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ARTIFICIAL INTELLIGENCE AND ENVIRONMENT PROTECTION – LEGAL ASPECTS[***]

Abstract

Society is undergoing rapid transformation, posing significant challenges to legal systems worldwide. A central aspect of this transformation is the development of artificial intelligence (AI). At the same time, the right to a healthy environment, guaranteed by the constitution worldwide, is a fundamental human right and concerns all citizens, because everyone affects the state of the environment. The authors in this paper, after introducing the concept of artificial intelligence itself, first deal with the current normative state of the art in this area, both at the level of international public law and at the level of domestic legal orders. After that, the importance of environmental protection, the legal framework for its protection, and the norms regarding the use of artificial intelligence in environmental protection are presented, with an appropriate conclusion.

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ON ARTIFICIAL INTELLIGENCE

Artificial Intelligence (AI) is not a new phenomenon, because its notion stems back from the work of Alan Turing and John McCarthy in the mid-20th century (Jade Lovel 2024, 23). Artificial intelligence is increasingly affecting significant developments in various aspects of human lives (Kartskhiya and Makarenko 2019, 21; Stanić and Tintor 2024). As Quintavalla and Temperman (2023b, 569) claimed, almost all domains of human life are touched by the use of artificial intelligence in a very broad and serious manner. For example, medicine, law, the sports industry, and a range of other industries throughout the world are affected, and among them is also the area of environmental protection (Muller 2020, 3). At the same time, during that process, artificial intelligence is without doubt able to improve the capabilities of humans to do something better or to make better decisions during work and in everyday life as well (Al-Taj, Polok, and Ahmed Rana 2023, 94). We could say that it could be used to bring automation in the process of work and thinking of humans in order to achieve goals or to solve problems. Practically, it would be rather difficult or maybe impossible without artificial intelligence used to describe computerized abilities to solve problems and achieve goals, by learning and understanding very complex external data and imitating the way of thinking of humans (Rohit, Kennedy, and Corbett 2020, 6). Furthermore, it has three key advantages for humanity: firstly, it makes the automation, saving time in this manner; secondly, it unlocks hidden insights of data for humans, and thirdly, integrating thousands of data in order to solve even the most complex problems (Rohit, Kennedy, and Corbett 2020, 2).

Despite its expanding presence across numerous aspects of our lives, there is no extensively accepted definition of artificial intelligence (Reddy 2022, 1–44). As mentioned, John McCarthy and colleagues first coined the term “artificial intelligence” in 1956. They described it as follows: “An attempt will be made to find how to make machines use language, form abstractions and concepts, solve kinds of problems now reserved for humans, and improve themselves. [...] For the present purpose the artificial intelligence problem is taken to be that of making a

machine behave in ways that would be called intelligent if a human were so behaving" (Lee 2022, 6; Singh and Singh 2025, 169; Stanić and Tintor 2024). The Oxford Dictionary defines AI as "the theory and development of computer systems able to perform tasks normally requiring human intelligence" (Lee 2022, 1). Nicolau (2019, 64) stated that artificial intelligence is an independent digital system, which develops its own methodology when it comes to learning and understanding of collected data, even using its own communication independently of humans. As a result, the artificial intelligence functions as an autonomous decision maker, able to fulfill almost all tasks and to predict their outcomes (Nicolau 2019, 64).

We have a similar definition by some other authors (Muller 2020, 3), with the distinction that he emphasizes the fact that artificial intelligence is a system created by humans in order to serve them in achieving complex tasks. In other words, despite being controlled by humans, its capacities far exceed human capacities, even though humans must control it (Muller 2020, 3). OECD defines an artificial intelligence system as a machine-based system that is designed to operate with varying levels of autonomy and that can, for explicit or implicit objectives, generate output such as predictions, recommendations, or decisions influencing a physical or virtual environment (Krivokapić and Nikolić 2022, 95; Stanić and Tintor 2024).

Artificial intelligence (AI) can be broadly classified into two categories. The first is narrow AI that is designed to carry out specific tasks or functions. The second is general AI that is capable of performing any intellectual task that a human can do. General AI is still a hypothetical, whereas narrow AI is already a reality, and it is used in various areas of human life (Singh and Singh 2025, 170). The transition from narrow AI to artificial general intelligence (AGI), also known as strong AI, is a significant leap, which includes questions of responsibility, liability, and the potential need for new legal categories and structures (Jade Lovel 2024, 24; Stanić and Tintor 2024).

REGULATION OF ARTIFICIAL INTELLIGENCE IN THE INTERNATIONAL PUBLIC LAW

The impact of artificial intelligence on society is both useful and dangerous. That is the reason why mankind has to react in order to establish a proper legal framework regarding AI. As some authors say,

the legal regulation of AI requires the hard work of legal systems both at the global and regional levels (Martsenko 2022, 317). It goes without saying that international public law faces numerous challenges when it comes to artificial intelligence. It is a new matter, a relatively unknown though, which needs to be regulated appropriately in order to achieve the greatest possible degree of legal certainty (Lane 2022, 918, 927; Stanić and Tintor 2024). Within international fora, pioneering benchmarking has gradually commenced in the form of guidelines and recommendations at both international and regional levels (Quintavalla and Temperman 2023a, 4). Before that, discussions related to the impact of AI on human rights have been present in global forums for many years. In 2021, the UN Commissioner for Human Rights said countries should expressly ban AI applications that do not comply with international human rights law (Al-Taj, Polok, and Ahmed Rana 2023, 97; Stanić and Tintor 2024).

Bakiner (2023, 4) emphasises the fact that, regardless of the necessity to create an appropriate legal framework, perhaps as expected, there have been no legally binding agreements within public international law for a long time, but only a series of non-binding acts, such as recommendations and resolutions. The United Nations system offers a broad range of applicable, if vaguely defined, rights that can be interpreted as AI-relevant (Bakiner 2023, 4; Stanić and Tintor 2024). The International Covenant on Civil and Political Rights comes closest to an international treaty capable of anticipating some of the concerns around today's new and emerging technologies, AI included (Bakiner 2023, 4). UN Educational, Scientific and Cultural Organization (UNESCO) appointed a group of 24 experts to draft a Recommendation on the Ethics of Artificial Intelligence, in order to produce "an ethical guiding compass and a global normative bedrock allowing to build a strong respect for the rule of law in the digital world" (Lane 2022, 930). After receiving input from various stakeholders on earlier drafts, the final text of the Recommendation was adopted in November 2021 (Lane 2022, 930; Stanić and Tintor 2024).

At the regional level, the European Union (EU) is a leader in making an adequate legal framework regarding artificial intelligence. Therefore, in Resolution 2015/2103 (INL) of the European Parliament, which is not a legally imperative act, it is underlined that at this level of technology development, artificial intelligence should be recognized as an equal subject (Martsenko 2022, 322). As a matter of fact, at the level of the European Union, the Ethics Guidelines for Trustworthy Artificial

Intelligence were adopted. The High-Level Expert Group on Artificial Intelligence, which was established by the European Commission, was in charge of accomplishing this job. The mentioned Act set out seven requirements for trustworthy artificial intelligence (Roumate 2021, 6; Lane 2022, 932; Gerke, Minssen, and Cohen 2020, 299; Stanić and Tintor 2024). Respectively, a very important step was taken in April 2021 when the European Commission published the draft Artificial Intelligence Act. As in life, this act relies on the previously mentioned legal acts and certainly represents a very important step in the adequate legal regulation of this area. (Roumate 2021, 6; Lane 2022, 932; Bakiner 2023, 4). The aim is clear: to prepare the states of Europe for every possible impact of artificial intelligence to come, while ensuring a proper ethical and legal framework. Within the framework of the Council of Europe, the Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data is very important. Although this act is not solely or merely dedicated to artificial intelligence, like the famous GDPR, to some extent, it will have an influence on the regulation of artificial intelligence (Roumate 2021, 6; Lane 2022, 932; Bakiner 2023, 4). The Protocol takes the approach typical of the Council of Europe in placing positive obligations on State Parties, which include the obligation to ensure the protection of individuals from violations by the private sector (Lane 2022, 935; Stanić and Tintor 2024).

Most recently, on March 13, 2024, the European Union (EU) passed the AI Act – the world's first set of basic rules for artificial intelligence management. The Act takes a risk-based approach, meaning that the higher the risk, the more strictly it will be managed, depending on the risk that AI poses to society (Linh Chi, Minh Hang, and Viet Vuong 2025, 126). Recently, the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law was adopted on 17 May 2024 by the Committee of Ministers of the Council of Europe at its 133rd Session held in Strasbourg, and will be opened for signature on the occasion of the Conference of Ministers of Justice in Vilnius on 5 September 2024 (Council of Europe 2024).

LEGAL RESPONSES OF STATES TO ARTIFICIAL INTELLIGENCE

As some authors say, new technologies have always challenged, if not disrupted, the social, economic, legal, and, to a certain extent, ideological status quo. Such transformations impact constitutional values, as the state formulates its legal response to new technologies based on constitutional principles that meet market dynamics, and as it considers its own use of technologies in light of the limitations imposed by constitutional safeguards. The same authors state that the nature of the constitution as a legal act is such that its basic function is the organization and limitation of state power (Pollicino and De Gregorio 2021, 5). In this context, the issue of the limitation of state power is much more important because, in the era of technological progress, certain classical concepts of constitutional law are fundamentally changing. In what sense are the aforementioned concepts changing? Namely, in the era of the digital world, the threat to the adequate functioning of the state apparatus, and especially to human rights, does not come only from state power, but from developed technologies. Therefore, the task of the state, and of theory, is to reexamine certain traditional concepts. In order to chart the right path, modern technologies, including artificial intelligence, should be brought under control (Pollicino and De Gregorio 2021, 6; Stanić and Tintor 2024). In that interim period, it should be emphasized that an extremely important and active role can be expected from the courts, especially the constitutional courts, which should set clear boundaries.

The European Commission encouraged all EU Member States to develop a national AI strategy, and several states have already released one, such as the United Kingdom (UK) and Germany (Gerke, Minssen, and Cohen 2020, 299). A number of countries have now adopted national strategies concerning AI, and some of these have adopted legislation. However, some instruments include more general references to the protection of human rights, such as in Australia, New Zealand, and Germany, which also contain standards that can have an impact on the protection of human rights without being framed as such (Tzimas 2020, 549; Lane 2022, 940; Stanić and Tintor 2024). Other states, such as the United States, China, and the United Kingdom, are also working on regulatory frameworks, though without having produced coherent legal frameworks so far. Private institutions have contributed to the gradual formation of more decentralized regulatory schemes, although

they cannot be substitutes for fully elaborated legal schemes (Tzimas 2020, 549; Lane 2022, 940; Stanić and Tintor 2024). Other legislative initiatives have been taken at the subnational level, such as legislation adopted in Washington State in the US regarding governmental use of facial recognition and a bill concerning discrimination and the use of automated decision-making (Tzimas 2020, 549; Lane 2022, 940; Stanić and Tintor 2024). Overall, many countries are making strides in the introduction of legislation or regulation concerning AI, including through the adoption of national AI strategies, and non-binding national measures sometimes reference the broad range of human rights found at the international level. Nonetheless, there are some positive contributions that enhance legal certainty for both states and businesses in the national initiatives (Tzimas 2020, 549; Lane 2022, 940; Stanić and Tintor 2024).

In Serbia, the importance of artificial intelligence is recognized at the state level. In this sense, significant steps are being taken in order to keep pace with world and European trends. The Working Group for Drafting the Artificial Intelligence Law of the Republic of Serbia was formed. The formation of the Working Group marks the beginning of a significant process in drafting the Artificial Intelligence Law. The Working Group comprises representatives from various government bodies, the scientific and professional community, law firms, and business entities involved in the field of artificial intelligence. The participation of a large number of experts from diverse fields aims to ensure a comprehensive view of all aspects of AI regulation (National AI Platform 2024; Stanić and Tintor 2024).

GENERALLY ON LEGAL ENVIRONMENTAL PROTECTION

Undoubtedly, health as a value is inviolable and priceless. Certainly, there is no health without a healthy environment, which is a prerequisite for its existence and maintenance, both for each individual and for society as a whole (Galić and Stanić, 2025). Environmental protection, "due to its threat and damage caused by cross-border action and consequences that are felt at the global level, is the subject of many normative acts of international organizations, including the most important ones, such as the United Nations (UN) and the Council of Europe, and numerous declarations, protocols, guidelines, conventions, directives, regulations and other acts, make it a factual fact that almost

1/3 (one third) of all regulations of the European Union (EU) refer to the regulation of relations related to the environment" (Tintor 2022, 313–332). Although not explicitly stated in the European Convention for the Protection of Human Rights and Fundamental Freedoms, the right to a healthy environment is considered a third-generation human right. In the final Declaration of the United Nations conference on the human environment, which was held in Stockholm in 1972, it was mentioned for the first time that basic human rights are freedom, equality, and adequate living conditions in the environment, the quality of which enables the dignity and well-being of humans (Matić Bošković and Kostić 2023, 77–78). Also, article 37 of the European Charter on Human Rights provides that a high level of environmental protection and environmental improvement must be part of the Union's policies, as well as that it must be ensured in accordance with the principle of sustainable development (Matić Bošković and Kostić 2023, 77–78). Although the aforementioned Charter contains a special provision on the environment, according to the views of some authors, it is formulated in such a way that it cannot be interpreted as a guarantor of the right to a healthy environment, because it only defines the general goals and obligations of competent entities (Matić Bošković and Kostić 2023, 77–78).

From a constitutional point of view, in comparative law, environmental protection is one of the more recent substantive elements of constitutional texts (Mikić 2012, 212; Mikić 2022). With the exception of Denmark, Ireland, Iceland, and Monaco, environmental protection is a constitutional matter in all European countries. Constitutions prescribe the role of the state and its obligations in terms of environmental protection, as well as the obligations that all have regarding it. They recognized the right of citizens to a healthy environment and to be informed about its condition. The constitutions also established the division of competences in this area between different bodies of public authority. This constitutional category (or some of its constituent elements) was introduced into constitutions most often through amendments, bearing in mind that it is a newer materia constitutionis (Mikić 2022, 207; Galić and Stanić, 2025).

In accordance with these trends, the right to a healthy environment is protected by the Constitution of the Republic of Serbia from 2006 (Galić and Stanić, 2025). Like most modern constitutions, this Constitution deals with human rights and freedoms in a special part, and the environment is the subject of several articles of the constitutional text.

Article 74 of the Constitution (Constitution of the Republic of Serbia, art. 74) prescribes that "everyone has the right to a healthy environment and to timely and complete information about its condition." Paragraph 2 of the same article (Constitution of the Republic of Serbia, art. 74 par. 2) stipulates that "everyone, especially the Republic of Serbia and the autonomous provinces, is responsible for environmental protection." About the importance of constitutional protection of the environment, two more articles of the Constitution can be used, from which it can be concluded that the environment, as a protective object, occupies a special and important place, and in such a way that other rights that are also guaranteed by the Constitution can be limited in order to protect the environment. Thus, the freedom of entrepreneurship is also guaranteed by the Constitution by its article 83 (Constitution of the Republic of Serbia, art. 83) and represents one of the important achievements of economic freedoms and rights, but the Constitution prescribes that it "can be limited by law, for the sake of protecting health, the environment and natural resources, and for the sake of the security of the Republic of Serbia."

Also, although the Constitution provides and guarantees by its article 88 (Constitution of the Republic of Serbia, art. 88) that "the use and disposal of agricultural land, forest land and urban construction land in private ownership is free," already in the second paragraph of the same article (Constitution of the Republic of Serbia, art. 88 par. 2), it leaves the possibility to limit this right in the case "to eliminate the danger of causing damage to the environment." From the mentioned constitutional provisions, the will of the constitution maker to provide special protection to the constitutional right to a healthy environment is clearly expressed. This constitutional right is closely related to the constitutional right to health care, which is proclaimed by Article 68 paragraph 1 (Constitution of the Republic of Serbia, art. 68 par. 1), and states that "everyone has the right to the protection of their physical and mental health." For example, currently, the issue of a doctor's obligation to inform a patient about the state of the environment from the perspective of medical ethics is such that it is not addressed by positive legal regulations. However, in the future, such an obligation may be established, given the importance of the matter. In this, also in the constitutional and legal sense, we can expect an increasing role in the future of the European Court of Human Rights in Strasbourg, which was established with the idea of ensuring the highest possible degree of compliance with the obligations from the

European Convention on Human Rights and Fundamental Freedoms (Kostić 2023).

HEALTHY ENVIRONMENT AND ARTIFICIAL INTELLIGENCE – LEGAL FRAMEWORK

A strong consensus exists in the international community on how artificial intelligence can be of such importance for all environmental issues. It is already mentioned and we should be aware at the same time that the unstoppable development of artificial intelligence creates not only benefits, but also legal challenges for environmental protection (Singh and Singh 2025, 165). In other words, it is certain that by using all the innovations, which are by hand, it could only be useful in order to protect the environment in a proper way, but we should be cautious, because all these tools and AI also have the potential to complicate all challenges (171). Allowing artificial intelligence to work on its own without any control by humans is nothing but unaccountable and could soon put the whole planet in front of serious problems in the protection of the environment (Linh Chi, Minh Hang, and Viet Vuong 2025, 125). There is no doubt that the scientific community must cope with all these challenges (Pachot and Patissier 2022, 6). Therefore, we should look at artificial intelligence in environmental protection, nothing more, as a new challenge that has a multiplier effect (Kartskhiya and Makarenko 2019, 20).

That is the reason why it is necessary to take well-considered and coordinated measures. In the legal science, there is now no classification of the main areas of the digitalization of environmental protection (Anisimov and Ryzhenkov 2021, 112). However, it is completely logical that law is necessary as a means of defense against the negative effects of artificial intelligence, but also as a means to enable its further development for the benefit of humanity as a whole. Of course, the keyword in this kind of action is balance. On the one hand, the development of cutting-edge technologies must be enabled, because it is definitely a necessity. On the other hand, this first goal cannot be at the expense of the imperative of environmental protection. (Linh Chi, Minh Hang, and Viet Vuong 2025, 125). Further, in practice, the law will enable interested parties to clearly understand their rights and obligations when it comes to the application of artificial intelligence and the measures that need to be taken to prevent environmental damage. In this way, artificial intelligence will serve to

protect the environment, but a healthy environment will also be the basis for the further development of artificial intelligence (Linh Chi, Minh Hang, and Viet Vuong 2025, 125). For this reason, the law eliminates or reduces harmful consequences, and contributes to and protects not only the right to a healthy environment, but the entire spectrum of human rights (Linh Chi, Minh Hang, and Viet Vuong 2025, 125).

When looking at the concrete steps that have been taken, we need to be aware of several facts. First, the legal regulation of artificial intelligence is still in its infancy. Understandably, this also applies to the regulation of artificial intelligence in various areas of social life. However, given the importance and necessity of environmental protection and the importance of artificial intelligence in this regard, it was clear that legal challenges had to provide a quick response. In this sense, the first steps have been taken at the European Union level. The European Commission's High-Level Expert Group on Artificial Intelligence – which was created by the European Commission in 2018 and is also the steering group for the European AI Alliance – made the Ethics Guidelines in April 2019, which contain seven key requirements that Artificial Intelligence has to fulfill in order to be trustworthy. Two of them are very important for our topic. Namely, artificial intelligence must in any case meet the condition of environmental and societal well-being, and accountability (Gerke, Minssen, and Cohen 2020, 299). Basically, these are principles that are actually the prism through which it will be observed whether artificial intelligence meets the goals set for it in environmental protection.

More concretely, the aforementioned acts of the European Union are the beginning of the process of forming an adequate legal framework in order to control the misuse of artificial intelligence, especially in terms of environmental protection. Above all, laws governing the control of the negative impacts of AI must include provisions to prevent such effects. Legal provisions must address the control of environmental pollution caused by AI. The goal of pollution control regulations is to protect human health and biodiversity (Linh Chi, Minh Hang, and Viet Vuong 2025, 126). Legal frameworks addressing the protection of natural resources have a few elements. These are: principles of natural resource protection, pollution control, and defining the field of responsibility to relevant subjects with necessary penalties in case of breaching the norms. We have to say that "the establishment of such legal provisions is essential to mitigate the environmental consequences of AI operations

and ensure the sustainable use of natural resources" (Linh Chi, Minh Hang, and Viet Vuong 2025, 126). Understandably, it is possible that at first glance, such normative activity seems insufficient. However, it seems to us that this is only at first glance. Namely, it is clear that the European Union, as a powerful international organization, provides a clear direction for action in this area. Practically, it is a matter of time before the legal regulation of the use of artificial intelligence in environmental protection will be extended specifically to the member states themselves. We have seen that, in general, the subject of legal regulation of artificial intelligence is slowly making its way into the legal systems of individual states. It is clear that law must always follow the dynamics of social relations. Therefore, it is only a matter of time in the near future when a whole set of legal norms regulating this legal area within domestic legal systems will be quite common, especially when we have environmental protection in mind.

CONCLUSION

On one hand, when we talk about the legal steps, one must consider that the enactment takes many years. This is alarming considering the fact that over the course of a decade, two entire technological generations can pass. As a matter of fact, the pace of regulatory change is too slow to keep up with that of technology (Cataleta 2021, 9). Therefore, the transformation of the law should not be delayed any further (Lee 2022, 261). More concretely, artificial intelligence bears huge potential for mankind, but at the same time poses a lot of risks to environmental sustainability. First of all, legal provisions must address the control of environmental pollution caused by artificial intelligence, in order to achieve the goal of pollution control regulations, which is to protect the good quality of the environment. It is evident that operating AI models contributes to changes in environmental components, and without legal provisions to control pollution resulting from AI, irreversible environmental degradation may occur (Linh Chi, Minh Hang, and Viet Vuong 2025, 126).

As a matter of fact, at the operational level, especially when we talk about advanced models, we should keep in mind that these models require a lot of technological infrastructure, because these devices rely on critical raw materials. It is logical and expected that the operation of that kind of model can result in significant negative impacts on

the environment and severely deplete natural resources, particularly nonrenewable ones (Linh Chi, Minh Hang, and Viet Vuong 2025, 126). Legal frameworks dealing with the protection of the environment include a few, but very important principles: protection and management, planning and regulation, conservation of biodiversity and exploitation of resources, responsibilities of the subjects, and penalties for breaching the legal norms. The establishment of such legal provisions is necessary to mitigate the environmental consequences of artificial intelligence and ensure the sustainable use of natural resources (Linh Chi, Minh Hang, and Viet Vuong 2025, 126).

Moreover, artificial intelligence is not able to operate without humans, who establish, improve, and apply it; it cannot function without human-led research, development, and application. Bearing that in mind, legal norms must underline the responsibility of all who use artificial intelligence in order to ensure that organizations comply with technical and environmental standards with the sole goal of achieving sustainable environmental development (Linh Chi, Minh Hang, and Viet Vuong 2025, 126).

We should not be so frightened by the technology, and we should look at it as an opportunity. Of course, at the same time, we should keep in mind the pros and cons of modern technologies and be aware that it is not a one-step journey. On the contrary, we will have a lot of challenges in front of us. Two key words are adaptation and cooperation. Legal systems should be able to adapt as soon as possible, with awareness that they should act in such a manner continuously. Also, legal systems of all levels should steadily cooperate. In the end, everything has to be with one purpose, the well-being of humanity, of our planet. Artificial intelligence and a proper legal framework are parts of one chain, which should lead us to a healthy environment. Exactly that should be the leading principle when we think about legal aspects of artificial intelligence and environmental protection. In the end, the authors have one message. Namely, artificial intelligence should be viewed like any other intelligence. It can have different properties, some useful, but also some destructive. The fact is that human intelligence created it and must always control it. Otherwise, we will expose ourselves to a whole series of unforeseen scenarios in the future. In this sense, creating an adequate legal framework proves to be a necessity, not only for the sake of protecting the environment, but also humanity as a whole. We have to be aware that this is a gradual process, within which a compromise

needs to be reached. On the one hand, we must not hesitate, while on the other hand, we must not rush too much. Of course, the current legal framework, or rather its principles, must serve as a basis for the further development of appropriate legal regulations.

REFERENCES

Al-Taj, Homam Reda, Beata Polok, and Afrasiab Ahmed Rana. 2023. "Balancing Potential and Peril: The Ethical Implications of Artificial Intelligence on Human Rights." *Multicultural education* 9 (6): 94–101. DOI: 10.2139/ssrn.4484386s

Anisimov, Aleksey, and Anatoliy Ryzhenkov. 2021. "Current legal issues of digitalization of environmental protection: a view from Russia." *Eastern Journal of European Studies* 12 (2): 105–121. DOI: 10.47743/ejes-2021-0206

Bakiner, Onur 2023. "The promises and challenges of addressing artificial intelligence with human rights." *Big Data & Society* 10 (2): 1–10. DOI: 10.1177/20539517231205476

Cataleta, Maria Stefania 2021. "Humane Artificial Intelligence: The Fragility of Human Rights Facing AI." Last Accessed on October 24, 2025. https://hal.science/hal-03289002/document

Constitution of the Republic of Serbia, "Official Herald of the Republic of Serbia," nr. 98/06, 115/21.

Council of Europe. 2024. "Committee on Artificial Intelligence." Last accessed on October 25, 2025. https://www.coe.int/en/web/artificial-intelligence/cai

Galić, Borislav, and Miloš Stanić. 2025. „Naknada štete u slučaju povrede ustavom utvrđenog prava na zdravu životnu sredinu u Republici Srbiji." U *Prouzrokovanje štete, naknada štete i osiguranje*, ur. Zdravko Petrović, Velisav Marković i Dragan Obradović, 125–137. Beograd, Valjevo: Univerzitet Singidunum, Pravosudna akademija, Institut za uporedno pravo.

Gerke, Sara, Timo Minssen, and Glenn Cohen. 2020. "Ethical and legal challenges of artificial intelligence-driven healthcare." In *Artificial intelligence in healthcare*, eds. Adam Bohr and Kevah Memarzadeh, 295–336. Amsterdam: Elsevier.

Jade Lovel, Jasmine. 2024. "Legal Aspects of Artificial Intelligence Personhood: Exploring the Possibility of Granting Legal Personhood to Advanced AI Systems and the Implications for Liability, Rights and Responsibilities." *International Journal of Artificial*

Intelligence and Machine Learning 4 (2): 23–40. DOI: 10.51483/IJAIML.4.2.2024.23-40-*0278*

Kartskhiya Alexander, and Dmitry Makarenko. 2019. "Status and risks of artificial intelligence: legal aspects." Last accessed on October 24, 2025. https://ceur-ws.org/Vol-2603/short5.pdf

Kostić, Jelena 2023. „Evropska Konvencija o zaštiti ljudskih prava i osnovnih sloboda i pravo na zdravu životnu sredinu." *Glasnik Advokatske komore Vojvodine* 83 (4): 1365–1395. DOI: 10.5937/gakv95-47884

Krivokapić Đorđe, and Andrea Nikolić. 2022. „Regulisanje veštačke inteligencije – stanje i perspektive." *Revija Kopaoničke škole prirodnog prava* 4 (1): 93–111. DOI: 10.5937/RKSPP2201093K

Lane, Lottie. 2022. "Clarifying Human Rights Standards through Artificial Intelligence Initiatives." *International and Comparative Law Quarterly* 71 (4): 915–944. DOI: 10.1017/S0020589322000380

Lee, Jaemin. 2022. *Artificial Intelligence and International Law*. Singapore: Springer.

Martsenko, Nataliia 2022. "Artificial intelligence and human rights: a scientific review of impacts and interactions." *Studia Prawnoustrojowe* 58 (1): 315–329. DOI: 10.31648/sp.8245

Matic Boskovic, Marina, and Jelena Kostic. 2023. "Criminal Law as an effective tool to protect environment." Last accessed on October 23, 2025. https://www.researchgate.net/profile/Marina-Matic-Boskovic/publication/377383240_CRIMINAL_LAW_AS_AN_EFFECTIVE_TOOL_TO_PROTECT_ENVIRONMENT/links/65a2c01d40ce1c5902daa40a/CRIMINAL-LAW-AS-AN-EFFECTIVE-TOOL-TO-PROTECT-ENVIRONMENT.pdf

Mikić, Vladimir. 2012. „Zaštita životne sredine u uporednom ustavnom pregledu." U *Ekologija i pravo*, ur. Aleksandra Čavoški i Ana Knežević Bojović, 212–229. Beograd: Institut za uporedno pravo.

Mikić, Vladimir. 2022. *Pojmovnik evropske ustavnosti*, Beograd: JP Službeni glasnik.

Muller, Catelijne. 2020. *The Impact of Artificial Intelligence on Human Rights, Democracy and the Rule of Law*, Strasbourg: Council of Europe.

National AI Platform. 2024. "First Meeting of the Working Group for Drafting the Artificial Intelligence Law of the Republic of Serbia Held." Last accessed on October 26, 2025. https://www.ai.gov.rs/vest/en/948/first-meeting-of-the-working-group-for-drafting-the-artificial-intelligence-law-of-the-republic-of-serbia-held.php

Nicolau, Ingrid Ileana. 2019. „Human Rights and Artificial Intelligence." Last accessed on October 24, 2025. http://jolas.ro/wp-content/uploads/2019/12/jolas12a7.pdf

Nishant Rohit, Mike Kennedy, and Jacqueline Corbett. 2020. "Artificial intelligence for sustainability: Challenges, opportunities, and a research agenda." *International journal of information management* 53 (1): 102–104. DOI: https://doi.org/10.1016/j.ijinfomgt.2020.102104

Pachot, Arnault, and Céline Patissier. 2022. "Towards sustainable artificial intelligence: an overview of environmental protection uses and issues." Last accessed on October 23, 2025. https://arxiv.org/pdf/2212.11738

Pham Nhat, Linh Chi, Le Thi Minh Hang, and Nguyen Viet Vuong. 2025.. "The negative impacts of AI on the environment and legal regulation."*International Journal of Law* 11 (1): 124–127.

Pollicino, Oreste, and Giovanni De Gregorio. 2021. "Constitutional law in the algorithmic society." In *Constitutional Challenges in the Algorithmic Society*, eds. Hans-W. Micklitz, Oreste Pollicino, Amnon Reichman, Andrea Simoncini, Giovanni Sartori, and Giovanni de Gregorio, 3–24. Cambridge: Cambridge University Press.

Quintavalla, Alberto, and Jeroen Temperman. 2023a. "Introduction." In *Artificial Intelligence and Human Rights*. eds. Alberto Quintavalla and Jeroen Temperman, 3–15. Oxford: Oxford University Press.

Quintavalla, Alberto, and Jeroen Temperman. 2023b. "Conclusion." In *Artificial Intelligence and Human Rights*. eds. Alberto Quintavalla and Jeroen Temperman, 569–570. Oxford: Oxford University Press.

Reddy, Amarendar A. 2022. "Human Rights vs Artificial Intelligence." *Indian Journal* of Law *and Legal Research* 4 (4): 1–44.

Roumate, Fatima 2021. "Artificial intelligence, ethics and international human rights law." *The International Review of Information Ethics* 29 (1): 1–10.

Singh, Sahibpreet, and Manjit Singh. 2025. "Role of Artificial Intelligence for Environment Protection: An Analysis." *Artificial Intelligence and Law*: 165–175.

Stanić Miloš, and Ljubomir Tintor. 2024. "*Human rights and artificial intelligence – international public law and constitutional aspects.*" In *Regional Law Review*, eds. Jelena Kostić, Anita Rodina, and Teresa Russo, 169–178. Belgrade: Institute of Comparative Law. DOI: 10.56461/iup_rlrc.2024.5.ch13

Tintor, Ljubomir. 2022. „Pravo na čistu i zdravu životnu sredinu – dometi i ograničenja ljudskog prava u nastajanju." *Harmonius* 11 (1): 313–334.

Tzimas, Themis. 2020. "Artificial intelligence and human rights: their role in the evolution of AI." *Heidelberg Journal of International Law, ZaöRV* 80 (1): 1–25.

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ВЕШТАЧКА ИНТЕЛИГЕНЦИЈА И ЗАШТИТА ЖИВОТНЕ СРЕДИНЕ – ПРАВНИ АСПЕКТИ***

Резиме

Сведоци смо да се друштвени односи изузетно брзо мењају у последњих неколико деценија, што поставља бројне изазове пред правне системе. Један од тих аспеката је развој вештачке интелигенције. Аутори у овом раду, након представљања самог концепта вештачке интелигенције, баве се, најпре, тренутним нормативним стањем у овој области, како на нивоу међународног јавног права, тако и на нивоу домаћих правних поредака. Јасно је, а имајући у виду релативно скорију појаву вештачке интелигенције, да је досадашњи нормативни оквир недовољно развијен. Стога, задатак је како науке тако и праксе да открију одговарајућа решења на основу којих би требало да буде саздан. Истовремено, право на здраву животну средину, загарантовано уставима широм света, основно је људско право и тиче се свих грађана. У складу са тим, представља се значај заштите животне средине, те правни оквир за њену заштиту. Свакако, незаустављиви развој вештачке интелигенције и њена примена у заштити животне средине пружа бројне изазове пред бројне научне области које се баве заштитом животне средине, па и пред право. Аутори констатују да су вештачка интелигенција и одговарајући правни оквир делови једног „ланца", који би требало да нас доведе до здраве животне средине. Управо

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би то требало да буде водећи принцип када размишљамо о правним аспектима вештачке интелигенције и заштите животне средине. На крају, аутори имају једну поруку. Наиме, вештачку интелигенцију би требало да посматрамо као и сваку другу интелигенцију. Она може имати различита својства, нека корисна, али и нека деструктивна. Чињеница је да ју је створила људска интелигенција и да увек људска интелигенција мора да је контролише. У супротном, изложићемо се читавом низу непредвиђених сценарија у будућности. Стога, стварање адекватног правног оквира показује се као неопходност, не само због заштите животне средине, већ и човечанства у целини.

Кључне речи: здрава животна средина, вештачка интелигенција, међународно јавно право, уставно право, заштита, правни оквир

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