

LEGAL REGULATION AND RISKS OF USING GENERATIVE ARTIFICIAL INTELLIGENCE

REGULAMENTAÇÃO LEGAL E RISCOS DO USO DA INTELIGÊNCIA ARTIFICIAL GENERATIVA

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Abstract

This article examines the legal regulation of and the risks associated with the use of generative artificial intelligence. The development of this technology and its use in various fields have significantly increased the productivity of certain processes and improved the effectiveness of education and advertising creation; however, the negative consequences of using generative artificial intelligence must also be analyzed. The main purpose of the study is to examine legal regulation, identify the risks of applying generative artificial intelligence technology in various fields, and propose measures to minimize the risks associated with its use. The research methods are based on an analysis of a limited number of studies, analytical reports, reviews, and surveys conducted by competent online resources. Based on the results of the study, the following legal regulatory models in the field of generative artificial intelligence were identified:

Resumo

Este artigo examina a regulamentação jurídica e os riscos associados ao uso da inteligência artificial generativa. O desenvolvimento dessa tecnologia e sua aplicação em diversos campos aumentaram significativamente a produtividade de certos processos e melhoraram a eficácia da educação e da criação publicitária; no entanto, as consequências negativas do uso da inteligência artificial generativa também devem ser analisadas. O principal objetivo do estudo é examinar a regulamentação jurídica, identificar os riscos da aplicação da tecnologia de inteligência artificial generativa em diversos campos e propor medidas para minimizar os riscos associados ao seu uso. Os métodos de pesquisa baseiam-se na análise de um número limitado de estudos, relatórios analíticos, revisões e pesquisas realizadas por recursos online competentes. Com base nos resultados do estudo, foram identificados os seguintes



soft, restrictive, hybrid, and self-regulatory. The study demonstrates the existence of the following risks associated with the use of GenAI: AI-generated material may contain false information; consumers may make decisions based on erroneous responses and suggestions generated by generative artificial intelligence; generative artificial intelligence technologies may negatively affect the labor market; generative artificial intelligence may violate ethical, cultural, and religious norms; and GenAI technologies may be used in fraudulent activities for the purpose of obtaining material gain. Measures to minimize the risks of using generative artificial intelligence are proposed.

Keywords: Generative Artificial Intelligence. Information. Content. Technologies. Digital Environment. Fraudulent Activity. Legal Regulation.

modelos de regulamentação jurídica no campo da inteligência artificial generativa: flexível, restritivo, híbrido e autorregulatório. O estudo demonstra a existência dos seguintes riscos associados ao uso da GenAI: o material gerado por IA pode conter informações falsas; os consumidores podem tomar decisões com base em respostas e sugestões errôneas geradas pela inteligência artificial generativa; as tecnologias de inteligência artificial generativa podem afetar negativamente o mercado de trabalho; a inteligência artificial generativa pode violar normas éticas, culturais e religiosas; e as tecnologias GenAI podem ser utilizadas em atividades fraudulentas com o objetivo de obter ganhos materiais. São propostas medidas para minimizar os riscos do uso da inteligência artificial generativa.

Palavras-chave: Inteligência Artificial Generativa. Informação. Conteúdo. Tecnologias. Ambiente Digital. Atividade Fraudulenta. Regulamentação Legal.

1 INTRODUCTION

With the creation of the ChatGPT project, which generated images, texts, and videos, making it possible to create entirely new content, a new era of generative artificial intelligence (GenAI) began (Filipova, I. A., 2024). On the one hand, the emergence and rapid development of GenAI contributed to the creation of an entire industry of generated information that addressed problems in education, advertising creation, and the processing of large volumes of data, opening up entirely new opportunities; on the other hand, despite the effectiveness of this technology, it also had negative aspects (Deipenbrock, G., 2025).

Researchers emphasize that, to a certain extent, GenAI can harm society and individual citizens through unreliable information when they use it for their own purposes (Wang Y., Yan H., 2023). Generative artificial intelligence is also effectively used in fraudulent activities, and there are other risks that may reduce the usefulness of GenAI to zero. This study is devoted to finding solutions to minimize the risks of using GenAI and, in the context of the article, to highlighting certain issues related to the use of legal regulatory models in the field of GenAI.

The main purpose of the study is to examine legal regulation, identify the risks of applying generative artificial intelligence technology in various fields, and propose measures to minimize the risks of using GenAI.

2 DISCUSSION

Some researchers have devoted their work to various aspects of the use and application of generative artificial intelligence. These studies have examined the emergence and development of this technology, methods of application, capabilities, and certain problems related to its use in various fields. For the purposes of this study, we selected works that focus on the main models of legal regulation and certain risks associated with the use of generative artificial intelligence. Different models of legal regulation of artificial intelligence have already taken shape in various countries, and since generative artificial intelligence is a type of AI, such legal regulation will accordingly also apply to GenAI.

The main models of legal regulation of GenAI identified by researchers in their works are as follows:

- the **restrictive approach**, the essence of which lies in the direct prohibition of the use of certain AI systems; this approach has been implemented in the countries of the European Union and in Brazil (Shi, Y. (2023); Yao, L. (2023); Wang, X., & Wu, Y. C. (2024); Shumakova, N. I., Lloyd, J. J., & Titova, E. V. (2023));
- the **hybrid approach**, which combines hard and soft regulation depending on the types of AI; this approach is used in China and Canada (Sharma, A. K., Sharma, R. (2024); Yang, L. (2023); Needham, C. A. (2025); Li, J., Cai, X., Cheng, L. (2023); Lucchi, N. (2024));
- the **incentive-based approach**, which relies on soft regulation and is characterized by the complete absence of restrictive measures in the field of AI regulation; this approach is used in the United Kingdom and Singapore (Atkinson, D., Morrison, J. (2024); Villasenor, J. (2023); Bodini, M. (2024); Zhang, H. (2024)).

When artificial intelligence began to be widely used, scholars quite rightly began to consider what risks exist in its application. Although generative artificial intelligence

technologies appeared relatively recently, researchers have already identified the risks associated with their use:

- AI-generated material may contain false information (Zhang, Q., Huang, N. (2025); Jia, W. (2024); GUO, X. (2023); Li, Y. (2023));
- consumers may make decisions based on erroneous responses and suggestions generated by generative artificial intelligence, which may lead to incorrect decisions and cause harm to life, health, and finances (Abbott, R., Rothman, E. (2023); Pasetti, M., Santos, J. W., Corrêa, N. K., de Oliveira, N., Barbosa, C. P. (2025); Wach, K., Duong, C. D., Ejdys, J., Kazlauskaitė, R., Korzynski, P., Mazurek, G., Ziemba, E. (2023); Sun, Y. (2025); Uluc, I. (2025));
- generative artificial intelligence technologies may negatively affect the labor market (Kovač, M. (2024); Hacker, P., Engel, A., Mauer, M. (2023); Pantanowitz, L., Hanna, M., Pantanowitz, J., Lennerz, J., Henricks, W. H., Shen, P., Rashidi, H. H. (2024); Prokopowicz, D. (2023));
- generative artificial intelligence may violate ethical, cultural, and religious norms—it may offend the feelings of believers, discriminate, or provide information unsuitable for certain age groups of the population (März, M., Himmelbauer, M., Boldt, K., Oksche, A. (2024); Xinru, H. (2024); Zhao, Y. (2023); Ye, X., Yan, Y., Li, J., Jiang, B. (2024); Gai, W. (2025)).

The studies analyzed the main legal models for regulating the use of generative artificial intelligence, identified the principal risks that may accompany the application of GenAI, and proposed certain measures to minimize these risks.

3 METHODS

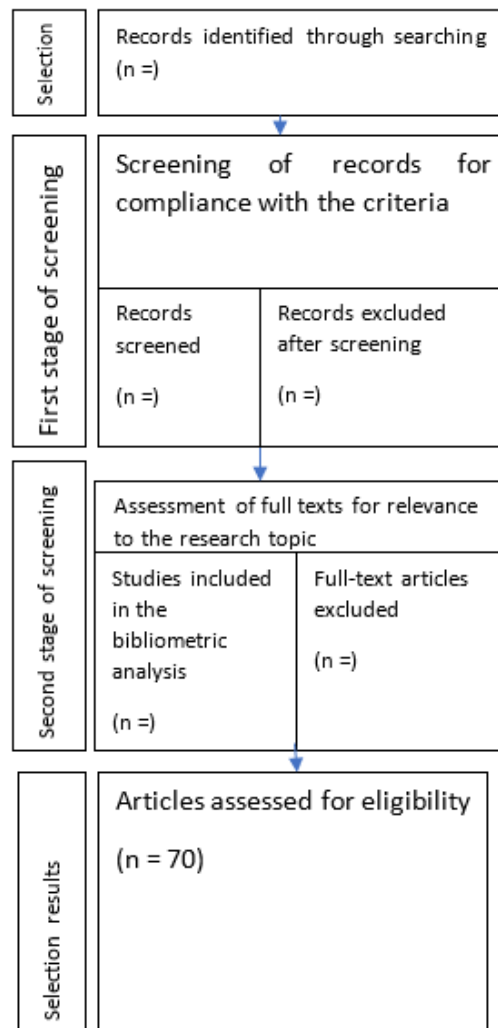
In order to examine the legal regulation of GenAI technologies and identify the main risks of their practical application, we reviewed statistical reports, expert reviews, surveys based on various samples, as well as scholarly works devoted to the use of AI technology in various spheres of human activity.

This study also included a comparative analysis of the legislation of different countries regulating the use of artificial intelligence. Based on this analysis, the main legal models governing the use of GenAI in different states and countries were identified.

When searching for studies, we relied on the following queries: “legal regulation of AI,” “development of generative artificial intelligence technologies,” “features of generative artificial intelligence,” “risks of using artificial intelligence,” and “legal models regulating the field of artificial intelligence.”

When searching for documents, we adhered to the standards of the *Preferred Reporting Items for Systematic Reviews and Meta-Analyses* (PRISMA). PRISMA requires that all stages of the search and screening process be described in detail and documented by researchers. The PRISMA flowchart consists of four stages: identification of articles, screening of articles, assessment of study eligibility, and final compilation of the list of studies to be included in the systematic review.

Figure 1. PRISMA flowchart of the process for selecting bibliographic sources for bibliometric analysis.



3.1 Step 1: data collection

We selected analytical reviews, statistical data, studies, and other works on topics containing the following keywords: “legal regulation of AI,” “development of generative artificial intelligence technologies,” “features of generative artificial intelligence,” “risks of using artificial intelligence,” and “legal models regulating the field of artificial intelligence.” A bibliographic search was conducted in the Scopus and Web of Science databases, on the resource <https://scholar.google.com.br/scholar>, and on official websites hosting the main international legal acts. We collected 154 publications reflecting the key aspects of the chosen research topic. We analyzed numerous international legal acts and conducted a comparative analysis of them to identify the features of legal regulation and to understand how soft regulation differs from restrictive and hybrid regulation.

3.2 Step 2: filter the data using selection criteria

Studies were selected according to the following criteria:

1. The authors had at least five publications over the past 5 years on the topics of “legal regulation of AI,” “development of generative artificial intelligence technologies,” “features of generative artificial intelligence,” “risks of using artificial intelligence,” and “legal models regulating the field of artificial intelligence”;
2. More than 50% of the studies had to focus on artificial intelligence, legal regulation, and the features of generative artificial intelligence;
3. The author’s profile had to indicate that their publications thematically belonged to legal studies and digital law;
4. The work had to be written during the period 2020–2025.

With this approach, more than 154 publications were initially selected.

3.3 Step 3: filter the data by reading the full text

We read the full text of the articles and carefully studied legal acts regulating artificial intelligence and generative artificial intelligence, as well as reports, papers, and

analytical reviews. In research articles, we paid particular attention to the abstracts and conclusions drawn by the authors in their works. After careful selection, 50 works were chosen.

The use of this methodology enabled us to identify the main risks associated with the use of generative artificial intelligence and to propose methods for minimizing these risks.

4 RESULTS

Generative artificial intelligence (GenAI), which has become widespread in recent years, is a type of AI that creates and presents new modalities based on the information used for training (Vig, S., 2024). GenAI generates text, software code, music, video, images, and various forms of content; examples include GPT-4 (OpenAI), Llama 3 (Meta), YandexGPT (Yandex), and others. Many large companies and firms around the world are integrating GenAI into various processes, technologies, and products. The areas in which GenAI is used are highly diverse, including customer support, assistance for authors and users, decision forecasting, situation modeling, and much more (Migliorini, S., 2024).

However, the rapid development and successful use of GenAI have raised concerns about the risks that may also accompany the application of this new technology. As the analysis showed, researchers have identified several such risks, the first of which is the possibility of generating false material (Zhang, Q., Huang, N., 2025; Jia, W., 2024; GUO, X., 2023; Li, Y., 2023). Unfortunately, GenAI is capable of generating disinformation in any field—scientific, statistical, historical, economic, and many others—for the following reasons:

- artificial intelligence is trained on large volumes of data that may contain errors, especially when the main training data are taken from the Internet; as a result, “garbage in, garbage out” (Hachkevych, A., 2025);
- GenAI is capable of producing erroneous information on its own; in such cases, it is said that GenAI “hallucinates,” but this effect occurs because of insufficient training data, and since the data are lacking, GenAI begins to fill in the gaps and invent information;

- GenAI creates a large volume of content in a short period of time, which leads to the large-scale dissemination of information while its quality suffers.

It should be noted that GenAI generates texts that are impossible to distinguish from texts written by humans, which raises the practical question of how such texts can be differentiated in practice (Kim, B. Y., 2024). If texts generated by GenAI may constitute disinformation, then AI-generated content should be labeled using visible markers and metadata (Table 2. Examples of labeling content generated by artificial intelligence).

Table 2

Examples of labeling content generated by artificial intelligence

Type of AI-generated object	Type of labeling
Text written by GenAI	Disclaimer at the bottom of the work
Image	Icons or clear watermarks
Audio work	Icon and indication that the work contains altered elements
Video work	Clear watermarks

The second risk identified by researchers in connection with the use of GenAI is the risk of making erroneous decisions based on data produced by artificial intelligence (Abbott, R., Rothman, E., 2023; Pasetti, M., Santos, J. W., Corrêa, N. K., de Oliveira, N., Barbosa, C. P., 2025; Wach, K., Duong, C. D., Ejdy, J., Kazlauskaitė, R., Korzynski, P., Mazurek, G., Ziemba, E., 2023; Sun, Y., 2025; Uluc, I., 2025). For example, errors produced by GenAI in the medical field may harm people's health; there have been cases in which artificial intelligence recommended diets and eating regimens consisting of substances that cannot be regarded as nutritious.

Therefore, to reduce this risk associated with the use of GenAI, developers and companies providing GenAI services must inform users that content generated by GenAI may be erroneous and that users themselves bear responsibility for applying such information. This warning should be included in the user agreement.

The third risk rightly pointed out by experts is the risk that GenAI will affect the labor market (Kovač, M., 2024; Hacker, P., Engel, A., Mauer, M., 2023; Pantanowitz, L., Hanna, M., Pantanowitz, J., Lennerz, J., Henricks, W. H., Shen, P., Rashidi, H. H., 2024; Prokopowicz, D., 2023). Indeed, artificial intelligence is capable of replacing human labor in certain fields of activity and may lead to frictional unemployment. This risk

should be taken into account, while also recognizing that the development of GenAI technology will lead to the emergence of new professions (Song, H., 2024). Therefore, the main work should be carried out in two directions: the development and implementation of retraining programs for employees in areas where the main niches and jobs may be taken over by artificial intelligence, and the creation of laws regulating the impact and use of GenAI.

The fourth risk that has sparked discussion among scholars is the risk of discrimination on the basis of gender, race, or other characteristics (März, M., Himmelbauer, M., Boldt, K., Oksche, A., 2024; Xinru, H., 2024; Zhao, Y., 2023; Ye, X., Yan, Y., Li, J., Jiang, B., 2024; Gai, W., 2025). Therefore, GenAI developers are increasingly concluding that this type of artificial intelligence must, as a matter of course, be trained in accordance with ethical principles.

One more risk associated with the use of GenAI should also be highlighted: the increase in fraud. There are already known cases of generative artificial intelligence being used to imitate appearance and voice and to create deepfakes for the theft of funds from citizens' bank accounts. Digital commerce and online banking make people's lives easier, but this sphere is also attractive to fraudsters seeking material gain (Cai, S., Yang, L., 2023).

Digital services, for example internet banking and e-commerce platforms, have greatly simplified people's lives. But this digital convenience is also exploited by fraudsters, who derive considerable benefits from it (Sun, Y., Zhou, X., 2011). At the same time, the damage caused is enormous; for example, since the beginning of 2025, more than 4.5 billion rubles have reportedly been stolen from Russian citizens through deepfakes and AI-generated content.

To minimize this risk, non-removable watermarks should be applied to video and audio content created with the help of GenAI, and tools for determining the origin of content should be widely implemented. In this way, any user would be able to use a mobile phone to verify illegal content and identify its origin.

5 DISCUSSION

In examining legal regulation in the field of artificial intelligence, including generative AI, researchers have identified several models of such regulation in different countries (Cao, J., 2023).

Let us consider each legal model in more detail. In the United Kingdom and the United States, there is support for “**soft regulation**” in all areas related to GenAI and for the promotion of innovation (Atkinson, D., Morrison, J., 2024; Villasenor, J., 2023; Bodini, M., 2024; Zhang, H., 2024). In 2023, the United Kingdom adopted the document *A Pro-Innovation Approach to AI Regulation*, which sets out flexible rules and approaches that do not restrict the development of artificial intelligence technologies; the document presents principles for the introduction and use of innovation without legislative constraints.

In the United States, the 2019 document *Maintaining American Leadership in Artificial Intelligence* was signed with the aim of developing artificial intelligence technologies and all of their varieties in order to strengthen global leadership in this field. The United States also uses soft regulation, excluding restrictive measures in the area of AI use (Cao, S., Cao, R., 2023). The basic principles for the development of AI technologies are set out in the *Blueprint for an AI Bill of Rights*:

- safety of AI and GenAI systems;
- confidentiality of data used by AI and GenAI;
- provision of full information to users about the capabilities of AI and GenAI technologies;
- the possibility of choosing a human instead of AI or GenAI.

However, in 2023, the Global Technology Policy Council of the Association for Computing Machinery in the United States declared the *Principles for the Development, Deployment, and Use of Generative Artificial Intelligence Technologies*, which emphasize the need for stricter control over generative artificial intelligence systems that may pose harm and security threats (Chen, B., 2023).

In the countries of Western Europe, a model of **restrictive legal regulation** predominates, based on control over the use of AI and GenAI systems (Shi, Y., 2023);

Yao, L., 2023; Wang, X., Wu, Y. C., 2024; Shumakova, N. I., Lloyd, J. J., Titova, E. V., 2023).

In the European Union, the dominant model is restrictive legal regulation, which includes control over the use of AI and GenAI in various fields. In accordance with current legislation in Western European countries, artificial intelligence must first be tested, then approved for use, and only after that allowed to be applied (Deng, J., Zhu, Y., 2023). In 2021, the draft *Artificial Intelligence Act* was published, establishing provisions that artificial intelligence must be controlled by humans in order to avoid negative consequences (Shang, J., 2023).

GenAI systems must be transparent, that is, they must disclose when content has been generated by AI in order to distinguish deepfakes from content created by humans, and the materials on which GenAI systems are trained must be protected by copyright.

The **hybrid approach**, which combines hard and soft regulation depending on the types of AI and is also called a neutral approach, is used in China, Canada, and some other countries (Sharma, A. K., Sharma, R., 2024; Yang, L., 2023; Needham, C. A., 2025; Li, J., Cai, X., Cheng, L., 2023; Lucchi, N., 2024).

Under this approach, in China, generative artificial intelligence systems are excluded from the sphere of regulation and control and are granted maximum freedom (Gu, N., 2023).

Legal acts regulating generative artificial intelligence do not contain a requirement regarding the accuracy of the content created by GenAI, thereby lowering the criterion of information reliability (Que, T., Lu, C., 2021). The following rules apply to content created with the help of GenAI:

- it is prohibited to generate content that poses a security threat, harms the interests of the state, promotes terrorism, extremism, violence, discrimination, and the like;
- when creating content, intellectual property rights must be observed, business ethics respected, and trade secrets preserved;
- the lawful rights of citizens must be respected, including rights to image, reputation, privacy, and personal data;
- the accuracy and reliability of generated content should be improved.

The almost complete freedom granted to GenAI technologies may lead to negative consequences, as already noted, including fraud and the risk of unreliable information,

which may ultimately lead to harm to health or financial difficulties. Therefore, prohibitive measures should apply to generated content (Jin, S., 2022). For example, if a provider discovers that content is being used for unlawful purposes, it must report these facts to the competent authorities; the generation of information in the medical and financial spheres should be restricted or even prohibited; and where basic rights to security are violated, technical measures should be applied in the form of blocking a GenAI system that violates current legislation (Liu, Y., 2023).

One more type of legal regulation of GenAI may also be identified, namely **self-regulation**. This approach is applied, for example, in Russia, where a balance is maintained between the introduction of regulatory rules and the provision of freedom for the development of technologies, including GenAI. This approach is characterized by minimal use of legal regulation in the field of generative artificial intelligence.

6 CONCLUSION

Based on the results of the study, the following legal regulatory models in the field of generative artificial intelligence were identified: soft, restrictive, hybrid, and self-regulatory.

The following risks associated with the use of GenAI have been demonstrated:

- AI-generated material may contain false information;
- consumers may make decisions based on erroneous responses and suggestions generated by generative artificial intelligence;
- generative artificial intelligence technologies may negatively affect the labor market;
- generative artificial intelligence may violate ethical, cultural, and religious norms;
- GenAI technologies may be used in fraudulent activities for the purpose of obtaining material gain.

To minimize the risks associated with the use of GenAI, the following measures are proposed:

- content generated by GenAI must be labeled with visible markers and metadata in order to distinguish content written by humans from content generated by

GenAI, since materials created by artificial intelligence may contain deepfakes and disinformation;

- developers and companies providing GenAI systems must inform users about the possible inaccuracy of generated content, while the user bears responsibility for the use of such content;
- retraining should be provided for employees who may become unemployed because of the development of GenAI, along with the creation of a legislative framework regulating the impact and use of GenAI;
- tools for verifying the origin of content should be introduced in order to identify AI-generated content used for fraudulent activities.

The scope of the study is limited by the size of the sample of sources. As already mentioned, the study initially used 154 sources, including legislative acts of several countries, monographs, reports, and statistical data. After careful selection, 50 works were chosen that reflect experience in the legal regulation of the field of generative artificial intelligence.

Further research should develop a set of legal rules that could be used to regulate the field of GenAI use, taking into account the specifics and features of this type of artificial intelligence.

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