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REVIEW

Notes on the Governance, Regulation, and Public Policy of Artificial Intelligence

Apuntes sobre Gobernanza, Regulación y Políticas Públicas de la Inteligencia Artificial

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ABSTRACT

Artificial intelligence (AI) is reshaping economic, social, and political systems at an unprecedented pace, generating transformative opportunities alongside ethical, legal, and geopolitical risks. This article explores key international trends in AI governance and regulation, emphasizing multilevel approaches that integrate local, national, and global dimensions. Through an analysis of hard and soft law frameworks, public–private cooperation initiatives, and institutional developments across Europe, North America, Asia-Pacific, and Latin America, the study identifies critical factors for effective governance: shared ethical principles, adaptive regulatory structures, and accountability mechanisms. It concludes that AI governance must transcend risk mitigation and serve as a guiding compass for democratic, inclusive, and sustainable digital transformation.

Keywords: Artificial Intelligence; AI Governance; Technology Regulation; Regulatory Frameworks.

RESUMEN

La inteligencia artificial (IA) está reconfigurando los sistemas económicos, sociales y políticos a una velocidad sin precedentes, generando beneficios significativos, pero también riesgos éticos, jurídicos y geopolíticos. Este artículo examina las principales tendencias internacionales en materia de gobernanza y regulación de la IA, destacando enfoques multinivel que articulan dimensiones locales, nacionales y globales. A través del análisis de marcos normativos duros y blandos, iniciativas de cooperación público-privada y desarrollos institucionales en regiones como Europa, América del Norte, Asia-Pacífico y América Latina, se identifican factores clave para una gobernanza efectiva: principios éticos compartidos, estructuras regulatorias adaptativas y mecanismos de rendición de cuentas. Se concluye que la gobernanza de la IA debe ir más allá del control de riesgos tecnológicos, posicionándose como un instrumento para orientar la transformación digital hacia fines democráticos, inclusivos y sostenibles.

Palabras clave: Inteligencia Artificial; Gobernanza de la IA; Regulación Tecnológica; Marcos Normativos.

INTRODUCTION

Artificial intelligence (AI) is emerging as a disruptive technology that is rapidly transforming contemporary social, economic, and administrative systems. The ability to automate processes, analyze large volumes of data, and support informed decision-making generates unprecedented opportunities but also imposes ethical, legal, and social challenges that demand a timely and strategic regulatory response.[(1)]

The rapid development of this technology has underscored the need for effective regulatory frameworks to mitigate risks such as algorithmic discrimination, biases in automated decision-making, and erosion of public trust. As AI systems become more autonomous and influential, there is also room to improve citizen engagement, reduce inefficiencies, and foster a more inclusive digital transformation. However, this necessitates a comprehensive review of existing institutional mechanisms, technological governance, and public policies.[1]

AI governance, therefore, cannot be conceived in isolation: it constitutes a multidimensional challenge that must be addressed within a broader digital ecosystem, comparable in complexity to the emergence of technologies such as steam or electricity at the time. In this context, it becomes necessary to define national priorities and build institutional tools that will enable its benefits to be harnessed while mitigating the inherent risks in a dynamic and evolving manner.

One of the central dimensions of this process consists of the design and precise distribution of responsibilities for the elaboration, implementation, and supervision of regulations. This involves establishing sound legal frameworks that reflect societal values - as is the case in Paraguay and other regions - and foster collaborative governance between the public, private, academic, and civil sectors.[2]

In recent years, key concepts such as the ethics and governance of AI have emerged, inviting us to rethink the development of this technology from a human rights, equity, and sustainability perspective. These theoretical frameworks enable the assessment of the profile and trajectory of national AI policies, as seen in countries in North America, where the debate has contributed to the formulation of guiding principles for reliable and human-centered artificial intelligence.[3]

The choice of topic in governance, regulation, and public policy for artificial intelligence (AI) is justified by the profound structural transformation that this technology is generating in democratic, economic, and social systems globally. Unlike previous technological revolutions, AI presents unprecedented regulatory challenges: automated decisions that impact fundamental rights, algorithmic biases that are difficult to detect, and geopolitical risks associated with technological concentration. This scenario requires not only technical responses but also solid institutional frameworks that articulate responsibilities, ethical principles, and effective oversight mechanisms.

In this context, analyzing the development of public policies and governance frameworks is not merely a descriptive task; it is a critical tool for understanding the balance between technological innovation and democratic guarantees. The study of these dynamics enables the identification of emerging regulatory models, the tensions between regional approaches, and the opportunities for participatory and contextually informed governance.

In this sense, this article aims to explore the main approaches and tools for the governance of artificial intelligence from a multilevel perspective, with emphasis on international regulatory experiences, public-private cooperation, and the ethical and legal challenges faced by states when formulating public policies for the responsible development of AI.

METHOD

This article is based on a review of specialized literature to identify and analyze emerging trends in the governance and regulation of artificial intelligence. A qualitative and comparative approach was employed, selecting normative documents, institutional reports, and academic literature from different regions of the world. The systematization of the content enabled the identification of common regulatory patterns, contrasting normative models, and the extraction of strategic orientations for designing inclusive, ethical, and adaptive public policies.

DEVELOPMENT

AI Governance: International Frameworks

The governance of artificial intelligence (AI) refers to the set of principles, regulations, and institutions that regulate its design, development, and application. This task does not fall to a single actor but requires the coordinated participation of governments, technology companies, multilateral organizations, and civil society at the local, national, and international levels. Binding normative instruments and ethical guidelines, as well as voluntary standards, are integrated into this complex framework to align the use of AI with fundamental social values, such as equity, security, and the protection of human rights.[4,5]

The cross-cutting and global nature of AI necessitates flexible governance mechanisms that can adapt to its multiple externalities, particularly in contexts characterized by geopolitical tensions or structural inequalities. Additionally, international coordination is crucial for managing shared risks, preventing regulatory fragmentation, and fostering regulatory interoperability across regions.[6]

Ultimately, effective AI governance must strike a balance between the need for innovation and the imperative of ensuring rights through multilevel decision-making structures that guarantee transparency, accountability, and inclusive participation throughout the technology's lifecycle.[7,8]

AI governance has become a global priority in the face of the accelerating advance of this technology and its cross-cutting impact on society. This essay analyzes three key dimensions of the governance model: the multilevel approach (local, national, and global), the role of international organizations such as the European Union, the Organization for Economic Cooperation and Development (OECD), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the *Global Partnership on Artificial Intelligence* (GPAI), and public-private cooperation with emphasis on the role of technology companies. Through verifiable sources, it is argued that effective governance necessitates coordination among diverse actors, shared ethical principles, and accountability mechanisms tailored to dynamic contexts.

Governance efforts aim at a multilevel modality for articulating policies and strategies between different levels of government and social actors. At the local level, municipalities and subnational governments play a crucial role in implementing AI solutions in public services, including health, transportation, and education. At the national level, states must establish regulatory frameworks that strike a balance between innovation and the protection of rights. At the global level, coordination is necessary to prevent regulatory fragmentation and promote uniform standards.[9]

The European Union has positioned itself as a global regulatory power of reference in the field of AI, replicating the regulatory leadership it previously exercised in data protection and privacy issues. Its most recent commitment to technological governance is embodied in the *Artificial Intelligence Regulation* (AI Act), which constitutes the first comprehensive legal framework to regulate this disruptive technology within the European bloc.[10]

This regulatory instrument is based on a risk-based approach to regulation. Thus, systems considered high-risk are subject to stringent requirements, including the need for human supervision, proactive risk management, and rigorous technical documentation. In contrast, uses classified as unacceptable risk, such as social scoring, are directly prohibited. The objective is twofold: to safeguard the fundamental rights of European citizens and, at the same time, to promote a trusted and innovative AI ecosystem.[10,11,12]

This regulatory commitment is reinforced by setting high standards for the most critical applications, particularly those linked to health, justice, and public safety. In these sectors, the AI Act requires exceptional levels of transparency, traceability, and accountability, thereby aligning with the EU's fundamental democratic values.[13]

Although AI is still considered a technology in its consolidation phase, a structural debate has already begun on what the optimal regulatory model should be: whether to move forward through binding legal frameworks (*complex law*) or to continue to rely on ethical principles and voluntary guidelines (*soft law*). In this regard, the Committee of Ministers of the Council of Europe has taken an active role by entrusting the Committee on Artificial Intelligence with the drafting of an international framework convention to regulate AI from a cross-cutting approach. This initiative seeks to establish common principles on human rights, democracy, and the rule of law, marking a milestone towards a coordinated international governance based on shared rules.[13]

According to some authors, in the Americas region, the strong development of AI regulatory policy is expected to materialize in the United States starting in 2018, with the establishment *of the National Security Commission on AI* and the *Protecting the U.S. Advantage in AI and Related Critical Technologies*. These two government documents framed addressing the development and evolution of AI within the framework of U.S. national security policy.[3,14]

This growing interest in the construction of an IA policy led to an intense development of governance initiatives. In pursuit of this goal, 31 documents were approved by the government, private sector, academia, and civil society. Additionally, in 2019, the *White House Summit on AI in Government* was held, during which the executive branch met with representatives from academia and the private sector to discuss the benefits of implementing AI technologies in the federal government.[3]

In recent years, the United States has also taken strategic steps in developing national AI governance. This was achieved through the enactment of the *National AI Initiative Act of 2020*, a law that outlines the lines of action for the country's national AI policy and led to the creation of the *National AI Initiative Office*. Similarly, the *National AI Advisory Committee* was established as a federal advisory committee to evaluate and monitor the progress of the government's actions.[3]

At the federal level, the Biden administration has taken significant steps with the signing of an executive order in 2023 that establishes principles for the safe, ethical, and transparent development of AI, including requirements for risk assessment, content authentication, and the protection of personal data. In parallel, states such as California have led the way in sectoral regulation, passing laws on the use of AI in healthcare, education, and public services. However, the lack of unified federal legislation has resulted in a regulatory patchwork that can make harmonization and compliance for technology companies difficult. In response, efforts have been made to strengthen interagency coordination and foster collaboration with the private sector, balancing innovation with the protection of fundamental rights and national security.[15,16,17]

On the other hand, Canada's track record in AI governance has been characterized by a progressive, multi-

sectoral approach, combining federal and provincial initiatives with collaborations among the private sector and academia. Since 2000, the country has launched at least 28 initiatives aimed at building a robust and adaptive regulatory framework. The federal agency *Innovation, Science and Economic Development Canada (ISED)* has led this process, starting with regulations focused on AI applications in the health domain.[3]

At the subnational level, momentum intensified in 2020 with the holding of the *Quebec AI Forum*, marking a milestone in the decentralization of the AI policy debate. Subsequently, in 2022, the province of Ontario incorporated provisions on the impact of AI on employment within the *Working for Workers Act*, evidence of a growing concern about the social effects of automation.[3,18]

In response to the rise of Generative AI, the federal government published two key documents in 2022: the *Guide on the Use of Generative AI* and the *Voluntary Code of Conduct on the Responsible Development and Management of Advanced Generative AI Systems*. These tools seek to guide organizations in the ethical and responsible use of emerging technologies, promoting transparency, security, and accountability.[3]

The governance landscape of artificial intelligence is in a state of constant flux and reveals a tension between technological innovation and social responsibility. The plurality of regulatory approaches, ranging from binding legal frameworks to ethical principles of voluntary application, underscores the need for hybrid and adaptive mechanisms that can respond with agility to emerging challenges without compromising fundamental rights or hindering scientific development.[19,20,21,22]

In this context, the future of governance will depend on three key factors: the consolidation of multilevel regulatory architectures that integrate local, national, and global capabilities; the strengthening of participatory processes that include voices traditionally excluded from the technological debate; and the construction of an institutional culture of algorithmic impact assessment, which allows for the continuous adjustment of rules and practices based on real and not just hypothetical risks.[23,24,25]

Regulation of AI: Legal and Regulatory Instruments

As artificial intelligence transforms key sectors of society, the debate over its regulation has become a pressing and multifaceted issue. The global response has been the proliferation of regulatory frameworks that seek to establish boundaries and principles for the development and implementation of AI systems. These instruments, ranging from binding laws to voluntary codes of ethics, reflect different regulatory approaches that depend on the country's geopolitical context, level of technological maturity, and socioeconomic priorities. This section discusses the main types of regulation, as well as representative examples of their application in various countries.[24,26,27]

According to recent data, more than 70 countries have published national initiatives and policies around artificial intelligence, and many others are in the process of developing regulatory frameworks. This expansion is evidence of a growing consensus on the need to provide AI with clear rules to ensure its safe, ethical, and responsible development.[9]

Among the non-binding instruments are the principles of AI regulation formulated by the United Kingdom, the AI Bill of Rights promoted by the White House in the United States, the voluntary ethical principles adopted in Australia, and the governance model for generative AI promoted by Singapore. These initiatives focus on guiding technological development from a logic of human rights, transparency, and accountability without imposing legal sanctions.[9]

In terms of mandatory regulations, the European Union's Artificial Intelligence Act (AI Act), considered the first comprehensive legal framework on AI at the global level, stands out. Also included are the Council of Europe's Framework Convention on AI, national laws in Brazil and Chile, New York City's regulations on automated decision tools in the workplace, as well as China's strict rules on recommendation algorithms, deep synthesis and generative AI.[28,29]

The report also analyzes concrete experiences of implementing regulation through specialized institutions. An emblematic case is that of the *AI Safety Institute* in the United Kingdom, which has three central functions: to assess the safety of advanced AI systems, to promote research in this field, and to facilitate the exchange of knowledge between national and international actors.[30]

The ethics of artificial intelligence understood as an interdisciplinary field, is concerned with critically analyzing the social, political, and ontological effects that derive from the use of advanced algorithmic systems. This area addresses fundamental issues related to individual autonomy, the integrity of basic rights—including privacy and non-discrimination — citizen participation in democratic contexts, and the substantive improvement of the quality of life.[3]

From this perspective, ethical analysis is not an ancillary exercise but a structural component of the responsible design of emerging technologies. Integrating ethical principles from the early stages of research and technical development enables not only the prevention of systemic damage but also the alignment of innovation with the goals of social justice, distributive equity, and institutional sustainability.[31,32,33]

Therefore, ethics applied to AI should not be conceived solely as a set of normative recommendations but as

an active analytical framework that informs governance frameworks, promotes algorithmic accountability, and stimulates pluralistic deliberation about the kind of society intended to be built through intelligent automation.[10,28]

Public-Private Cooperation

The private sector, huge technology companies, plays a pivotal role in the life cycle of artificial intelligence systems, spanning from fundamental research to large-scale commercialization. Consequently, their active involvement in governance processes is not only desirable but also structurally necessary to ensure practical, technically feasible, and socially legitimate regulatory frameworks. Public-private cooperation enables the articulation of scientific, technological, and financial capabilities in alignment with public interest objectives, such as digital inclusion, sustainability, or the enhancement of public services.[3,34]

Spain is a relevant example of this collaborative approach. The *R&D Missions in Artificial Intelligence* program has promoted interdisciplinary projects that link universities, technology centers, and companies to address complex social problems such as population aging or data-driven medical diagnosis. In a complementary manner, the *State Plan for Transfer and Collaboration 2024-2027* prioritizes market-oriented R&D and I initiatives, promoting private investment and fostering the generation of skilled employment in knowledge-intensive sectors.[3]

Both the United States and China have adopted regulatory strategies that, although different in their approaches, allow high levels of innovation in artificial intelligence. In the U.S., a self-regulatory model predominates, supported by technical guidelines issued by federal agencies, which focus on algorithmic safety and transparency. Initiatives such as the AI Bill of Rights promote principles of fairness, privacy, and protection from automated systems without imposing a federally mandated legal framework. However, this regulatory flexibility carries the risk of creating protection gaps between sectors and jurisdictions and may lead to algorithmic discrimination or inequality in the application of rights.[35,36]

China, on the other hand, has developed a more centralized regulatory architecture with a strong state presence. Through the Next Generation AI Development Plan, the country combines economic incentives, public investment, and adaptive regulations that enable the rapid implementation of emerging technologies in areas such as health, surveillance, and public administration. This approach has facilitated the consolidation of an innovative ecosystem leveraged by domestic private companies and technological sovereignty policies. However, limitations in institutional transparency and social participation have raised concerns about the ethical governance and accountability of large-scale algorithmic systems.[35]

Both models illustrate how regulatory decisions can shape not only the pace of technological development but also its alignment with democratic principles, fundamental rights, and global standards of responsible governance.[35] This type of collaboration also enables the establishment of shared ethical standards, fosters transparency in algorithm design, and facilitates external auditing of complex systems.[3]

To mitigate the risks of AI and capitalize on its benefits, society needs to evolve and progress towards a knowledge-based society. A knowledge society considers knowledge as a fundamental element for its development and progress. To this end, these societies make education more accessible and within the reach of the entire population.[37]

AI is the new trigger for economic development. People, companies, and countries leading in AI will be one step ahead, as happened with the Agricultural Revolution, the Industrial Revolution, and now with the Knowledge Revolution.[37] There is a juncture of epochal change whose course is not yet clear but which requires reflection, debate, and action. In the current technological explosion, the United States remains at the forefront of global AI development and application. China and the countries that follow it are found in Europe and Asia. China is advancing rapidly with the support of the central government led by the Chinese Communist Party. Latin America is lagging in this process.[38,39]

In short, governing AI is not limited to controlling its risks but to proactively imagining the kind of society we wish to build with its help. Effective governance will not be the result of isolated regulations but of the intertwining of public policies, responsible innovation, and ethical commitment. In the face of a technology that redefines the boundaries of knowledge and human action, governance must be more than a framework; it must be a compass.

CONCLUSIONS

This article has explored the governance of artificial intelligence as a rapidly evolving field that intersects with normative structures, institutional capacities, and ethical principles at local, national, and international scales from various perspectives. AI governance is an emerging yet crucial field for the digital future of societies. Its effectiveness will depend not only on regulatory sophistication but also on its ability to generate social legitimacy, articulate diverse actors, and anticipate the impacts of a constantly changing technology. Governing AI is ultimately an ethical, political, and cultural task that requires a long-term vision, robust institutions, and a collective will to shape its evolution with justice and equity.

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