission Act, 2003.

AI systems are primarily regulated by the National Information and Technology Development Agency through the National Centre for Artificial Intelligence and Robotics. Other relevant regulatory bodies include: the Nigeria Data Protection Commission, the Nigeria Communication Commission, and the Federal Competition and Consumer Protection Commission²⁸⁶.

AI and Cybercrimes: In 2018, the camera of a facial recognition authentication system in China was hijacked, allowing its hackers to gain access to privileged information and impersonate several users. Using this data, they were able to defraud local tax authorities of 77 million dollars²⁸⁷. So, this incident calls for the need to protect the AI systems to curb bad actors. Protection Act or Cybercrimes Act State

“Anyone without authorization intentionally accesses a computer system or network with the intent of obtaining computer data, securing access to any program, commercial/industrial secrets, or classified information; commits an offence and is liable to punishment.”²⁸⁸

²⁸⁶Jeffery Shin. London: White and Case LLP, 2025. AI Watch: Global Regulatory Tracker-Nigeria><https://www.whitecase.com>>accessed 04- 4- 2025.

²⁸⁷Cybersecurity Risk to Artificial Intelligence-gov.uk, 15 May, 2024><https://www.gov.uk/government/publications> on-the-cyber-security-of-ai/cyber-security-risk-to-artificial-intelligence. accessed 6 April, 2025.

²⁸⁸Protection Act, 2025. United States of Legislation, Amended 2025, S. 6(2) .>accessed 05- 4-2025.

AI and Consumer Protection

The increased generative AI adoption in the commercial space has also come with increased consumer risks. For instance, in January 2024; AI generated Video of Taylor Swift was circulated, falsely claiming the singer was giving away free cookware, with consumers only needing to pay a shipping fee. The Federal Consumer Commission Protection Act (FCCPA) provides that;

“An undertaking shall not knowingly apply to any goods a trade description that is likely to mislead consumers as to any matter implied or expressed in that trade description or alter, deface, cover, remove or obscure a trade description or trade mark applied to any goods in a manner calculated to mislead consumers²⁸⁹

Federal Competition and Consumer Protection Act 2018. Trade descriptions under the FCCPA are generally any form of branding that may inform a consumer to request or order the goods²⁹⁰

Conclusion

²⁸⁹Protection Act, 2025. United States of Legislation, Amended 2025, S. 116 (2) >accessed 05- 4-2025.

²⁹⁰Federal Competition and Consumer Protection Act. 2018. Nigeria: Federal Government of Nigeria. Section 11, 116 (1)

This research work has examined the relationship among Artificial Intelligence (AI), law, and human rights, utilizing these concepts as the foundation for constructing a democratic participatory society wherein justice, equality, and transparency are highly valued. Issues such as bias, accountability, and transparency that AI poses on human rights and democratic principles were deliberated upon. It is argued that a framework for democratic participation is crucial in addressing these challenges and advocating for AI systems that prioritize human rights considerations. Democratic participation facilitates inclusive decision-making, citizen engagement, and participatory governance, while also ensuring transparency, accountability, and fairness in AI systems. AI systems have further contributed to promoting citizens' well-being, respecting human rights, and upholding democratic values through continued development and deployment.

Finally, the relationship among Artificial Intelligence (AI), law, and human rights presents a variety of challenges that necessitate diverse approaches. It is crucial to implement a democratic framework to ensure justice, equality, and transparency in the development and deployment of AI systems, in alignment with the principles of fundamental human rights, inclusivity in decision-making, and participatory governance. Emphasizing the promotion of an AI system that upholds human

dignity and can safeguard it is paramount. Hence, a participatory democratic framework offers methods to address the numerous challenges posed by AI. By acknowledging this framework, it will aid in guaranteeing that the AI systems developed and deployed will uphold fundamental rights, uphold democratic principles, and enhance the welfare of individuals within society.

Crucially, the future of Artificial Intelligence and human rights hinges on the capacity to collaborate and unify in order to formulate and enforce a structure that upholds human dignity and the welfare of individuals. Achieving this will ensure that the AI systems developed will establish a society that is fair, impartial, and open to all.

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