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Artificial Intelligence and Politics: Legal Dilemmas and Risks to Democracy

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Abstract
The rapid progress of AI has raised questions about its political, ethical, and legal impact, particularly regarding institutional transparency and citizens' privacy. This study examined the implications of AI in European politics, evaluating whether it enhances democracy or fosters algorithmic manipulations that contravene ethical and legal norms. Adopting a deductive approach, it examined narratives, scenarios, and expectations regarding the use of AI in decision-making and governance mechanisms. The aim was to offer a critical perspective on the dynamics at play, highlighting the risks, opportunities, and legal protections available. The study contributed to the academic debate on the ethical and regulatory implications of AI in governance, providing insights for future regulation and public policy.

Keywords
Artificial Intelligence; Political Decision-Making; Privacy and Data Protection; Ethical and Legal Implications; Democratic Integrity; EU

INTRODUCTION

Inanimate technologies endowed with intellectual faculties, such as artificial intelligence (AI), have demonstrated marked pervasiveness across various social, political, and economic sectors (Brynjolfsson 2019). Thanks to relentless progress and the proliferation of interconnected devices, AI has gained momentum in gradually reshaping the socio-technical system (Ooi et al. 2023). The interplay and convergence of devices equipped with artificial intelligence have the potential to disrupt the prevailing political paradigm, opening the door to broader and more pervasive forms of communication and participation that go beyond the mere expression of votes during sporadic elections. Indeed, while there is significant enthusiasm regarding the importance of citizen engagement and collective participation in democratic processes (Archibugi and Cellini 2017), little is known about how intelligent systems can reinforce the civic fabric. This transformative process is closely tied to the evolution of tools available for communication processes, a focus that has increasingly emphasized technological dynamics over the past decades.

Gruetzemacher and Whittlestone (2022) define artificial intelligence as a wide range of methods, algorithms, and technologies that enable software to exhibit cognitive abilities that, when observed externally, may appear similar to those of humans. While not "intelligent" in the human sense, these technologies are designed to perform complex tasks, allowing their behavior to be interpreted as a form of artificial intelligence.

Babaniyazovich (2023) defines AI as systems capable of performing activities that, if carried out by humans, would require advanced intellectual capabilities. While these definitions are relevant, they reflect a partial conception of AI, focusing on a strictly functional or performance-based perspective.

There is an emerging need for a more comprehensive and holistic approach that extends beyond the ability to perform specific tasks to encompass broader considerations of the ethical, social, political, and legal contexts in which AI operates. In this framework, artificial intelligence is no longer viewed merely as a simple imitation of human cognitive functions but as a phenomenon that interacts with various dynamics, influencing critical decisions across multiple domains. Considering these developments, it is urgent to provide a theoretical framework that embraces AI's technical capacity to replicate human behaviors and interactions with society and its regulation. This leads to an integration between theory and law.

In this context, there is no doubt that the implications for the "person-as-voter" are numerous and that a regulatory framework is needed to rebalance the relationship between information, including sensitive data — such as political preferences and orientations — and the right to privacy and the correct and responsible use of collected data, which is sometimes illicitly obtained for purely electoral and propagandistic purposes. Consider, for instance, the Cambridge Analytica scandal and the vulnerability of the electorate and its self-determination. The relentless progress we are witnessing, along with the deep learning capabilities of AI systems, raises enormous legal questions, starting with the need to guarantee development within a regulatory framework that offers adequate levels of protection and security (Fazio 2023). These issues necessitate a deeper reflection on AI's capacity to shape and influence the political sphere, as well as the development of effective strategies to ensure an informed and transparent debate in the AI era (Bareis and Katzenbach 2022).

Meanwhile, the purpose of this study lies in analyzing the potential offered by artificial intelligence (AI) within the contemporary political framework, particularly regarding the dynamics related to democratization processes and public opinion building on the one hand and the legal risks concerning privacy and data protection on the other, especially regarding the European legal system. In line with the discussion, there is an urgent need for a comprehensive and balanced reflection on the complex challenges and the ethical, political, and legal implications of integrating artificial intelligence into governance and decision-making processes.

The rapid evolution of AI-based technologies requires a thorough assessment that considers not only the opportunities for improvement and innovation in democratic systems but also the risks associated with potential abuses, manipulation, or inequalities. In this context, a balanced reflection must explore all the dimensions involved, from protecting citizens' fundamental rights to ensuring transparency, accountability, and fairness in the political decisions influenced by AI. The legal and regulatory framework must be continuously updated to address emerging challenges, taking into account the heterogeneity of the actors involved and the diverse applications of AI across various political fields. Legislative approaches must focus on preventing abuses, such as manipulating public opinion with algorithms and promoting inclusivity and civic participation through the positive use of technologies.

Only with adequate regulation, focusing on human rights protection and equity, can AI improve the democratic process and the quality of public policies. Furthermore, promoting an ongoing public dialogue involving experts, policymakers, and citizens is essential to ensure that

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the solutions adopted are understandable, fair, and oriented toward the common good. The future challenge, therefore, is to build responsible AI governance that is both innovative and respectful of democratic principles, promoting a synthesis between technological progress and the safeguarding of fundamental societal values.

This study employs a deductive and qualitative approach to investigate the contribution of artificial intelligence to European politics, specifically its ethical, legal, and democratic implications. This methodology combines the critical analysis of academic literature with the examination of the primary normative and policy documents presented by European and international institutions. Above all, from a theoretical perspective, it draws on the contributions of scholars who have addressed the impact of AI on governance and democracy. Moreover, the 'approach followed allows the expectations and concerns related to the use of AI in public institutions to be highlighted. Again, the approach highlighted the potential benefits of AI for public governance, such as efficiency in decision-making processes and the personalization of policies, as well as the risks of manipulation, discrimination, and a lack of transparency. The work aims to contribute to the academic debate and provide useful insights for developing future regulations that strike a balance between technological innovation and the protection of fundamental rights.

THEORETICAL BACKGROUND

The evolution of communication technologies has necessitated adjustments in approaches and strategies for message dissemination. This transformation has been amplified by significant social changes, such as the rise in social polarization (Kubin and von Sikorski 2021) and epoch-making phenomena like the COVID-19 pandemic. The pandemic catalyzed rapid digitalization, profoundly altering the habits and daily behaviors of urban populations (Amankwah-Amoah et al. 2021). The need to adapt communication methods reflects a context where emerging technologies and social transformations interact in complex ways, influencing both the form and content of public communication. These changes represent both a challenge and an opportunity to adopt more sophisticated and targeted approaches that can address the new dynamics of participation and interaction in the contemporary digital and social landscape. In this regard, the relationship between artificial intelligence (AI) and politics holds significant importance within and beyond the scientific community. Its manifestation in political events opens a broad spectrum of possibilities, as this technology can significantly influence various levels of communication and participation.

The ability to analyze complex data, process information in real time, and adapt to individual preferences highlights the highly innovative nature of AI in shaping current political dynamics. Unsurprisingly, research has increasingly focused on studying the influence of artificial intelligence, robotics, and automation on the political fabric. These technologies can redefine how users receive, disseminate, and share information, as well as participate in discussions on social media platforms (Battista and Uva 2023). This phenomenon is often referred to as "the era of algorithmic news" (Diakopoulos 2019), corresponding to the emergence of a new range of artificial intelligence. This concept refers to the shift in which news and information, in general, are curated and disseminated primarily by algorithms rather than by human beings. In this era, digital platforms such as social media and search engines utilize algorithms to select, sort, and

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personalize the content users see based on individual preferences, past behavior, and other personal information. This mechanism can profoundly affect public perception, creating filtering bubbles (Bruns 2019) in which people are primarily exposed to news that confirms their pre-existing opinions, thereby potentially limiting the diversity of information and influencing public debate. The development of such systems goes beyond mere automation and represents a fascinating prospect. This shift in focus has sparked growing interest in the numerous issues arising from the fusion of technology and democratic decision-making processes (Battista 2024a).

Delegate to the Machine

Although some considerations may appear as mere rhetorical exercises, it is worth noting that technologies related to artificial intelligence, while providing vast opportunities to enhance knowledge and social relationships, simultaneously pose the risk of introducing distortions, manipulations, and disinformation (Gallo et al. 2022). For this reason, the issue cannot be addressed solely from a theoretical perspective (Alfonso et al. 2019).

As Wardle and Derakhshan (2017) wisely illustrate, the importance of addressing this issue lies in adopting a global and interdisciplinary perspective beyond analysis limited to specific contexts or sectors. The suggested approach aims to understand the technological dynamics intrinsic to AI and its transversal impacts on society, institutions, and democratic processes. This visceral conflict once again underscores the close connection with adopting such technologies, highlighting the importance of adopting a critical and reflective approach to mitigate potential negative effects and promote conscious and ethical use (Kertysova 2018).

However, it is undeniable that AI is emerging as a highly relevant reality due to rapid technological progress and growing public acceptance. Supporting this thesis are governmental strategies and communications that adopt this narrative, portraying artificial intelligence (AI) as an inevitable and profoundly transformative technological advancement characterized by high economic prospects (Zeng et al. 2022). This positioning reflects the perception of AI as a catalyst for significant transformations, even in economic models, highlighting imminent opportunities and profound implications across a myriad of areas. In this quadrant of rapid innovation, we cannot overlook the inevitable impact on the political arena, where AI could significantly influence decision-making processes, legislative outcomes, and global interactions.

The aspiration to delegate political responsibilities to AI-based systems reflects the vision of technology as an efficient and rational tool capable of guiding decisions and policies impartially. This trend raises important questions about trust in automation within the context of political leadership and reflections on the balance between human and mechanical competencies in shaping the future of government institutions.

Considering new models of political engagement, there are concrete examples where replacing traditional decision-making elements associated with political representatives is emerging as an intriguing and debated prospect. The idea that human individuals could embody the will of a non-human entity requires profound reflection on the nature and limits of representative democracy. This approach, which envisions humans as intermediaries or spokespersons for a non-human entity, opens up intricate scenarios that require critical analysis

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of the dynamics of representation, democratic consensus, and fairness in decision-making processes.

According to the European Tech Insights 2019 study, which involved over 2,500 adults aged 18 to 99 in eight European countries (France, Germany, Ireland, Italy, Spain, the Netherlands, and the United Kingdom), one in four European citizens would prefer artificial intelligence to make important decisions about their country's governance. In the Netherlands, Germany, and the United Kingdom, the percentage is even higher, with one in three admitting to preferring a machine to determine the country's direction rather than a human being. The unprecedented willingness of individuals to be replaced by AI suggests a strengthening bond between artificial entities and human actors operating within the political fabric (Battista and Camargo Molano 2023). This challenge confronts established paradigms and opens new frontiers for study and reflection on technology and the relationships between society and technology. In the electoral market, marked by increasingly volatile controversies and widespread disillusionment with idealistic principles, there is an urgent need to capture public consensus. In this climate, where politics is perceived as perpetually distant and timely and immediate answers to questions are sought, the opportunity to intensify interactions and dialogues with the base proves valuable. To the extent that political communication promoted by non-political actors plays a surprising role in reconnecting with the traditional political sphere (Battista 2024b).

The synergy between artificial intelligence and democratic participation facilitates greater citizen engagement (Rask and Shin 2024). It contributes to a deeper and more informed understanding of political issues, outlining a perspective in which technology positively amplifies the democratic experience. This awareness underscores the crucial importance of active citizen participation in governance, as it is widely recognized that dialogue between rulers and the governed substantially promotes high-quality standards within a democratic system (Munck 2016). This consideration reflects widespread consensus on the central role that citizen participation plays in maintaining the vitality and validity of democratic institutions. Understanding this logic points the way to encourage and support civic aggregation practices, aiming to preserve and strengthen the foundations of democracy in modern societies. This theoretical imperative suggests reconsidering and reformulating the traditional paradigm of political participation without neglecting its legal implications. Ultimately, the progressive and experimental perspective of some projects, like those cited, suggests an awareness of the challenges associated with integrating AI into politics in all its forms. What is indisputable is that the path toward harmonious coexistence between artificial intelligence and political decision-making will require open dialogue, robust regulation, and ongoing ethical oversight to ensure these innovations make a positive contribution to democratic norms and political life.

As in the case of Taiwan, which has adopted various AI-based solutions to promote more direct and inclusive political participation — for example, the "vTaiwan" platform, which allows citizens to engage in online political discussions and directly influence public policies — AI helps collect and analyze citizens' opinions to make decision-making more democratic and participatory. In this case, the use of AI seems to enhance the quality of democracy by increasing transparency and accountability in public policies.

However, challenges remain in data management, privacy protection, and ensuring that online participation does not favor certain groups at the expense of others. In summary, this

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example illustrates how AI can be leveraged to enhance democracy and improve political processes while also raising ethical and legal concerns related to privacy, manipulation, and transparency. As we will see, the key to ensuring the positive use of AI in politics is adequate regulation that balances the benefits of technology with the protection of citizens' fundamental rights.

METHODOLOGY

This study adopts a qualitative and deductive approach to critically analyze the impact of artificial intelligence (AI) on European governance processes, with a focus on its ethical, political, and legal aspects. The decision to adopt a deductive approach is based on the desire to start from a pre-existing theoretical and normative framework — in particular, democratic principles, fundamental rights enshrined in the Charter of Fundamental Rights of the European Union and emerging directives such as the Artificial Intelligence Regulation (AI Act) — to assess how current and future applications of AI fit into these standards (Bryman 2016).

Qualitative inquiry enables in-depth exploration of complex, multilevel phenomena, such as the impact of algorithms on institutional transparency, citizen privacy, decision-making accountability, and democratic legitimacy. It is particularly suited to address emerging and not yet fully normative issues, such as those related to the use of AI in the political sphere, where the literature and jurisprudence are constantly evolving (Flick 2018). The methodology is structured into three main phases, beginning with a documentary and regulatory analysis that critically examines secondary sources. These include legislative documents and European policy papers (such as the AI Act, the General Data Protection Regulation - GDPR, and the proposal for the Digital Services Act), reports from international institutions (OECD, Council of Europe, European Parliament), and ethical guidelines (such as those developed by the European Commission's independent expert group on AI ethics). This phase outlines the current regulatory framework and the primary legal concerns associated with utilizing AI in public governance.

In the second phase, a thematic analysis (Braun and Clarke 2006) is conducted to explore the representations and narratives related to AI in the European public sphere. This analysis is based on political speeches, strategic documents, press articles, parliamentary debates, and materials produced by think tanks and NGOs active in digital rights. The goal is to identify recurring themes, discursive tensions, and expectations related to the use of AI, highlighting both perceived risks and potential benefits.

Finally, the third phase critically compares the findings and the theoretical literature on technology ethics, democratic theory, algorithmic governance, and the digitalization of public institutions (Mittelstadt 2019). Through this comparison, the study aims to identify key ethical and legal dilemmas and propose guidelines for the responsible and democratically sustainable use of AI in public policy. This integrated methodological approach provides a comprehensive understanding of the phenomenon under investigation. It makes a critical contribution to the academic and institutional debate on the relationship between AI, democracy, and the law. Furthermore, it provides an empirical and conceptual foundation for developing policy and regulatory recommendations to safeguard fundamental rights and promote transparent, inclusive, and technologically aware governance.

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BETWEEN INNOVATION AND UNCERTAINTY

It is well established that artificial intelligence (AI) has opened new horizons and adopted strategies that transcend conventional communication tools. AI enables politicians to identify "target voters more accurately" (Crilley 2018) through predictive data analysis and information processing from various sources. This leads to personalizing political messages tailored to voters' needs and preferences, thus enhancing campaign effectiveness. In formulating public policies, AI also provides policymakers with analytical and simulation tools that enable them to estimate the potential impact of such interventions in advance with greater accuracy. In this sense, managing large amounts of data and predicting the consequences of political decisions can represent an undeniable added value for governance. The presence of chatbots and virtual assistants on politicians' websites, as well as the use of social platforms for political engagement, testifies to how AI can facilitate direct correspondence between representatives and citizens.

However, this still raises ethical concerns about the clarity and accessibility of information. In summary, AI offers a range of new functionalities in the dynamics related to political and electoral processes, the drafting of public policies, and the interaction between various actors, but it requires a rigorous review to fully grasp the implications and pitfalls it poses in the contemporary political and institutional world. Indeed, the penetration of artificial intelligence (AI) is marking a new phase of political restructuring, surpassing the transformations previously introduced by the Internet. The effects on the dynamics of the political world raise numerous uncertainties regarding democratic systems. While the potential of artificial intelligence (AI) to enhance human progress is indisputable, its impact on the political landscape is characterized by significant ambivalence.

On the one hand, we benefit from AI-based communication applications that facilitate public debate, foster connections between individuals, and enhance the flow of information. However, there are legitimate concerns about using technologies that could undermine the roots of the political system and democracy. These concerns go beyond mere interference in elections and strike at the core of democratic politics, as well as interpersonal relations between citizens, citizens and representatives, and citizens and public institutions tasked with serving and protecting the common good. At this historical moment, it is worth focusing on a particular concern that warrants special vigilance: the alleged manipulation that jeopardizes the stability of our society and the functioning of the political system (Westerlund 2019). The widespread use of artificial intelligence (AI) in conjunction with malicious and beneficial intents highlights the bifurcation of applications for this advanced technology. Its widespread dissemination in the contemporary landscape underscores the immovability of evaluating and understanding the context in which it is employed. Being intrinsically neutral, AI can be directed towards altruistic or malicious ends, depending on the agent's intentions. The perception of the results produced within society is subject to significant variations as it reflects the perspectives, values, and sensitivities of the various social actors involved. This suggests the importance of an in-depth dialogue and a critical consideration of the ethical implications inherent in its deployment. The variety of insights could be influenced by the public's understanding of AI's goals, trust in its implementation, and awareness of its potential consequences.

Due to this fundamental complexity, this labyrinthine aspect requires a multilateral and collaborative approach to develop regulatory frameworks and governance mechanisms capable

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of mitigating negative impacts and maximizing the benefits of integrating AI into society. It is, therefore, worth clarifying the dimensions of the phenomenon, the motivations behind these transformations, the tools employed, and the beneficiaries. The need to analyze the driving forces and tools used in the current sociopolitical transformations emerges from stagnant understanding, placing the acquisition of a comprehensive view of these tensions as an absolute priority. All these innovations have facilitated the flow of communication, promoted data sharing, and provided unique tools for creating interconnected networks. In particular, the proliferation of artificial intelligence-based technologies has led to an exponential increase in the accessibility of various types of information, enabling algorithms to process large amounts of data with extraordinary speed and efficiency.

This technological development has triggered a dramatic shift in how individuals and societies interact with information, outlining a landscape where the facilitation of communication and advanced data processing form the foundation of the contemporary digital age. Despite this, we have not fully embraced a "spiritual return to algorithmic neutrality" (Morozov 2011) but rather focus on avoiding excessive blind trust in the neutrality of algorithms. After all, the issue lies in carefully examining the tangled exchanges between technology, society, and human values. With the proliferation of real-time data acquisition and analysis technologies, as well as the growing dominance of social media and digital platforms, our lives have become informational substrates for algorithmic processes intended for various purposes (Amoore and Piotukh 2016), sometimes resulting in manipulation. From this perspective, it is worth noting that using artificial intelligence to identify and interpret data collected by current technologies could lead to a hypothetical form of information manipulation and perception distortion. Implementing advanced algorithms could subtly influence the content of the information flow, conditioning individuals' actions. In such a scenario, caution is crucial in the interaction between technology and society to avoid potential violations and ensure that technological innovation respects fundamental human values, including autonomy, privacy, and information accuracy. Recognizing this danger underscores the urgency of developing a strategy and regulations that govern the use of artificial intelligence to reduce the fear of possible manipulations and safeguard the integrity of information in the digital age (Battista and Uva 2024).

Artificial intelligence (AI) has caused an unprecedented revolution across multiple sectors, including healthcare, finance, education, and politics. However, its most significant impact may lie in the realm of political and social dynamics. Integrating AI into political practices has transformed the way politicians and citizens interact, promising to make politics more efficient, personalized, and accessible. Its predictive capabilities, big data processing, and real-time analysis enable the profiling of voters and targeting of political messages tailored to them. However, at the same time, crucial questions arise: can we truly discern whether the use of AI aligns with transparency and democratic principles or if it represents a tool for manipulating electoral behaviors and public opinion?

This raises questions not only of an ethical nature but also of a legal and political order due to the potential risks to individual liberty and citizens' autonomy. Concerns about the impact of AI on citizens' privacy and the integrity of information in a political context are far from unfounded.

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The use of algorithms to collect, analyze, and interpret personal data, from browsing history to the collection of political preferences, jeopardizes not only the confidentiality of information but also the ability of individuals to exercise independent critical thinking. In a media environment where information is increasingly shaped by algorithms driven by engagement and polarization logic, AI could contribute to a distortion of reality, where what we see and hear is nothing more than the result of an algorithmic selection that is increasingly sophisticated and targeted, capable of influencing political choices and public opinion. The risk of information manipulation through AI is amplified by systems that constantly monitor our online interactions, leveraging data to create personalized messages aimed at political or economic goals. With the rise of machine learning technologies, intelligent systems are becoming more adept at recognizing behavioral patterns and influencing political decisions without users being fully aware of the conditioning mechanisms at play.

The ability of AI to determine the type of content presented to us through social platforms is one of the most powerful tools available for altering public discourse and inducing polarized opinions. Nevertheless, these algorithms are often opaque and not subject to public scrutiny, which hinders their ethical use and adherence to democratic principles. The problem becomes even more complex when we consider that AI is not merely a neutral technology; it reflects the choices of its developers, who, often without malicious intent, introduce biases into algorithmic systems that can undermine the impartiality of political decisions. When the data collected from citizens is manipulated wrongly or maliciously, trust in politics and institutions can be severely compromised. The consequences of this process are evident in growing inequalities and increasing distrust in politics, fuelled by misinformation campaigns and polarized messages.

Furthermore, the digitization and informatization of politics are not limited to the interaction between citizens and politicians. AI is also transforming how governance is carried out, including the formulation and evaluation of public policies. Algorithms can now predict the effectiveness of a policy before it is implemented, running simulations and analyzing future scenarios. This potential for prediction and "optimization" of policies makes political responses to social challenges more dynamic and rapid. However, it also raises the risk that policymakers might rely too much on technology and lose touch with social reality and the needs of citizens. The centrality of data in policy definition could reduce the ability of politics to address the complexities and nuances of real-world situations, reducing the decision-making process to mere technocratic choices. Considering these issues, developing a clear and rigorous regulatory framework that establishes limits and guidelines for the use of AI in politics is necessary. It is crucial that AI not be used as a tool for manipulation or distortion of the truth but to improve the quality of democracy, ensure equitable access to information, and preserve citizens' freedom of choice and opinion. Only through appropriate regulation and careful oversight can we prevent technological innovation from harming democracy, protecting individual and collective rights in a world increasingly influenced by artificial intelligence.

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THE RELATIONSHIP BETWEEN AI AND LAW: "THE NEW OIL" AND THE CHALLENGES FOR LEGAL PRACTITIONERS

The democratic sphere and the social system can hold together only if society can steer the legal approach to AI, particularly in addressing risks and adopting a multidisciplinary method on the one hand, and if a shared set of global values emerges, capable of translating into rules with worldwide efficacy. This is crucial because the phenomenon under analysis transcends historical boundaries, both geographically and in terms of sovereignty and its exercise over a territory. The European Union (EU), despite its inherent institutional organizational limitations, represents a bastion in regulating this phenomenon, which will be examined further below. However, the effort must be primarily political and ethical and only subsequently legal. An artificial intelligence system will encounter a legal rule only if its application generates risks that violate the integrity and dignity of the person. It has been authoritatively observed that, although artificial intelligence is not a person, it can infringe on individuals and their rights. Thus, the relationship between law and robotics must be framed within the broad framework outlined in Article 2 of the Italian Constitution and the formulation of new rights, particularly concerning the right to privacy (Fazio 2023). This connection is indispensable because AI relies on vast amounts of data, known as Big Data (Sartor 2022). This enormous amount of data is predominantly collected automatically by devices that extract information from both the physical and digital worlds. What makes such a volume of data "big" is not merely its quantity but also its potential functionality — that is, the ability to use it for "analytics" purposes, to discover correlations, and to make predictions. A set of features collectively characterizes Big Data, commonly referred to as the 5 Vs: volume, variety, velocity, value, and variability (Carrozza et al. 2019). Data is effectively the "new oil" (The Economist 2017), the "new currency" of the economy (Eggers et al. 2013), forming the foundational resource of the new digital marketplace. The phenomenon of the "datafication of societies" (Mobilio 2020), where every person is interconnected and online due to the incessant daily use of devices belonging to the so-called Internet of Things, has produced a notable blurring between the public and private spheres. Every interaction is tracked, and the combination of data, even if anonymous, enables identification of the actual subject using the latest Big Data analytics techniques.

On the other hand, the pervasiveness of such intelligent systems and their devastating impact on individuals' most intimate and personal aspects requires legal professionals and political and institutional decision-makers to reflect on creating a necessary balance that ensures both the circulation of data and the protection of privacy. Recently, it has been authoritatively argued that considering the totalizing perspective of machine supremacy over humans, there is an urgent need for existential rights linked to the persistence of individuals (Perlingieri 2020). AI now impacts daily life across various domains and dimensions: personal, commercial, political-electoral, sexual, and social. Inevitably, it also affects the legal realm. It is no coincidence that the protection of these aspects constitutes a fundamental right under Article 12 of the Universal Declaration of Human Rights and Article 8 of the European Convention on Human Rights.

These articles respectively prescribe that every individual has the right to protection by law against arbitrary interference in their private life, family, home, and correspondence and that every person has the right to respect for their private and family life, home, and correspondence.

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However, in the context of Big Data, what is particularly significant is behavioral information concerning preferences, interests, and personality traits. Through algorithmic profiling techniques (Citron and Pasquale 2014), these define individual behavioral profiles, allowing market operators, among others, to tailor and customize every proposal based on the specific characteristics of each user. Indeed, human activity on electronic devices such as smartphones and computers, web browsing, or social media interactions leaves traces and data that enable third parties, on the one hand, to invade the personal sphere and, on the other, to violate it by crafting targeted messages aimed at manipulating individuals' behavior for commercial or political-electoral purposes (Fazio 2023). This primarily occurs through machine learning technologies (Johnson et al. 2019), which are capable of automatically learning, analyzing, and deducing new personal information, modifying algorithms, and improving performance based on the data introduced (Ubertazzi 2023). In this context, it has been aptly noted that extracting and deleting specific data, which has already become part of an algorithm created automatically based on their input into the system, becomes impossible (Karaboue 2023). This violates rules concerning the processing, protection, and circulation of personal data, as enshrined in the European Union's Regulation 2016/679. Personal data, which forms the resource of the new digital economy associated with AI systems, risks losing its nature as a fundamental right. In this sense, legal professionals, particularly European lawmakers, as we will see later, attempt to balance two fundamentally divergent and opposing needs: the development of the AI-driven digital market and the protection of individuals' privacy (Finocchiaro 2019). This is an arduous and epochal task for which the law remains ill-prepared despite tentative regulatory efforts within the European continent.

The GDPR itself stems from the need to establish a balance between the circulation of data and the protection of individuals' privacy. Given its regulatory function, it recognizes that such circulation is indispensable in today's economy and that legal science cannot and must not shy away from this reality. This necessity is also evident in the European Regulation on Artificial Intelligence — Regulation EU 2024/1689 — which acknowledges protecting personal data as a fundamental right while encouraging data circulation to fuel the digital market. This is intended to prevent European companies from losing competitiveness to those operating in non-European markets (Bravo 2021). This reveals a stark contrast between what should be exclusive — a fundamental personal right — and the circulatory and monetary function imparted by European legislation. Once again, the market prevails over individuals, fundamental rights, political choices, and even the law.

However, this only occurs to the extent that regulation lacks a global dimension. Measures must be taken to prevent the collapse of the economic system and its competitiveness while reasserting the centrality of humans over dynamics of exchange and profit. These should serve humanity rather than objectify individuals. The key to achieving this lies in a global constitutional moment and strengthening the UN as a legislative body competent to produce norms on issues whose effects transcend borders and whose solutions must be global in scope. The fundamental nature of the right to privacy is diminished when confined to a regional or continental context, both due to digital market protection and because individuals are now consciously sacrificed to benefit from powerful technological tools available everywhere and for every need. Between the convenience of a world at one's fingertips and the defense of a right deemed fundamental only in treaties and academic proclamations, individuals — absent a

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globally effective regulatory proposal — prefer to cede sovereignty over their privacy. Such considerations may appear redundant after examining the provisions in Article 2 of the AI Act, titled "Scope of Application." This article extends the regulation's application to entities and organizations offering goods and services within the single market that are established outside the Union's territory in a third country.

However, this provision only applies to the undefined "general purposes" of the Union, as specified in paragraph 1, letter a), rendering the reference to extraterritorial applicability ambiguous and subject to various interpretations. When combined with the absence of real sanctions for violating the regulation's provisions, the legal practitioner is left with the impression that there is very little anthropocentrism involved, limited to rhetorical invocations of fundamental rights. The reality is that what has become "fundamental" are the market and data circulation for the benefit of a few. Consequently, human rights, from being fundamental, risk becoming instrumental and blurred, particularly in a society where "the so-called meta-narratives typical of the great ideologies of the 20th century are being replaced by a culture of 'performativity,' in which reality, expectations, and values are built around efficiency in achieving results rather than the realization of a specific worldview" (Guzzetta 2024).

PRIVACY IN THE DIGITAL AGE: AI ACT SHORTCOMINGS AND GDPR CHALLENGES

Just as history and Christianity recognize a "before and after Christ," the concept of privacy recognizes a "before and after the Internet." Moreover, soon, there will be a "before and after AI." Also, there is:

> A clear distinction between personal data collected and stored in specific databases — where, at least formally, there is a responsible entity for their management — and the Internet, with its capacity to instantly and globally disseminate data related to individuals or public and private entities. The Internet enables a massive flow of data, whose control is challenging to regulate. Today, the issue is further complicated by so-called big data: the enormous accumulation of data that inundates the world with information like never before, growing uncontrollably. This quantitative change has led to a qualitative shift. The increase in scale has brought about a change in the state of affairs (Frosini 2022).

The challenge for the law is clear: high-quality, borderless regulations. The European Union has made significant strides in attempting to balance the new demands of the digital market with the protection of its citizens' data. This began with the approval of Regulation 2016/679 (GDPR) and continued with the introduction of the Artificial Intelligence Act — the first AI regulation in the world. Article 3 of the AI Act defines the object of its regulation as:

> An automated system designed to operate with varying levels of autonomy, which may demonstrate adaptability after deployment, and which, for explicit or implicit purposes, deduces from the input it receives how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments.

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It is believed that the broadness and generality of this definition were intentional to mitigate the risk of the regulation becoming rapidly obsolete (Falletta and Marsano 2024).

However, the generality of the regulation's provisions produces the opposite effect, rendering it inapplicable due to the lack of genuinely prescriptive norms tied to specific behaviors, with unclear or unsatisfactory remedies for violating rights. For instance, consider both the first recital and Article 1 of the regulation, which emphasize the anthropocentric purpose of the regulation in promoting artificial intelligence while safeguarding fundamental human rights. At the same time, however, the only remedies available to individuals whose fundamental rights are violated are filing a complaint with the supervisory authority and the right to explanation under Articles 85 and 86 of the AI Act.

Another notable and legally complex issue is the relationship between the GDPR and the AI Act. The former remains an indispensable reference, given that AI systems require vast data. One major point of intersection, beyond shared principles and values, is Article 22 of Regulation 2016/679. This provision states that the data subject has the right not to be subjected to decisions based solely on automated processing, including profiling, unless such processing is necessary for executing a contract authorized by EU or Member State law or based on the subject's consent. The interaction between the two regulations creates conflicts in application due to the lack of procedural coordination mechanisms, which risks undermining the breadth of protection offered to citizens. This is particularly concerning because the principles underpinning the GDPR — such as consent, data minimization, purpose limitation, transparency, accessibility, and knowability — are not readily applicable to pervasive, opaque, and sometimes unpredictable AI technologies. For example, AI systems often rely on anonymous data, which cannot be regulated under a framework designed to govern the circulation of personal data related to identifiable individuals (Frosini 2022). Moreover, the GDPR's consent logic is incompatible with AI systems that make automated algorithm-based decisions (Finocchiaro 2021). It has been observed that the purpose of data processing and the potential uses of data may not be determinable at the time of initial consent or a priori, which can prevent individuals from giving informed consent. This is compounded by the informational asymmetry users face regarding the complexity of AI systems (Mobilio 2020). It is evident, therefore, that the GDPR is incapable of ensuring adherence to privacy protection principles concerning AI systems, which can easily circumvent the fragile limits imposed by European legislators.

Similarly, the EU legislator's decision to adopt AI-specific regulation lacking genuine anthropological depth and practical applicability fails to uphold principles and implement deterrent or reparative sanctions effectively. The GDPR's logic is consistently rooted in personal data, with decisions regarding its processing expressed by the individual subject: the data subject controls and sometimes manages their data and monitors its circulation. Other legal bases may justify the processing of personal data, but the cultural, even before legal, model on which the GDPR is based is one of self-determination.

However, this logic cannot be applied to large-scale or big data despite being mitigated by accountability. Individualized data management is not feasible, especially when based on consent. Although theoretically the best model available, consent is often inadequate in providing effective protection. This inadequacy is particularly pronounced when dealing with AI applications based on big data, where the determinability of processing processes at the outset is not guaranteed, and the purpose of processing is often unclear (Finocchiaro 2019).

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Considering these challenges, there is a pressing need for renewed reform efforts to improve the coordination between the GDPR and the AI Act and to reaffirm the non-negotiability of principles and values, regardless of market pressures. Without such efforts, Europe risks losing its role in the global landscape, again favoring autocratic systems in the race to control human consciousness.

CONCLUSION

The interaction between artificial intelligence, accelerated digitalization, and social fragmentation has created a new media and informational ecosystem characterized by an unprecedented proliferation of data and the rapid circulation of information. This context presents significant challenges for the ethical and regulatory management of privacy, information accuracy, and democratic participation. The widespread adoption of predictive technologies and advanced algorithms requires a delicate balance between optimizing decision-making processes and safeguarding the fundamental rights of citizens. Effectively addressing these challenges demands a sustained commitment to fostering a culture of responsibility supported by robust global regulations and an inclusive dialogue among political actors, experts, and civil society. Only through a collaborative and thoughtful approach can we strategically guide technological evolution toward a future where artificial intelligence contributes positively to building more balanced, informed, and democratic societies. Indeed, in an increasingly hybrid and dynamic communication environment, the influence of algorithms as active agents in content production and dissemination has undoubtedly grown (García-Orosa et al. 2021).

The study of AI-mediated political communication and its consequences on emerging ethical and legal questions represents an emerging and not yet fully consolidated field of research, particularly when compared to other disciplinary areas. This phenomenon necessitates a thorough analysis of how algorithms shape political information and influence public opinion. Technological evolution has introduced new forms of participation and political interaction, but it has also raised critical issues concerning transparency, fairness, and the manipulation of information. Addressing these problems requires an interdisciplinary approach that integrates expertise from communication studies, computer science, ethics, and the social sciences to fully understand AI's socio-political and legal implications in contemporary political communication.

Finally, from a strictly legal perspective, jurists cannot relinquish the most authentic exercise of their social function. While waiting for precise and coordinated legislative measures, they must attempt to fill the gaps identified through interpretative efforts, applying principles based on the ethical and legal value of the "person." However, in carrying out this task, jurists must free themselves from the hypocrisy of classifications that no longer reflect factual reality, seeking to propose a global solution through an interdisciplinary approach that minimizes risks to individuals.

To restore privacy rights to their rightful dignity, a new world organization is needed — legitimized by states, with a directly elected parliament, and empowered to create binding global laws. Only such a body can effectively influence tech giants and ensure that data profiling respects human dignity and privacy, including political and electoral choices.

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