

Artificial Intelligence and International Corporate Law

الذكاء الاصطناعي وقانون الشركات الدولي



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Abstract:

Artificial intelligence is one of the most pressing contemporary challenges facing international corporate law. Its integration into decision-making within multinational corporations has generated new issues related to governance, transparency, and legal responsibility. This research examines the impact of artificial intelligence on the legal framework regulating companies, focusing on the extent to which international rules can adapt to rapid technological change. It also highlights the risks of relying on algorithms in commercial and financial decisions and the obligations and liabilities that follow. The study finds that the lack of a unified international legal framework increases the vulnerability of legal systems in the digital age. Accordingly, it calls for the adoption of new rules founded on transparency, accountability, and harmonization to balance innovation with the protection of the public interest.

Keywords: Artificial Intelligence, International Corporate Law, Governance, Risks, Legal Liability.

ملخص:

يُعدّ الذكاء الاصطناعي من أبرز التحديات الراهنة التي تواجه قانون الشركات على المستوى الدولي. فقد أدى إدماجه في عمليات اتخاذ القرار داخل الشركات متعددة الجنسيات إلى بروز إشكاليات جديدة تتعلق بالحوكمة، الشفافية، والمسؤولية القانونية، ويسعى هذا البحث إلى دراسة أثر الذكاء الاصطناعي على الإطار القانوني المنظم للشركات، مع التركيز على مدى قدرة القواعد الدولية على التكيف مع التحولات التكنولوجية المتسارعة، كما يسلط الضوء على المخاطر الناجمة عن الاعتماد على الخوارزميات في القرارات التجارية والمالية وما يترتب عنها من التزامات ومسؤوليات. وتخلص الدراسة إلى أن غياب إطار قانوني دولي موحد يفاقم هشاشة الأنظمة القانونية في عصر الرقمنة، ومن ثم، تقترح وضع قواعد جديدة تقوم على مبادئ الشفافية والمساءلة والتوحيد، بما يضمن تحقيق التوازن بين الابتكار وحماية المصلحة العامة.

كلمات مفتاحية: الذكاء الاصطناعي، قانون الشركات الدولي، الحوكمة، المخاطر، المسؤولية القانونية.

Introduction

In recent decades the world has witnessed an unprecedented digital revolution led by artificial intelligence (AI), which has become a fundamental driver in the development of economic and financial activities. AI has transformed from a mere technical tool into a strategic element relied upon by major corporations for decision-making, efficiency improvement, and internal control.

This transformation raises profound questions about the capacity of traditional corporate law to absorb these innovations, especially at the international level where legislative frameworks differ from one state to another¹

Therefore, the importance of this topic stems from its combining two integrated dimensions: the technological dimension represented by AI, and the legal dimension represented by corporate regulation at the international level.

The rapid development of technologies requires the law to evolve accordingly to ensure a balance between encouraging innovation and protecting shareholders and consumers²

Moreover, the cross-border nature of multinational corporations makes it necessary to study this topic in a comparative and international framework.

Accordingly, this study aims to:

1. Clarify the implications of AI use on corporate management and governance.
2. Highlight different international approaches to regulating AI within corporations.
3. Analyze the legal challenges posed by AI regarding liability, transparency, and shareholder protection.
4. Envision prospects for establishing a unified international legal framework that balances innovation with legal protection³

This study relies on the descriptive-analytical method to map the theoretical and legislative framework for the use of AI in corporations, employing the comparative method through examining the experiences of the European Union⁴, the United States of America, and some Asian countries, in addition to the recommendations of international organizations such as the OECD and the United Nations⁵

Accordingly, the study proceeds from the following problem: **To what extent can corporate law at the international level accommodate the integration of AI in governance and strategic decision-making, and what are the associated legal challenges?**

To answer this, the study will address the following elements:

1. The theoretical and practical framework of AI in corporate law.
2. The legal challenges of AI in corporations.

1. Theoretical and Practical Framework of AI in Corporate Law

1. 1. The theoretical framework of AI and corporate law

1. 1. 1. Definition of AI, its development, and its characteristics

First: Definition and development of AI

Artificial Intelligence (AI) is a branch of computer science that aims to develop systems capable of simulating human cognitive abilities such as learning, reasoning, decision-making, and solving complex problems. AI is characterized by its ability to process massive amounts of data quickly and accurately, extracting patterns and information that may be difficult for humans to detect.

AI technologies have gone through several evolutionary stages, starting from simple rule-based systems, passing through machine learning (which enables systems to learn from data), and arriving at deep learning (which relies on advanced neural networks to simulate aspects of human brain functioning).

Today AI encompasses diverse applications across many fields, notably data analytics, industrial automation, healthcare, and financial services, in addition to business and law, where it is used to support decision-making, improve governance, and develop smart contracts. This continuous development has made AI a pivotal element in modern corporate strategy, which imposes on laws—especially international corporate law—the necessity to

keep pace with these changes to ensure effectiveness, transparency, and legal accountability⁶

Second: Characteristics of AI

AI is distinguished by several features that set it apart from traditional technologies, most notably:

1. **Self-learning:** the system's ability to learn from data and improve performance over time without direct human intervention.
2. **Big-data processing:** the capability to analyze huge volumes of information rapidly and accurately, extracting patterns and results that may be difficult for humans to detect.
3. **Adaptation to change:** the ability to adapt to new environments and conditions and to modify its strategies based on past outcomes.
4. **Complex decision-making:** the capacity to support strategic decision-making in complex and rapidly changing environments.

These characteristics make AI different from traditional software that operates according to fixed instructions and predetermined outputs; AI is the science and engineering of creating intelligent machines capable of performing tasks that normally require human intelligence⁷

1. 1. 2. The employment of AI in corporate law

AI employment in corporate management is one of the most significant digital shifts of our time, contributing to operational efficiency and enhancing firms' competitiveness. It enables the rapid and accurate analysis of big data, supporting strategic decisions on a scientific basis. It also helps develop HR systems, financial operations, and customer service in innovative ways. However, such deployment raises legal and ethical challenges that require a balanced regulatory framework to ensure responsible use.

This takes place through:

First: Corporate management and decision-making

AI has become an essential instrument in corporate management, improving the efficiency of operational and strategic processes. Managers in multinational corporations rely on AI systems to analyze financial and commercial data, assess risks, and make accurate and swift decisions that reduce human error.

AI is also used to support strategic decisions related to investment, marketing, and supply chains by analyzing large datasets, extracting patterns, and forecasting future trends. Dependence on AI enables firms to bolster their competitiveness and achieve sustainable growth objectives⁸

Second: Smart contracts and financial transparency

Smart contracts are among the most prominent applications of AI and related technologies in business and law, allowing contractual obligations to be executed automatically and instantly once predefined conditions are met. These contracts help enhance transparency in commercial and financial operations and reduce opportunities for fraud or delay in performance.

Moreover, AI can continuously monitor and analyze corporate financial operations, contributing to improved corporate governance and greater accountability and credibility before shareholders and stakeholders. The use of smart contracts demonstrates firms' ability to leverage technology for greater efficiency and to mitigate legal risks associated with traditional transactions⁹

1. 2. The practical framework in integrating AI into corporate law

1. 2. 1. The European and American approaches

First: The European approach

European states have adopted an advanced regulatory approach to integrate AI into business environments by drafting the *European Artificial Intelligence Act (AI Act)*, which seeks to establish a comprehensive legal framework to ensure the safe and responsible use of AI within companies and institutions¹⁰

This project focuses on incorporating principles of transparency and digital governance so that AI-based processes are subject to oversight and their decisions can be traced, thereby

enhancing accountability and protecting the rights of shareholders and stakeholders.

The EU's approach is proactive in regulating AI use within companies and institutions to balance technological innovation and the protection of individual and shareholder rights. The AI Act (launched by the European Commission in 2021) aims to provide a comprehensive legal framework covering risk assessment, transparency requirements, and accountability for AI-generated decisions.

The European approach emphasizes clear digital governance, including:

- Mechanisms to assess AI's impact on shareholders and stakeholders.
- Imposition of transparency requirements when AI is used in financial and commercial decision-making.
- Ensuring legal compliance and establishing liability when harm results from AI-based decisions.

Accordingly, this strategy seeks to create a unified and reliable legal environment that boosts investor confidence and supports digital innovation in European companies while reducing legal and ethical risks linked to AI use.

Second: The American approach

The United States adopts a **sectoral** regulatory approach to AI, applying specific laws to each economic sector—such as finance, healthcare, and e-commerce. The Securities and Exchange Commission (SEC) plays a central role in monitoring AI use within listed companies to ensure transparency in financial disclosure and protect shareholder rights. The U.S. encourages technological innovation while providing flexible legal safeguards that allow experimentation with smart solutions without unduly hindering innovation ¹¹

The American approach is characterized by focusing on sectoral regulation rather than a single comprehensive statutory framework similar to the EU AI Act. Instead, it relies on separate regulatory regimes per sector, as follows:

- **Sectoral legislation**

In finance and business, the SEC plays a pivotal role in overseeing the use of AI technologies in financial markets, especially regarding algorithmic trading and protecting investors from risks tied to non-transparent algorithms ¹²

In health and transportation sectors, regulators such as the Food and Drug Administration (FDA) and the National Highway Traffic Safety Administration (NHTSA) have issued sector-specific guidance for the use of AI by companies operating in those fields.

- **Consumer and shareholder protection**

The American approach focuses on ensuring transparency and protecting consumers from unfair practices through the Federal Trade Commission (FTC) and antitrust laws, which apply to companies using AI in ways that may affect competition or shareholder rights ¹³

- **Federal and state initiatives**

The U.S. administration launched initiatives such as the “National AI Strategy” in 2020, encouraging firms to innovate within legal and ethical bounds. Some states, notably California, have enacted specific data protection and digital privacy laws (e.g., the CCPA), which directly influence how AI is integrated into corporate management.

1. 2. 2. The Russian and Asian approaches

First: The Russian approach

Russia adopted a national AI strategy (since 2019) focused on developing domestic technological capabilities and expanding AI use in the economy and large corporations.

Russian legislation emphasizes:

- Strengthening cybersecurity in firms that deploy AI.
- A liability framework that places responsibility on the company owning the technology for decisions issued by AI systems.

- Focus on strategic companies (such as energy and defense), where AI integration occurs under direct state supervision¹⁴

This approach reflects Russia's aim to use AI as a tool for digital sovereignty and to preserve decision-making autonomy within national companies.

Consequently, the Russian government pursues a strategy of gradual AI integration into the business sector with emphasis on digital sovereignty and cybersecurity as strategic priorities; it launched the "National AI Strategy 2030" to foster innovation in the business environment and to develop a flexible legal environment allowing companies to use AI in commercial and administrative decision-making.

Key features of this approach include incentives for local firms to adopt AI solutions, updating commercial legislation to align with new applications, and focusing on data protection and oversight of algorithms used in sensitive markets such as energy and defense¹⁵

Russia is also developing legal frameworks for smart contracts and digital transactions by amending civil and commercial laws to permit the integration of these technologies into the traditional legal system without undermining its stability.

Second: The Asian approach

Asian countries such as Japan, China, and South Korea have pioneered integrating AI into corporate contexts. They focus on operational innovation and developing intelligent systems to enhance efficiency and speed of decision-making, while establishing clear legal frameworks to ensure compliance and consumer protection. These experiences also emphasize assessing the ethical and legal risks of intelligent systems to better manage cross-border data and digital decision flows.

Thus, the major Asian countries (Japan, China, South Korea) have adopted different but convergent approaches:

- **Japan:** Emphasizes the “Society 5.0” concept, integrating AI into companies to promote innovation and balance economic growth with social welfare; Japanese legislation tends to provide ethical guidelines rather than impose rigid rules ¹⁶
- **China:** Follows a strong policy stance that compels companies to use AI within strict regulatory frameworks, especially in finance and e-commerce; China has enacted data protection laws and transparency requirements and imposes criminal liabilities on companies in cases of technology misuse ¹⁷
- **South Korea:** Adopts a collaborative approach between public and private sectors, offering incentives to companies that integrate AI while enforcing transparency and consumer protection principles.

2. Legal challenges of AI in corporations

2. 1. Liability challenges; transparency and shareholder protection

2. 1. 1. Liability challenges

Determining legal liability for decisions made by AI systems is one of the foremost challenges confronting corporations and their international legal frameworks. AI can issue autonomous decisions based on data analysis and algorithms, raising questions about who bears responsibility when errors lead to financial losses or harm.

In multinational corporations the issue becomes more complex due to legal divergences across states and the multiplicity of legal forums that might have jurisdiction. For example, if an AI system's fault results in breach of contractual obligations or damage to a trading partner or consumer, who is liable—the company, the programmer, or the system itself? Scholars therefore analyze civil and criminal liability in multinational contexts to secure clear accountability.

Liability types include:

- **Civil liability:** when AI decisions cause financial loss or damage to individuals or other companies, such as a system's failure to perform a contract as agreed.
- **Criminal liability:** where the error is intentional or results from gross negligence, including cases of fraud or financial manipulation through intelligent systems.

Determining liability is complicated in multinational firms because a decision issued by an AI may be linked to data or algorithms developed in one state and applied in another, creating a legal gap between jurisdiction and regulatory oversight. This challenge also raises the question of attributing autonomous accountability to AI systems—i.e., to what extent can an AI system itself bear part of the responsibility compared to the developer or the company owning it—a subject that international law is still attempting to clarify ¹⁸

2. 1. 2. Transparency challenges and shareholder protection

The modern digital business environment indicates that AI-based decisions can be opaque or not easily comprehensible to shareholders and stakeholders, which poses a challenge for ensuring transparency. Shareholders must be able to understand how major decisions affecting their rights and interests are taken.

Transparency is also linked to the risks of economic and cyber crimes, as intelligent systems can be exploited for fraud or market manipulation, and the effects of such crimes may cross international borders, complicating oversight and accountability.

Thus, transparency and shareholder protection present a central challenge when integrating AI into corporate environments, especially for multinational companies, because intelligent systems often make complex decisions based on data analyses and algorithms that shareholders might not readily understand.

Accordingly, legal mechanisms must guarantee access to information and its comprehensibility for all concerned parties, including shareholders and consumers. The challenge of protecting shareholders against economic and cyber crimes remains urgent, as intelligent systems could be misused for financial fraud or market manipulation, with cross-border repercussions that complicate supervision and accountability.

To address these challenges, the literature recommends establishing international and national regulatory frameworks grounded in transparency and accountability principles, along with periodic monitoring mechanisms to evaluate AI systems' performance and to safeguard shareholder and consumer rights in a sophisticated digital environment ¹⁹

2. 2. Regulatory, ethical, and practical challenges

2. 2. 1. Regulatory and ethical challenges

Integrating AI into corporations entails major regulatory and ethical challenges that go beyond liability and transparency. On the regulatory front, national and international laws need to develop clear legal frameworks governing AI use in commercial, financial, and strategic decision-making to ensure legal compliance and protect all parties' rights ²⁰

On the ethical level, there is a significant challenge in designing **fair and transparent algorithms** that prevent discrimination and bias against particular user groups or shareholders. This also involves respecting ethical principles when processing sensitive

data and protecting individuals' privacy in corporate digital environments.

These challenges require developing **digital governance policies** with mechanisms to monitor AI systems and assess their societal and market impact, balancing technological innovation with adherence to legal and ethical values. Studies stress the importance of international cooperation to harmonize ethical and regulatory standards, particularly for multinational corporations operating across diverse legal systems ²¹

2. 2. 2. Practical challenges

Practically, firms face significant difficulties in deploying AI systems within clear and unified legal frameworks. These difficulties stem from the rapid pace of technological development and the diversity of business environments across states, making it hard to align with national and international legislation and regulations.

Practical challenges include:

- **Difficulty of oversight and auditing:** companies need advanced tools and techniques to audit AI algorithms and ensure compliance with laws and governance standards.
- **Operational risk management:** this covers risks associated with financial and commercial decisions and ensuring that intelligent systems do not cause legal or financial harm to the company or its shareholders.

- **Harmonization of international standards:** multinational corporations face the added challenge of standardizing AI usage across different countries to avoid legal conflicts and transnational risks ²²

Studies indicate that practical challenges intersect with legal and ethical challenges, imposing on companies the adoption of comprehensive AI management policies, including periodic audits, continuous system evaluation, and clear protocols for accountability and liability ²³

Conclusion

AI represents a fundamental transformation in business and law, directly affecting decision-making methods within multinational corporations and giving rise to new legal, ethical, and regulatory challenges. The study demonstrates that the absence of a unified international legal framework increases the fragility of the legal system in the face of the digital revolution and renders companies more vulnerable to legal risks and cyber crimes.

The research also highlights the importance of digital governance and ensuring transparency and accountability in AI-based decisions, while safeguarding shareholders' and consumers' rights. The different international approaches—the European Union, the United States, and Asian countries—underscore the necessity of harmonizing legal and ethical standards to strike a balance between innovation and public interest protection.

AI offers significant opportunities to enhance corporate efficiency and competitiveness, but it requires the development of advanced legal, ethical, and regulatory frameworks at the international level to ensure responsible and safe use of intelligent technologies while protecting the rights and interests of all stakeholders. In this regard, the study shows that integrating AI into corporations at the international level constitutes a multi-dimensional legal, ethical, and economic challenge. The main findings are:

1. The absence of a unified international legal framework causes multinational corporations to face difficulties complying with diverse laws, increasing legal and operational risks.
2. Multiple legal challenges exist, including determining civil and criminal liability for AI systems' decisions and ensuring transparency and protection of shareholders' rights.
3. Divergence among international approaches: the EU adopts a comprehensive regulatory framework emphasizing transparency and accountability; the U.S. relies on a flexible sectoral approach; Asian experiences prioritize operational innovation and efficiency while enacting regulatory safeguards.
4. The need for robust digital and ethical governance to reduce risks related to algorithmic bias and transnational economic and cyber crimes.

Based on these findings, the following recommendations are proposed to enhance the legal and regulatory framework for AI in corporations at the international level:

1. Develop a unified international legal framework governing AI use in multinational corporations, with clearly defined responsibilities for different actors (companies, developers, shareholders).
2. Strengthen transparency and accountability by imposing precise disclosure requirements regarding how AI is used in decision-making, especially strategic financial and commercial decisions.
3. Establish oversight tools and periodic audits to ensure compliance with laws and digital ethics, including continuous evaluation of algorithms and intelligent systems.
4. Exchange international experiences and best practices among the EU, the United States, and Asian countries to harmonize legal and ethical standards and achieve best practices.
5. Promote responsible innovation that balances the development of new technical solutions with protecting investors' and consumers' rights and ensuring cross-border digital security.

In brief, AI offers great opportunities to improve corporate effectiveness and efficiency, but it necessitates establishing advanced international legal, regulatory, and ethical frameworks

to guarantee responsible and balanced use, alongside effective legal protection for all concerned parties.

Marginalization:

¹ Schwab Klaus. *The Fourth Industrial Revolution*. Geneva: World Economic Forum, 2017, p. 88.

² European Commission, *Proposal for a Regulation on Artificial Intelligence (AI Act)*, 2021, p. 14

³ Calo Ryan. "Artificial Intelligence Policy: A Primer and Roadmap." *University of California Law Review*, 2017, p. 405.

⁴ OECD, *Principles on Artificial Intelligence*, 2019, p. 5

⁵ United Nations, *AI and Sustainable Development Report*, 2022, p. 33

⁶ Schwab Klaus. *The Fourth Industrial Revolution*. Geneva: World Economic Forum, 2017, p. 88.

⁷ Stuart Russell & Peter Norvig, *Artificial Intelligence: A Modern Approach*, 4th ed., Pearson, 2020, p. 56.

⁸ Calo Ryan. "Artificial Intelligence Policy: A Primer and Roadmap." *University of California Law Review*, 2017, p. 406.

⁹ Tapscott Don, and Tapscott Alex, *Blockchain Revolution: How the Technology Behind Bitcoin and Other Cryptocurrencies is Changing the World*. New York: Penguin Random House, 2017, p. 15.

¹⁰ European Commission. (2021). *Proposal for a Regulation of the European Parliament and of the Council Laying Down Harmonised Rules on Artificial Intelligence (Artificial*

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¹¹ Gasser Urs, & Almeida Virgilio A. F, A Layered Model for AI Governance. *IEEE Internet Computing*, 21(6), 58–62, 2017, p. 15.

¹² Gless Sabine, & Silverman Thomas, AI in the Courtroom: A Comparative Analysis of Liability and Accountability in the Use of Artificial Intelligence in Corporate Settings. *Journal of International and Comparative Law*, 7(2), 239–260, 2020, p. 247.

¹³¹³ OECD. Artificial Intelligence in Society. Paris: Organisation for Economic Co-operation and Development, 2019, p. 5.

¹⁴ Kuznetsov Alexander. Artificial Intelligence and Corporate Governance in Russia: Legal Challenges and Perspectives. *Moscow Journal of International Law*, 2020(3), 198–220, 2020, p. 211.

¹⁵ United Nations. (2022). Frontier Technologies for Sustainable Development: Artificial Intelligence and Corporate Regulation in Asia. New York: United Nations, 2022, p. 33.

¹⁶ United Nations, Frontier Technologies for Sustainable Development: Artificial Intelligence and Corporate Regulation in Asia. New York: United Nations, 2022, p. 33.

¹⁷ Creemers Rogier. China's Social Credit System: An Evolving Practice of Control. *Leiden Journal of International Law*, 34(1), 42–68, 2021, p. 47.

¹⁸ Gless Sabine, & Silverman Thomas. AI in the Courtroom: A Comparative Analysis of Liability and Accountability in the Use of Artificial Intelligence in Corporate Settings. *Journal of International and Comparative Law*, 7(2), 239–260, 2020, p. 245.

¹⁹ OECD. Artificial Intelligence in Society. Paris: Organisation for Economic Co-operation and Development, 2019, p. 5.

²⁰ Gasser Urs, & Almeida Virgilio A. F., A Layered Model for AI Governance. IEEE Internet Computing, 21(6), 58–62, 2017, p. 12.

²¹ Floridi Luciano, Cows Josh, Beltrametti Monica, Chatila Raja, Chazerand Patrice, Dignum Virginia, ... & Vayena, Effy, “AI4People — An Ethical Framework for a Good AI Society: Opportunities, Risks, Principles, and Recommendations.” Minds and Machines, 28(4), 689–707, 2018, p. 45.

²² OECD, OECD Principles on Artificial Intelligence: Two Years On. Paris: Organisation for Economic Co-operation and Development, 2021, p. 22.

²³ Gasser Urs, & Almeida Virgilio A. F., A Layered Model for AI Governance. IEEE Internet Computing, 21(6), 58–62, 2017, p. 18.

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