

WHAT SHOULD AI REGULATION LOOK LIKE?

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ABSTRACT

The rapid evolution of artificial intelligence has made its regulation a central concern in contemporary legal scholarship. Yet the difficulty lies not merely in the fact that technological development outpaces conventional regulatory processes. AI presents a more fundamental challenge because of its capacity to manipulate, imitate, and transform features traditionally associated with the human legal subject, including agency, identity, decision-making, and responsibility. It therefore has the potential to unsettle some of the conceptual foundations upon which legal systems are built.

This paper argues that governing AI requires more than a material adjustment of existing rules to accommodate a novel technological object. It also demands a formal transformation in the conceptual framework through which the relationship between AI and law is understood. The argument develops two principal claims. First, AI requires governance rather than regulation alone. Its successful integration into social and political life depends on understanding the multiple ways in which it affects the human person; the ex ante specification of prohibited conduct or regulated structures is insufficient. Second, AI legislation should not attempt to anticipate every possible form of technologically mediated conduct according to the traditional logic of comprehensive legal codes. Instead, the law should identify the principles governing the development and use of AI and apply them, through practical reason, to changing circumstances. A principle-based model of governance can provide the flexibility, coherence, and responsiveness necessary for effective and human-centred AI regulation.