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The Ethical Underpinnings of AI Regulation: A Jurisprudential Inquiry into Algorithmic Fairness and Transparency

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ABSTRACT

Background. Concerns regarding algorithmic bias and opacity have prompted regulatory responses that invoke ethical principles, particularly fairness and transparency, yet their jurisprudential foundations remain insufficiently explored.

Purpose. This study aims to examine the ethical underpinnings of AI regulation through a jurisprudential inquiry into algorithmic fairness and transparency, focusing on how legal philosophy informs the normative structure of contemporary AI governance.

Method. The research employs qualitative normative legal methodology grounded in jurisprudential analysis. Primary materials include AI regulatory frameworks, ethical guidelines, and judicial reasoning.

Results. The findings show that AI regulation predominantly operationalizes fairness and transparency as procedural legal duties rather than substantive moral ideals. Ethical principles are translated into enforceable standards such as explainability, accountability, and non-discrimination, reflecting institutional and jurisprudential constraints.

Conclusion. The study concludes that AI regulation represents a juridification of ethics shaped by enduring jurisprudential traditions. The novelty of this research lies in its integration of AI regulatory analysis with legal philosophy.

KEYWORDS

Algorithmic Fairness, AI Regulation, Operationalizes Fairness

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INTRODUCTION

Artificial intelligence has become an integral component of decision-making processes across sectors such as finance, healthcare, law enforcement, and public administration. Algorithmic systems increasingly influence credit scoring, recruitment, predictive policing, and access to public services (Lin & Losavio, 2026; Yaseen & Al-Amarneh, 2025). This pervasive integration has transformed how authority, responsibility, and accountability are exercised within modern societies. The expansion of algorithmic governance has generated widespread concern regarding fairness and transparency.

Empirical studies and policy reports consistently show that AI systems may reproduce or amplify existing social biases due to skewed data, opaque model design, and automated decision-making processes. These concerns have positioned algorithmic fairness and transparency as central normative issues in contemporary regulatory discourse.

Regulatory responses to AI have emerged at both national and transnational levels, emphasizing ethical principles alongside legal compliance. Soft-law instruments, ethical guidelines, and emerging statutory frameworks increasingly reference values such as non-discrimination, explainability, and accountability. These regulatory efforts reflect a shared understanding that technical efficiency alone is insufficient to legitimize algorithmic decision-making (Fundira & Mbohwa, 2025; Hosseini Tabaghdehi & Ayaz, 2025).

Jurisprudential theory provides a critical lens for understanding AI regulation as a normative enterprise rather than a purely technical one. Legal reasoning traditionally addresses questions of justice, rights, and responsibility, all of which are challenged by automated systems that diffuse human agency. The rise of AI has therefore prompted renewed engagement with legal philosophy to reinterpret foundational legal concepts in light of algorithmic governance (Abdallah dkk., 2025; Fundira & Mbohwa, 2025).

Legal theory on procedural justice and substantive equality offers an established framework for evaluating algorithmic fairness and transparency. Concepts such as due process, reason-giving, and equality before the law underpin contemporary debates on explainable AI and non-discriminatory outcomes. These theories ground AI regulation in longstanding jurisprudential commitments, highlighting that current regulatory concerns represent an extension rather than a departure from established legal and ethical traditions (Ashraf & Mustafa, 2024; Krsmanovic & Deek, 2024).

Existing research on AI regulation largely concentrates on technical standards, compliance mechanisms, and policy-oriented ethical guidelines. Many studies assess algorithmic fairness through quantitative metrics or engineering solutions, leaving the deeper normative foundations of fairness and transparency insufficiently examined. The ethical assumptions embedded within regulatory frameworks often remain implicit rather than systematically analyzed.

Legal scholarship frequently addresses AI regulation from a doctrinal or policy perspective without engaging in sustained jurisprudential inquiry. Questions concerning the moral justification of algorithmic decision-making, the nature of legal responsibility in automated systems, and the ethical legitimacy of opacity in AI remain fragmented across disciplines. This fragmentation limits a coherent understanding of AI regulation as a normative legal project (Chen dkk., 2025; Durmus Senyapar dkk., 2025).

Comparative discussions of AI ethics tend to emphasize convergence around universal principles such as fairness, accountability, and transparency. Less attention is given to how these principles are interpreted differently within jurisprudential traditions and legal philosophies. The absence of such analysis obscures the normative diversity underlying seemingly uniform regulatory language.

Theoretical debates on legal positivism, natural law, and interpretivism suggest differing conceptions of fairness and legal obligation. However, these jurisprudential theories have not been systematically applied to evaluate algorithmic fairness and transparency in AI regulation. This gap leaves unresolved how foundational legal philosophies inform or challenge contemporary regulatory approaches to artificial intelligence (Lendvai & Gosztonyi, 2025; Wang dkk., 2024).

Addressing this gap is essential to clarify the ethical legitimacy of AI regulation beyond technical and policy considerations. A jurisprudential inquiry enables a deeper understanding of

fairness and transparency as legal and moral concepts rather than mere regulatory slogans. Such analysis strengthens the normative coherence of emerging AI governance frameworks. Understanding the ethical underpinnings of AI regulation holds practical significance for lawmakers and regulators. Clear jurisprudential grounding can guide the interpretation of abstract ethical principles in concrete regulatory contexts, particularly where algorithmic decisions affect fundamental rights and public trust (Wilkie dkk., 2025; Yew & Judge, 2025).

This study is grounded in the assumption that effective AI regulation depends on alignment between ethical principles and jurisprudential reasoning. Drawing on theories of justice, procedural fairness, and legal interpretation, the research hypothesizes that algorithmic fairness and transparency must be framed as enforceable normative obligations rooted in legal philosophy. Examining AI regulation through this lens contributes to both jurisprudential theory and the evolving field of technology law.

RESEARCH METHODOLOGY

This study adopts a qualitative normative legal research design grounded in jurisprudential analysis. The research examines ethical principles underlying AI regulation by integrating legal philosophy with contemporary regulatory frameworks. The design emphasizes conceptual clarification and critical interpretation of algorithmic fairness and transparency as normative legal obligations rather than technical attributes (Nicole Sante Samar dkk., 2025; Saxena dkk., 2026).

The population of this study consists of ethical norms, legal principles, and regulatory frameworks related to artificial intelligence governance. The sample includes selected AI regulations, policy guidelines, judicial opinions, and authoritative ethical instruments from national and international contexts, as well as classical and contemporary jurisprudential texts addressing justice, fairness, and procedural legitimacy. These materials are purposively selected based on their relevance to algorithmic decision-making (Kumar dkk., 2025; Osyodlo dkk., 2025).

The primary research instrument is a jurisprudential analytical framework derived from theories of justice, legal positivism, natural law, and interpretivism. Conceptual mapping matrices and analytical coding sheets are used to examine how fairness and transparency are articulated, justified, and operationalized within AI regulatory texts. Philosophical interpretation functions as the core analytical tool (Ababneh dkk., 2025; Black dkk., 2024).

Data collection is conducted through systematic review and classification of legal and ethical documents relevant to AI regulation. The materials are analyzed by applying jurisprudential theories to identify normative assumptions, ethical tensions, and conceptual gaps within regulatory approaches. Interpretive synthesis is then employed to construct a coherent ethical framework explaining how algorithmic fairness and transparency should be understood within legal regulation.

RESULT AND DISCUSSION

Secondary data derived from international policy reports, regulatory documents, and ethical guidelines indicate a rapid increase in formal references to fairness and transparency in AI regulation. Regulatory texts from multiple jurisdictions consistently identify algorithmic bias, opacity, and accountability gaps as primary risks associated with automated decision-making systems. These documents reflect a shared regulatory awareness that ethical concerns have become central to AI governance rather than peripheral considerations.

Content analysis of AI governance instruments shows variation in how fairness and transparency are operationalized. Some regulations emphasize procedural safeguards such as explainability and auditability, while others stress outcome-based fairness and non-discrimination.

The data suggest that ethical principles are widely acknowledged but unevenly specified across legal and policy frameworks.

A comparative synthesis of secondary sources reveals recurring ethical themes that can be mapped across jurisprudential dimensions. These themes are summarized in Table 1 to illustrate how fairness and transparency are framed normatively rather than technically.

Table 1. Jurisprudential Dimensions of Algorithmic Fairness and Transparency in AI Regulation

Jurisprudential Dimension	Fairness Emphasis	Transparency Emphasis	Normative Orientation
Legal Positivism	Compliance with formal rules	Disclosure of procedures	Rule-based legitimacy
Natural Law Theory	Substantive justice and equality	Moral justification of decisions	Ethical legitimacy
Procedural Justice	Due process and consistency	Right to explanation	Procedural legitimacy
Interpretivism	Contextual fairness	Reason-giving practices	Interpretive legitimacy
Regulatory Practice	Risk mitigation	Accountability mechanisms	Governance legitimacy

The data indicate that fairness in AI regulation is predominantly framed as a legal obligation rather than a purely ethical aspiration. Regulatory texts increasingly translate abstract moral concerns into enforceable duties, such as non-discrimination requirements and bias assessments. This reflects a juridification of ethical values within AI governance. Transparency emerges as a procedural counterpart to fairness, functioning as a mechanism to enable accountability and review. The emphasis on explainability and traceability suggests that transparency is treated as a prerequisite for legal responsibility in algorithmic decision-making. Interpretation of the data shows that ethical principles gain regulatory force when anchored in jurisprudential reasoning. Fairness and transparency become legally meaningful only when connected to established concepts such as due process, equality before the law, and reasoned decision-making.

Doctrinal analysis of AI regulatory texts demonstrates that fairness is frequently articulated through non-discrimination clauses and impact assessments. These provisions aim to prevent unjust outcomes rather than to address the moral reasoning embedded within algorithmic design itself. Ethical language is often translated into operational standards. Transparency provisions commonly require documentation, disclosure, or explainability of algorithmic processes. Regulatory focus remains on external visibility rather than full intelligibility of complex AI systems. This reflects a pragmatic balance between technical feasibility and ethical aspiration. Philosophical literature reviewed alongside regulatory texts reveals a tension between formal and substantive conceptions of fairness. While regulations favor measurable and enforceable criteria, jurisprudential theories emphasize moral reasoning and contextual justice that extend beyond compliance metrics.

The descriptive data illustrate that regulatory approaches privilege procedural fairness over substantive ethical evaluation. This preference aligns with legal traditions that prioritize administrability and legal certainty. Ethical complexity is managed through standardized procedures rather than moral deliberation. Transparency is explained as a functional tool rather than an intrinsic ethical value. Regulatory emphasis on explainability aims to support oversight and liability rather than to fully democratize algorithmic understanding. This instrumental approach reflects legal pragmatism. The data explanation suggests that AI regulation operates within the limits of legal

rationality. Ethical ideals are selectively incorporated in ways that preserve regulatory enforceability and institutional capacity.

Relational analysis between ethical theory and regulatory practice reveals partial alignment. Jurisprudential concepts of fairness inform regulatory objectives, yet their philosophical depth is often reduced during implementation. Ethical richness is transformed into legal minimalism. The relationship between transparency and accountability demonstrates a strong normative linkage. Transparency obligations function as gateways for contestation, review, and redress, connecting ethical concerns with legal remedies. The data relationship indicates that jurisprudential theory acts as an implicit foundation rather than an explicit guide in AI regulation. Legal systems draw upon ethical traditions without fully articulating their philosophical commitments.

A documented case involving algorithmic bias in automated recruitment systems illustrates ethical tensions in practice. Applicants affected by biased screening tools raised concerns regarding unequal treatment and lack of explanation for automated rejection. Regulatory scrutiny focused on compliance with non-discrimination norms. Another case concerning AI-driven credit scoring highlights transparency challenges. Consumers were denied access to meaningful explanations due to claims of algorithmic complexity and trade secrecy. Legal responses emphasized procedural disclosure rather than substantive justification. Both cases demonstrate the centrality of fairness and transparency in disputes involving AI. They also reveal the limits of existing regulatory tools in addressing deeper ethical concerns embedded in algorithmic systems.

Case study analysis explains how fairness is operationalized through legal thresholds rather than moral evaluation. Regulatory intervention occurs when measurable harm or discrimination is demonstrated. Ethical concern becomes legally relevant only after manifest impact. Transparency requirements in the cases functioned as procedural safeguards rather than guarantees of understanding. Explanations provided were often technical summaries that satisfied legal formality without resolving ethical dissatisfaction. The explanation underscores a gap between ethical expectations and legal deliverables. Jurisprudential ideals of justice encounter practical constraints within regulatory enforcement.

The relationship between case studies and normative data confirms the dominance of procedural ethics in AI regulation. Fairness and transparency are enforced as legal duties shaped by institutional feasibility rather than philosophical completeness. Ethical theory and legal practice interact asymmetrically. Jurisprudential concepts inspire regulatory language, while enforcement mechanisms reshape those concepts into manageable legal standards. The relational findings affirm that AI regulation reflects an ongoing negotiation between ethical aspiration and legal rationality. Algorithmic fairness and transparency emerge as juridical constructs rooted in ethical thought yet constrained by the practical limits of law.

The findings demonstrate that AI regulation increasingly frames fairness and transparency as legal obligations grounded in procedural norms rather than as purely ethical aspirations. Regulatory instruments consistently translate moral concerns about bias and opacity into enforceable duties such as non-discrimination requirements, explainability, and auditability. This shift reflects the juridification of ethical values within contemporary AI governance. The results also show that transparency functions primarily as an instrumental mechanism to enable accountability and review. Legal frameworks emphasize procedural disclosure and documentation over full epistemic access to algorithmic reasoning. Fairness is therefore operationalized through compliance thresholds rather than through substantive moral evaluation. Overall findings indicate that jurisprudential traditions shape how ethical principles are absorbed into AI regulation. Legal systems draw upon concepts of

justice, due process, and equality while constraining them within administrable and enforceable legal standards.

Previous research in AI ethics often advocates for value-based governance and human-centered design as primary solutions to algorithmic harm. The findings of this study differ by showing that legal regulation prioritizes procedural feasibility over moral completeness. Ethical ideals are filtered through institutional and doctrinal constraints. Empirical studies on algorithmic bias frequently emphasize technical mitigation strategies such as data correction and model optimization. This research complements those studies by revealing that regulatory responses operate at a different normative level, focusing on legality, accountability, and rights rather than engineering solutions. Legal scholarship that frames AI regulation as a novel regulatory domain is partially challenged by these findings. The study demonstrates continuity between traditional jurisprudential concepts and contemporary AI governance, suggesting that existing legal theory remains relevant despite technological novelty.

The findings signal a broader transformation in the relationship between ethics and law in the digital age. Ethical principles are no longer external moral critiques but are increasingly internalized within legal frameworks governing technology. This internalization reshapes both ethics and regulation. The results indicate a preference for procedural justice as a stabilizing force in technologically complex environments. Legal systems respond to uncertainty by emphasizing processes that can be reviewed, contested, and justified rather than by resolving deep moral disagreements. These findings also signify the limits of law as an ethical instrument. While law can institutionalize minimum standards of fairness and transparency, it cannot fully capture the moral depth of algorithmic decision-making.

The implications are significant for regulators designing AI governance frameworks. Overreliance on procedural compliance may create an illusion of ethical adequacy without addressing substantive injustice embedded in algorithmic systems. Regulatory design must therefore remain critically reflexive (Arias Velasquez, 2026; Deng dkk., 2025). For legal practitioners and courts, the findings imply increased responsibility in interpreting abstract ethical principles within concrete disputes. Judicial reasoning becomes a key site where ethical concerns about AI are translated into legal outcomes. The results also inform interdisciplinary collaboration. Effective AI regulation requires engagement between legal theory, ethics, and technical expertise to ensure that procedural safeguards meaningfully protect affected individuals.

The observed pattern arises from the institutional nature of law, which prioritizes predictability, enforceability, and administrative capacity. Legal systems must convert ethical complexity into standards that can be monitored and enforced. Proceduralization becomes a pragmatic response to technological opacity. Jurisprudential traditions further shape this outcome. Legal positivism and procedural justice theories emphasize rule-following and due process, influencing how fairness and transparency are legally framed. Substantive moral reasoning is often secondary to institutional legitimacy (Vallarino, 2025; Waller dkk., 2024). Technological complexity also contributes to this dynamic. Full transparency or moral evaluation of AI systems may be practically unattainable, prompting regulators to focus on achievable forms of oversight rather than comprehensive ethical control.

Future regulatory efforts should explore hybrid approaches that integrate procedural safeguards with substantive ethical evaluation. Mechanisms such as ethics impact assessments and participatory oversight may complement existing legal tools. Further research should empirically examine how affected individuals experience fairness and transparency under current AI regulatory regimes. User-centered and socio-legal studies can test whether procedural compliance translates

into perceived justice (Anh dkk., 2025; Franks dkk., 2024). The findings encourage deeper jurisprudential engagement with emerging technologies. Legal theory must continue to evolve alongside AI, not by abandoning its foundations, but by reinterpreting them to address new forms of power, responsibility, and governance.

CONCLUSION

The most significant finding of this study is the identification of algorithmic fairness and transparency as juridified ethical principles rather than purely moral aspirations. AI regulation predominantly frames ethics through procedural legal obligations such as explainability, non-discrimination, and accountability, reflecting a shift from substantive moral reasoning toward administrable legal standards. This demonstrates that jurisprudential traditions continue to structure how ethical values are translated into enforceable norms within technologically mediated governance.

The principal contribution of this research is conceptual in nature. The study advances jurisprudential scholarship by positioning AI regulation within classical legal philosophy, particularly theories of justice, procedural fairness, and legal legitimacy. By systematically linking algorithmic fairness and transparency to jurisprudential reasoning, the research offers a normative framework that bridges ethical discourse and legal regulation, enriching both AI law and legal theory.

The study is limited by its normative and doctrinal orientation, relying on secondary sources without empirical validation of regulatory effectiveness or stakeholder perceptions. Future research may extend this inquiry through empirical socio-legal studies, comparative analysis across jurisdictions, or interdisciplinary collaboration with computer science to assess how jurisprudential principles can be operationalized within AI system design and governance.

AUTHORS' CONTRIBUTION

Author 1: Conceptualization; Project administration; Validation; Writing - review and editing.
Author 2: Conceptualization; Data curation; In-vestigation.
Author 3: Data curation; Investigation.
Author 4: Formal analysis; Methodology; Writing - original draft.

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