

Pivotal Legal and Ethical Caveats for Artificial Intelligence in the Middle East

Leone Araujo, LLB

Middlesex University Dubai, UAE

Abstract

*Editorial Note: In partnership with Middlesex University Dubai, the Journal of Law in the Middle East by LexisNexis hosted our first student essay competition in 2022. Students were asked to respond to the following question: **Discuss the legal and ethical considerations of AI applications, with a focus on the Middle East.** Our editorial team is proud to select this piece as the winning submission based on its distinct contribution.*

Keywords

Artificial intelligence; information technology; legal technology; ethics; Islam

*Leone Araujo, LLB, Middlesex University Dubai.

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Introduction

With the exponential impact of technology over the past century, every novel computerised concept comes with its fair share of praise and scepticism across many demographics of critics, regardless of whether they may be laymen or specialised experts. In the years leading up to the present day, a concept ripe for criticism has been the implementation of Artificial Intelligence (“AI”) in various fields that were once human-operated, in favour of automation and perceived convenience to all stakeholders involved. Eliezer Yudkowsky wrote: “By far the greatest danger of Artificial Intelligence is that people conclude too early that they understand it”. However, this rapid growth of AI into several spheres, including some that had no technological involvement whatsoever, has complicated the definition of AI itself to scholars and has replaced the previous set of issues held against AI with a non-exhaustive list of concerns instead. Along with the general scepticism that AI merits, its global influence increases the burden on those relevant to AI development, as they need to account for the rules, customs and regulations observed in each country. This essay will focus on AI’s legal and ethical implications, with exceptional attention on its application in the Middle East.

Before discussing its implications, it would be prudent to define what AI really is, a definition that encompasses the levels of complexity and the forms it assumes. To this extent, the popular quote “less is better” comes into play, as there is no superior method to illustrate a sizeable chapter in humankind’s technological advancements than by a few words. A fitting proposal for such a definition comes from John McCarthy, who states that AI is “the science and engineering of making intelligent machines”. From a realistic standpoint, this not only encompasses all the avenues that AI has ventured into, but it simply makes sense. AI concerns the processes and computer engineering that goes into making software or physical technology that is deemed “intelligent”. Therefore, by definition, this includes all mediums of AI implementation, ranging from consumer products in Amazon’s Alexa or Deliveroo’s customer service chatbots to access-based use, such as the NHS’s Heartflow, which analyses CT scans, or unmanned drones in military service. With a satisfactory definition in place, the legal and ethical implications that shadow AI in the Middle East can be explored.

1. Ethical reflections in the Middle East

There have been many attempts to formulate principles or tenets that those developing or integrating AI into their establishments must follow. The definitions of ethics contrast any attempt made to define AI holistically. Concisely, all attempts made to summarise ethics boil down to the same theme; it is society’s set of principles, customs and tenets that guide and determine our moral values whilst directing us to take actions in line with them. Therefore, when it comes to AI, ethical considerations must be made considering the values, customs and practices of a specified region or the world at large. Many of the ethical dilemmas attached to the implementation of AI are worldwide issues, not just reservations held by the Middle East population. These include broad stroke topics, encompassing concerns of privacy, security, AI consciousness, and the possible lack of control over them. Many great scholars within the AI sphere and outside, have carefully and non-exhaustively set out the problems that arise with those ethics in mind. Crucially, it would be prudent to cater to the geopolitical and socio-economic foundation of the region.

Islamic compliance is the most vital ethical consideration for any development in the Middle East, regardless of its field of origin. Based on data from the 2010 Census, Pew Research estimates that 93% of the Middle East’s population comprises of Muslims, or people descending from families of the Muslim faith. Being a majority populated Muslim region, the Middle East has Islamic influence throughout its land, culture, and history. This means that all sorts of innovation, products, or services must comply and remain tolerant of the region’s practices to refute the possibility of restrictions or potentially a total embargo. The total ban of Disney Pixar’s upcoming film, *Lightyear*, is a recent example of failing to adhere to the cultural standards of the Middle East, as it was obstructed from cinemas in many countries throughout the region. What does this mean for AI, however? In practice, the ethical considerations that would primarily be made for this field lie in such matters. For instance, any AI advancements made or introduced to the Middle East must not be ‘Haram’; a reference to objects or actions that are forbidden and punishable according to Islamic beliefs and

laws. The region possesses a unique societal structure that is of days past when compared to the West, which is the marriage of religion and societal norms. Of course, tremendous changes have been implemented to modernise these practices, but Islamic practices nonetheless reign prevalent. Taking Islamic values into consideration is fundamental to the development of AI here.

Equally, a glaring issue to consider, in tandem with the worldwide concern of automatism and conscience, is that some Muslims interpret the Qur'an in such a way that only Allah has the power to create entities with life, or at the very least with the power of senses – a verse often thought of when interpreting in such a manner is Qur'an 32:9. This clearly contrasts some AI developments currently available even at retail level, given that entities such as Apple's Siri, Amazon's Alexa, and various chatbots can hear, vocally respond, and speak unprompted, albeit with the help of a programme focused on facilitating such discourse. Such creation may also hamper the religious and ethical beliefs of minorities in the region, with a small percentage of Christians and Hindus worldwide also expressing concern on the possible creation of an intelligent being - a privilege that is solely vested with (their) God. Ideally, however, these are problems for the future, given the infancy of AI advancements in current times. While news broke out recently that a Google linguistic AI programme showed signs of sentience, it was a one-off circumstance, given that its self-awareness was possibly down to the method it was coded.

AI capabilities seemingly increase day by day. Developers, along with community creations, such as the automations made by third parties for Alexa, widen the scope of AI influence on an increasing basis. Depending on how one views AI, this is fantastic news on a global stand as, with more complex possibilities, AI can be used for the benefit of humanity, the environment, and other species. Unfortunately, on the other hand, such possibilities can also be used to detrimental effect. Conversely, this introduces another central ethical issue that AI developers in the Middle East must pay attention to Islam, and that is AI's ability to purport 'Haram' actions. In the Middle East, this would translate to using AI channels to purport things or actions of 'Haram' nature, including, but not limited to, chatbots using language inconsiderate of Islamic values or Alexa advertising goods that are typically banned in the region. However, as research into the region's ethical values may show, most Muslims currently are perfectly content with AI in its current phase, as it is running parallel and in compliance with their values for now. Nonetheless, it is an issue to consider for future projects, especially as it is the Middle East's equivalent of the global automatism concern.

Furthermore, such 'Haram' outcomes could materialise only if its coding allowed it to do so. This segues into another ethical consideration – control. Onlookers outside of the Middle East and a reasonable segment of the population within, understand that the countries within the region prioritise surveillance. This includes phone tapping, monitoring internet submissions, and censorship. It is imperative for those relevant to AI development in the region to remain privy to this, as national authorities would require specialised access to their data and work. Furthermore, compliance would also be necessary, especially as any feature deviating from what is permitted would be caught in real-time, seldom after a client's malign interaction with AI. This also poses a considerable concern to entities that sell or provide AI services across the globe, as they would be required to provide special care to the Middle Eastern climate. At present, it seems that the implementation of such multi-national technology has been successful, given the lack of situations made public. However, with the development of society, and the increasing changes in global views on topics still considered absolutely 'Haram' in the Middle East, such as LGBTQ+ rights, efforts will soon need to be made to appease the Western and the Middle Eastern ideologies respectively.

The final central ethical issue for AI developers to consider contrasts what was previously discussed, the focus that needs to be paid to the inter-regional differences. While the discussion so far has critically alluded to Middle Eastern countries sharing the same sentiments towards societal practices and culture, this is not inherently true in the modern day. To put this into perspective, the practices and cultural outlook in countries like the United Arab Emirates, Bahrain and Qatar are far different than those of Saudi Arabia or Iraq. A prominent exhibit of this delineation in collective ideology is the Abraham Accord, signed by the United Arab Emirates, Oman and Bahrain to facilitate the normalisation of relationships with Israel. This is a significant treaty to come into effect, especially given the historical negative relations that Middle Eastern

countries have held with Israel, many of whom still hold the same opinion. However, this is unsurprising, as with the turn of the twenty-first century, the disparity between the traditional states in the region and those looking to implement Western ideologies and societal practices has been exponentially increasing. This is disconcerting for the development of AI as not only would changes have to be made within the Middle East, but they would also have to be made within it. A very precarious balance needs to be reached in such a situation, as even if AI in the Middle East appeases the modern approach of contemporary countries but fails in the traditional states, it may fail overall. This is due to the Saudi Arabia's incredible influence over the region. An unsuccessful attempt to cater to its relative traditionalism could lead to an overall injunction against such AI technology across the region, leading to a range of losses for the developers. While this is a rare circumstance given that countries are sovereign and they can choose to implement such AI, nonetheless, it is still a possibility.

Another inter-regional dissimilarity to study is the economic disparity among the states. Some economies, such as those belonging to the Gulf Cooperation Council, are flourishing due to several GDP outputs. In contrast, on the opposite end of the spectrum, the economies of Syria and Lebanon are debilitating. This theoretically would pose great concern to AI stakeholders, as while they manage to comply with the entire region's ethics, they may face considerable challenge implementing it into each individual state. However, this might bear fruit for developers as well, as foreign fiduciary or humanitarian led AI would not need any compliance procedures when establishing themselves in territories in dire need of such relief, while capitalist-based AI technology would prosper in the economically stable regions. Eventually, the inter-regional difference amongst the nations is a very important caveat for AI developers to remain wary of.

2. Legal deliberations in the Middle East

When looking at the legal considerations that must be taken regarding the region after assessing those ethics, one would not have to look far. Just as Islam and Middle Eastern ethics are closely knit, so are their religion and states. The marriage of Islam and each country's governance in the Middle East is not a foreign concept since the West historically operated under the same partnership. Even though that may not hold true anymore, an impressionable number of Western laws and practices stem from it. In the Middle East, legislation is often referred to as "Shari'a" law (often anglicised to Sharia for convenience), representing the code that Muslims and expatriates in the region ought to follow. Contrary to the discussion so far, this might be favourable for AI developers since the ethical and legal considerations in the Middle East generally go together; implementing AI technology that adheres to one of these facets should typically be considerate of the other. However, like a lot of its other characteristics, the regional laws often contradict the view of the West or global societies, and so there are still a few important topics to ruminate in the legislation of the territory.

Perhaps the most important legal factor to consider, and the utmost discouraging for all ventures, let alone AI developers, is the type and frequency of legal repercussions allowed for various offences in the Middle East. International media outlets have criticised the region over the years for the punishments available for a range of offences – some of which would never be considered a crime in first-world countries. Furthermore, the Middle East has been notoriously covered for the use of capital punishment and its inconsistent extradition policies. Amongst people, these pieces of information have flown freely, creating a sense of fright amongst not only people outside the region but the population within. This fear could be seen as a debilitating circumstance mitigating many actions as it induces the fear of legal repercussions in the case that things go horrible. Conversely, this could affect AI developers in the region, as it could discourage them; perhaps their code allowed for their AI to deviate into undesirable territory, such as the Google bot discussed prior, or with widespread use of the technology, the AI became malleable enough to the point where it could pander to illegal commands. Ultimately, however, sizeable corporations in the field of AI would not find any of this problematic, given the legal representation they might have who would thoroughly advise them on any frontier, but this would especially be problematic for start-ups or those without the funds or connections to successfully create a compliant AI tool.

As aforementioned, religion and state are combined in the Middle East. This means that the ethical considerations discussed above apply when exploring legal deliberations. Control is the most prominent of those issues to reflect on in a legal manner. As examined, control is second nature to states in the region, extending to moderating free speech. This creates a cause for concern for AI stakeholders as they are gravely limited on what their AI improvement can or cannot do, and what it could facilitate. This could create negative externalities for those starting out in the Middle East, as they may receive international technical criticism for the limitations placed on their creation due to compliance with the region's precarious position, a disadvantage that would potentially be unknown to an AI tool created in the United States or Europe, for example. Conclusively, similar to the ethical considerations, these issues would not actively be found with the AI currently in use in the Middle East.

Conclusion

Eventually, the issues explored through legal consideration face the same reality as those discussed whilst tackling ethical dilemmas; they are hypothetical to the extent that there has been no occurrence yet. AI development has enjoyed relative success in the region, thanks to the modernisation of international technology, as well as the willingness of some states to adapt to Western society. However, with the passing of time, and the recurring theme of contrast between traditional Middle Eastern methods and the advancement of global societal fields, this technological area might potentially be ripe for numerous disputes. Of course, such negative possibilities could be mitigated with continued compliance with ethics and legislation unique to Middle Eastern nations. Still, this compliance comes at the cost of additional capital and effort to adhere to the region's standards. It creates physical and psychological barriers to entry for those wishing to start within the region. In the grand scheme of advancement, such restrictions are disappointing for progression, as the capabilities and benefits of AI technology in daily life outweigh the possible repercussions of the near future. Such computerisations can be used for the benefit of the planet, servicing and assisting with global needs, but hesitation and obstructions from nations, even excluding the Middle East, is detrimental to society. Perhaps with the exponential evolution of global understanding and acceptance in multiple venues, the Middle Eastern nations, along with others who create hurdles for AI, be it truthfully or indirectly, humankind could make great strides in the progression of not just AI, but other technological advancements by the close of the century.

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