CONSCIOUSNESS AND AWARENESS - THE LAST FRONTIER OF HUMAN PRIVACY AND FREEDOM IN THE FACE OF AI DEVELOPMENT

Lecturer Ramona DUMINICĂ, PhD.
Faculty of Economic Sciences and Law,
National University of Science and Technology Politehnica of Bucharest
Pitesti University Centre, Romania
ramona.duminica@upb.ro
ORCID ID: 0000-0002-3416-2329

Legal advisor Diana Maria ILIE, PhD.
Legal Department
National University of Science and Technology Politehnica of Bucharest
Pitesti University Centre, Romania
diana_maria.ilie@upb.ro
ORCID ID: 0009-0009-2487-1648

Abstract
The core of our research is consciousness, in multiple forms in which it can metamorphose into the inner "temple" of the human being and into the age of AI. This interdisciplinary research captures the "dialogue" between philosophy and law. And no, it is not about AI engineering and its forms of manifestation, but rather it is an "encapsulation" of the risks and benefits that lie behind the AI "label", so that we together make a "leap" towards the awareness of the need to resize or regulate new rights, rights that will preserve our identity in the absolute subtly outlined by AI.
Our "mystery" of being, still shrouded "in a cloak of the unknown", seems to become ephemeral in our searches through the "journey of life", the place of this "divine spark" being taken today by the mystery of being of artificial intelligence (AI). Humanity almost feels "small and powerless" in the face of the creation and greatness of the universe of infinite possibilities, gradually "unveiled" by AI. After all, what is a man in infinity? Has AI become capable of reproducing the essence of intelligence: human thinking and wisdom? No matter how great the tendency to reproduce human behaviour and intellect, we must realize, however, that AI is not endowed with emotion, love, critical thinking or morality, and the need for ethics in regulating AI remains a key landmark open to research, in order to reach a safe and reliable area.
The definition of human intelligence remains a book open to reflection and analysis, intelligence being an extremely complex attribute, fluid, difficult to measure and especially almost impossible to copy, since it is constantly shaped by factors such as personal motivation, social context, education, personality, attributes related to human intimacy.
Without aspiring to reach the "high notes" of knowledge, we ask ourselves: what about the essence of humanity, the inner ego, elements untouched by the legislative area, but only by that of science, given that AI manages to decode and optimize human emotions? What about artificial intelligence that make vulnerable brain and mental integrity through the impermissible alteration of thoughts, which can alter, remove or recover people's memories, as well as manipulate their thoughts? What about the moral and spiritual existence of an individual? Can AI be conscious? It is hard to believe that robots will climb a "ladder" of conscience and consciousness, since AI is confined to the field of possibilities built by man, its creator.

Keywords: *artificial intelligence (AI), human intelligence, emotional intelligence, intelligence quotient (IQ), consciousness, artificial consciousness, awareness, rights and freedoms.*

The mystery of being in aspirational philosophy - AI "in our image and likeness"

In the relentless attempt to create AI "in our image and likeness", perhaps the next step would be to create "artificial consciousness" and "dissolve" the human ego. It would be natural to ask which side we are on. That of the destruction of human civilization, as Yuval Noah Harari predicted, or that of building a "new century of lights", as the French researcher Yann Le Cun affirms?

We cannot deny that man is by nature a complex being, who evolves in an even more complex world, which imposes an adaptation capacity, in order to achieve a balance between the needs of the human being, the society regarded as a unitary whole and the public interest, with the specific implications of economic, legislative, social, political, administrative, but also the environment characterized by its own universal rules.

In his determination, man is in a permanent openness to timelessness, as the great philosophers affirm [1] and this "bases him from the deep", awakening in his consciousness his appetite for the divine, from which arises the sacredness of feelings of love, compassion, loyalty, etc. Of course, of this human construct is also part reason, which belongs only to man, unlike the rest of the life forms in the universe, reason by which justice is also achieved, through a so-called "voluntary act of sacrifice". Why do great philosophers invoke sacrifice? It is precisely in the idea that through consciousness, awareness and reason, man sacrifices his own identity in order to harmonize with society and universal principles. People, by nature, have their own individuality, being different in the spatio-temporal dimension. Aspirational philosophy, however, invokes the fact that outside of spatio-temporality people are identical, in the sense that "man, on one side, has individuality and is different, and on the other side, individuality fades by identification with others" [2]. This explains the timeless dimension in which man transcends himself and connects to the universal matrix, as being of the absolute, but which, at the same time, is also found in the temporal dimension, a dimension that individualizes him and makes him live a subjective time of his own.

This "internal forum" of the human being is captured so beautifully in aspirational philosophy, in the sense that man "opens in a time of his own and closes beyond time

and, conversely, opens beyond time so that it is possible to close in a time of his own, in his individuality". Hence, "thinking begins with the possibility of conceiving a freedom external to me", therefore the concern of enlightenment thinkers to obtain pure reason by "rigorously filtering human feelings" [3].

It is said that through the timeless passage into the unconscious of thought, into the depth of pure reason, we would say by connecting to what is called the "universal matrix", the human being encounters the Divine within himself, but the contemporary philosific orientations urge to overcome pure reason and discover the individual consciousness, the self-spirit, by "touching" of art, religion and experiencing the human feelings of love, compassion and beauty, for its fullness, of the total Man. In this way, reason unites with feeling, the brain with the heart, which leads to an evolution of knowledge through compassion and the desire to do good in a common spirit.

This perfect symbiosis between the brain and the soul (heart) is the one that should complete the human being and the evolution of humanity, but also the "picture" of our research, research through which we aspire to a deep and careful regulation of human rights in the new "social disorder" of the AI era, because yes, "aspirationism is the one that characterizes the deep fiber of the human being and opens it to the metaphysical dimension of love" [4].

The brain and soul are among the key elements of our research to achieve a new ideal in regulating the corollary of human rights and freedoms. The brain is said to be the most complex matter in the universe, and body and spirit become partners in brain healing. Brain activity forms the basis of our identity, cognitive states, thoughts and emotions. The brain, in turn, has the ability to maintain spirituality at the highest possible level [5]. In the nineteenth and twentieth centuries, neuroscientists discovered that the map of the body is imprinted inside the brain. Many researchers at that time considered the brain a separate entity from the body, as on the scale of evolution it was shown that they adapt to each other, through continuous two-way communication. We wonder if the "soul map" is also in the brain. However, if all of our human identity is located at the level of the brain, including the spiritual side, which is related to the soul, it becomes obvious that it remains our most important organ. Based on these considerations, the experiments of neuroscientists also make sense, in the sense that an American company recently

revealed that it is working on its first head transplant system, a system built with the help of AI, of course. It looks like a sci-fi movie, but it's happening before our eyes. This system can indeed offer a new chance at life to patients suffering from incurable diseases such as paralysis, Alzheimer's, Parkinson's or even stage four cancer, since the team of researchers who initiated the concept aims to move the head of a sick man on the body of a person who is brain dead, but whose body functions perfectly [6]. Relying on the vision that at the level of the brain lies the entire "human inner universe", the attachment of a new human body through the transplantation of the head would not affect and would not lead to the loss of the identity and ego of the human being.

Related to the "brain-AI" relationship, neurobiologist and computer scientist Jeff Hawkins points out that robotic intelligence is, in itself benign, being, incapable of an existential risk, but on the contrary, "it will be one of the most beneficial technologies that we will ever have created" [7]. On the other hand, Bill Gates draws attention in his letter "The Age of AI has begun", published on 21 March 2023, to the risk of people misusing it, as well as the possibility of a super smart or powerful AI that could set its own goals", which becomes even worrying.

In the history of "intelligence" there was no generally accepted definition, but its etymology provides important reference points. Thus, "intelligence" comes from the Latin *intellegere*, translated as the ability to understand, to grasp. The concept is also found in ancient China, being mentioned by Homer in "The Odyssey", or Plato in "The Republic", covering more a higher meaning, of a "gift" from the Gods, "nourished" by people with the love of learning and seeking the truth, in order to have access to virtue [8]. The British mathematician, Sir Francis Galton, opened a new view of intelligence in the nineteenth century, as a qualitative concept that can be measured, carrying out tests and using statistics to measure it scientifically.

This is how such a vision of human intelligence approaches what artificial intelligence means, that is, a cumulation of algorithms that can be measured mathematically. Consequently, intelligence, once measured and quantified, can also be reproduced by AI. The antithesis of this view, however, was Galton's perspective, which brought to the fore the concept of "eugenics" [9]. He explored reaction time and other physical and sensory abilities of some English nobles, linking the concept of social class

to what can be considered the beginning of scientific research of human intelligence, in the idea of "well born" in the light of the concept of eugenics. On such foundations, Galton went on the idea that intelligence and other noble qualities are hereditary.

AI remains difficult to encompass and define, all the more so since the "baggage" of the word "intelligence" has different nuances, and behind the algorithms and beyond the words and language generated by a Chat GPT, for example, it cannot certainly pulse life and emotion. As Emil Cioran said, it is the human mind that gives brightness to words through its complex reflections - "Do we want to force ourselves to see in the depths of words? We see nothing, each of them, detached from the expansive and fertile soul, being null and void. The power of intelligence is exerted by projecting on them a gloss, polishing them and giving them shine ... this power, elevated to the rank of system, is called culture - fireworks against the background of nothingness" [10]. This "firework" can only "explode" through the spark inside the human being, not a robot "endowed" only with information. *However, why do we call it artificial "intelligence"?*

In search of a definition of AI

In this large "picture of answers and questions", AI becomes a global priority, being defined by the Organization for Economic Co-operation and Development (OECD) as representing "that system that is a machine-based system that is capable of influencing the environment by producing an output (predictions, recommendations or decisions) for a given set of objectives. It uses machine and/or humanbased data and inputs to (i) perceive real and/or virtual environments; (ii) abstract these perceptions into models through analysis in an automated manner or manually; and (iii) use model inference to formulate options for outcomes".

At the same time, we mention the final report of the National Security Commission of the United States on Artificial Intelligence, a report published at the end of year 2021, in which the idea is drawn that AI is not one thing, but is "a field of fields", leaving practically open the question of what AI is. Over time, a difficulty has been observed in the definition and especially the measurement of human intelligence, the more it will be in the case of defining an artificial intelligence, not being able to compare AI with the set of attributes measured by IQ tests for humans. From the very beginning, AI was defined

as a project to develop a machine with human-like intelligence. There have been ambitious projects to replicate human intelligence in a machine, as early as 1980 laying the foundation for the “strong AI” project, as representing “artificial intelligence that is in every respect at least as intelligent as humans”. [11]

The OECD AI expert group evokes the shaping of the “landscape” of artificial intelligence (AI) in the year 1950, when Alan Turing first asked the question of whether machines can think, machine learning, Big Data and computing power enabling recent advances in AI. Thus, created in 1956, AI evolved from symbolic AI, in which people built logic-based systems, to the Deep Blue chess game computer in the 1990s. Since 2011, discoveries in “machine learning” (ML), a subset of AI that uses a statistical approach, have improved the ability of machines to make predictions from historical data. The maturity of a ML modeling technique, called “neural networks”, along with large data sets and computing power, is behind the expansion in AI development [12].

AI has also been defined “as the ability of a machine to mimic human behavior, being programmed to think and act like a human. One of the essential characteristics of AI is continuous learning, based on external stimuli and information collected from the environment. AI observes the surrounding reality and acts accordingly, without needing human help or assistance” [13].

We also show that according to *Regulation of the European Parliament and of the Council laying down harmonised rules on artificial intelligence* [14] (Artificial Intelligence Act) and amending certain Union legislation, AI is “a machine-based system that is designed to operate with varying levels of autonomy and that may exhibit adaptiveness after deployment, and that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments”. The EU legislator has chosen a definition that is as technologically neutral as possible and as tailored to the needs of the future, taking into account rapid technological and market developments in relation to AI. It is essential to mention that on 13 March 2024 the plenary vote of the EU Parliament took place on this Proposal for a Regulation, in short the AI Act, which aims to protect fundamental rights, democracy, the rule of law and environmental sustainability in the face of high-risk AI systems. The legislative act will ensure a leading role in the field

for Europe, imposing obligations based on the potential risks of AI and the expected impact [15].

As for AI for deep learning, it is defined as “a branch of machine learning that has its roots in mathematics, computer science and neuroscience. Deep networks learn from data, in the same way that babies learn from the world around them, starting with a new perspective and gradually acquiring the skills necessary to access new environments...the origin of deep learning dates back to the birth of AI in the 1950s, when there were two competing visions of how to create artificial intelligence – one was based on logic and computer programs, which dominated AI for decades, and the other was based on direct learning from data, which took much longer to mature” [16].

We are here at the “dawn” of a new era, the era of AI and quantum computing. Not long ago we were talking about the age of globalization. Today, the idea of the era of globalization and the era of AI intertwine, and the flow of information overwhelms us. The new way of computing, the quantum one, could alter our existence and our understanding of life, the Professor of Theoretical Physics at the City University of New York, Michio Kaku, saying that it “appears not just as a technological progress, but as a revolution that redefines the boundaries of knowledge, computing and reality itself...it is a journey from the fundamental particles of matter to the vastness of the universe, an odyssey into the future of humanity.... We are now in the early stages of the next revolution, a revolution that promises to redefine not only computing but also our interaction with the very fiber of reality”. Thus, according to Professor Michio Kaku, the mystery of quantum mechanics lies not only in speed or power, but in a new way of computing, explainable by analogy with Schrödinger’s cat, a paradox of quantum mechanics, in which a cat in a box is simultaneously alive and dead. This paradox has been conceptualized in the “heart” of quantum computing, where electrons possess immense computational power because they “can be in two places at the same time” [17].

We are enveloped here by the mystery of being, both our own, but especially AI in all its forms. IBM recently unveiled a new quantum computer, with state-of-the-art chips and processors, that allows solving in minutes problems of physics, chemistry, engineering and medicine that would take millions of years to be solved by today’s supercomputers. IBM said the launch of the quantum computer comes as big rival

companies such as Microsoft, Google and Baidu (China) are also competing in the development of supercomputers. The technology behind quantum computers is still a mystery to most people, which becomes even more worrying [18].

Researchers predict that in 2050 AI will be the one that will shape the direction in which society is going, the states being governed in this regard by such a super AI, which will exceed the human condition [19].

Perhaps most deeply affects our idea of “artificial neural networks”, referred to as “deep learning”. Moreover, we are on the road to creating AGI machines or GenIA (Artificial General Intelligence), modeled on the human brain. But to be ahead of the masterpiece of conscious human AI, we need to fully understand how the human brain works. Thus, the researchers say that such general AI will be based on the principles of functioning of the brain, being able to learn models of things and mechanisms in the world based on reference systems similar to maps, such as the neocortex. Beyond this possibility, there is, of course, the idea of a superpower, of a superintelligence (Super AI) that goes beyond the reality that we know and that we can manage today, the next step being the discovery of an “artificial consciousness” of oneself, which perhaps will help us better understand how our own consciousness works.

We consider that the process of such creation, that of the human being, is a sacred one, carried out through a “divine spark” and is unrepeatable. As we know, man is created “in the image and likeness of God” and lends himself to great thought. Let us not, however, contribute to an extinction of conscious life, which gives meaning to the world in which we live. Researchers, however, speak of the transformation of personality itself through quantum physics and mechanics, which involves a new spirituality, “an essential inner change of humanity through the attainment of a higher degree of emotional maturity and spiritual consciousness” [20]. The American mathematician, Theodore Kaczynski, claims, moreover, that “the human race could easily afford to fail in a position of such dependence on machines that it had virtually no choice but to accept all machine decisions. With society, and the problems it faces, becoming more complex, and machines becoming more intelligent, people will increasingly let machines make decisions for them, simply because decisions made by machines will bring better results than human ones” [21]. However, one of the most influential contemporary philosophers, Noam Chomsky,

appreciates that it is still far away the moment at which AI can reach the level of human intelligence or even overcome it, demonstrating that AI “has neither morality nor rational thought, which could be an insurmountable obstacle to imitate human thought” [22].

Consciousness is after all a subjective experience, a reality shaped through our senses, senses that perceive pain. Or, can AI perceive pain in such a rigid world of data? Will AI be equipped with sensors for the perception of pain, love? Experts say that, at present, AI makes decisions based only on data created in a neural network similar to the human brain, but it is not self-aware and does not change its decision for reasons of fear or for reasons generated by certain emotions, as humans do.

Or, consciousness invades all our senses and through it we connect to the universe, “it is our invisible part, the wave that circulates all the information outside and inside the body and that it expresses through our mind (...) The actual consciousness is the explicit, consciously operational one, the one which “knows that it knows” (...) Consciousness possesses the ability to know and know oneself (...) Consciousness is information, non-physical wave... In this capacity, it envelops our body, we find it predominantly located in the brain, but also at the level of all structures in the body, as well as beyond our organism, extended to the universe from which it comes. (...) Consciousness implies a reason, a knowledge (*cum scientia*) ... while intelligence can also be artificial, like a sequence of algorithms, non-conscious operations. Consciousness has a primordial origin, while artificial intelligence is a human creation. For this reason, (...) superintelligent robots can be created, but not conscious beyond human programming” [23].

„Looking into our minds”, that of the creators of technologies and robots, what would be the costs of thinking and rethinking AI evolution? The human mind should be a “territory” inaccessible to the erosion of information and intrusion of society. We also reinforce Bill Joy’s question – “Why doesn’t the future need us”? What is the best way forward?

Consciousness and Awareness. Human Intelligence and Intelligence Quotient (IQ) Versus AI (Artificial Intelligence) Versus EI (Emotional Intelligence)

Consciousness cannot be expressed in words, but only lived, the great philosophers consider that it goes beyond the idea of discursiveness. In his work “Science of Logic”, Hegel considered that the one who lives up to the absolute idea is consciousness, which has become universal, understands itself. Being in this pure stage, consciousness does not stop at the absolute idea with which the science of logic ends, but tends to objectivity, where it reveals itself as an absolute Spirit, evidenced by the Philosophy of the Spirit [24]. “Encapsulating” Hegel’s idea, contemporary philosophers complete the path of consciousness in the sense that, “if we follow the path discovered by Hegel, the evolution from consciousness to self-consciousness and to absolute knowledge passed into objectivity as a being who, dialectically, puts itself as an absolute idea and then as an absolute Spirit, shows us without power to deny that the whole universe “strains” in man ... In other words, human consciousness, stimulated by that area of the unconscious that transcends it, reveals itself as universal consciousness through which the universe knows itself as the thought of understanding. In this case, understanding is the universal good, the one that holds together and preserves all that exists” [25].

A very sensitive element remains the possibility of “alteration” of thinking and consciousness, artificial intelligence being visualized on the map of possible factors of “manipulation” of people’s thoughts and consciousness. Moreover, the relationship between digital technologies, Big Data, Artificial Intelligence, neurotechnology and people’s rights is a highly sensitive and intensely debated topic at global level, requiring increased attention in AI regulation and a solid framework for the protection of people’s rights and freedoms, especially vulnerable people such as children.

The academic, philosophical and legal literature outlines a picture in neutral shades of people’s consciousness, understanding it as being beyond the law, faith, religious affiliation, customs, culture, elements that must not obstruct the way to our interior, to our own states and emotions.

Although at the heart of international human rights documents, the right to freedom of thought, conscience and religion remains a legal conundrum, being an extremely nuanced freedom that transcends so many other subjects and that echoes in so many scientific ramifications such as religion, psychology, sociology, medicine, etc.

Superficiality in regulation, interpretation, and application decreased the doctrine's interest in developing a deeper theory of analysis. We could "encapsulate" freedom of thought, conscience and religion in the motto "Man, in himself, is his own government" [26], a short motto that says a lot and from which multiple interdisciplinary reflections on the legal content and scope of this fundamental right can spring, a right with nuances and interpretations so complex that the legislator has not managed to "capture" its essence until today.

In order to remain in the same framework, in which we have paid special attention to consciousness, we must remember the fact that, since the end of the twentieth century, Ray Kurzweil claimed that it will soon discover the way in which the download of knowledge becomes reality, and this will represent one of the benefits of neural implant technology. Based on these implants, people will "expand their ability to retain knowledge" in order to magnify the mnesic factor as an electronic version of human synapses. According to this researcher, "quickly downloading knowledge onto these electronic extensions of our brains will be feasible" and even easier "after we have completely ported our minds to a new computing environment" [27].

What we are currently concerned with about the core of our research, namely consciousness, is GenIA, IAG or General AI, the idea being the same, that is, the concept of a type of AI that would have the ability to understand, learn and apply everything that it learns and "experiences", in a way similar to a human mind. In a recent dialogue with a Metaverse creator, and childhood friend, we were amused by the fact that we, humans, are the ones who help AI progress, learn, through all our requests to generate content and information. In this way, we would like to thank him for his patience to give explanations to mere amateurs of technology, because yes, from the position of researchers in the field of law, we confess that there was a tumult of inner turmoil and concerns in understanding what is actually behind some definitions, some maybe superficial expositions on the internet, what is hidden behind some algorithms, behind a Chat GPT, as we, users, perceive it. What is an IAG? What does quantum computing entail? In a 2022 interview, he said: "Everywhere we look in the last few weeks we see that AI chat, with artificial intelligence, that chat that has already begun to answer any

question that a common man has.... Things have been put in place for a while, they keep testing, some AI robots stopped at some point because they had evolved too much" [28].

Thus, according to the research carried out, IAG is expected to far exceed the intelligence of a ChatGPT, being able to perform any cognitive task currently performed by a human. Could this level of artificial intelligence imply a self-awareness? The answer could be drawn from the idea that an IAG would be able to understand context, learn from experience and apply knowledge in a flexible and creative way. Specialists in the field, however, state that such a "creation" of mankind could be realized in the fourth decade of this century or perhaps even in a few centuries, the essential reason being that of man's incomplete understanding of how his own intelligence works, which makes it impossible for the moment to reproduce the human mind, let alone the consciousness [29].

In his 2019 work "The Feeling of Life Itself", Cristof Koch brings up the theory of integrated information, revealing that "a system that meets the minimum requirements of integrated information ... it can become, in principle, conscious ... and if it's made up of silicon, and if it's made up of gray matter ... there is a system capable of such integration – the internet ... if the internet were to reach a point where the information it contains would be more integrated than that in the human brain, it would become conscious, and all of our individual human brains would be absorbed by a collective mind" [30].

In essence, AI may or may not be conscious? Can AI have empathy, through what we call emotional intelligence (EI)? Starting from Professor Michio Kaku's statement in his work "The Future of the Mind", in the sense that a "consciousness can never be explained because an object cannot understand itself, so we don't even have the mental endowment to solve this problem", we will find that we can't even explain an eventual *"consciousness of artificial intelligence*" [31].

Referring to the idea of consciousness, awareness and contemplating the idea of being human, Professor Dumitru Constantin-Dulcan evokes in his work "The Intelligence of Matter" [32] the fact that "man is a created atomic structure, a spiritual reality that is expressed in the material world, a conscious entity, made up of chemical, physical, sensitive and subtle elements and particles, together with their energies, which do not lose their identity, having at the brain level a constantly evolving information system, through which it interacts with the environment ... man acts in the three-dimensional plane

- physical, mental and spiritual - both through the non-material consciousness of the spirit and through the creative force of the mind". Moreover, the teacher considers consciousness as "information, non-physical wave...in this capacity it envelops our body, we find it prevalent in the brain, but also at the level of all structures in our organism, extended to the universe from which it comes (...) Consciousness implies a reason, a knowledge, while intelligence can also be artificial, like a succession of algorithms, of non-conscious operations ... consciousness has a primordial origin, while artificial intelligence is a human creation...for this reason, superintelligent robots can be created, but are not conscious beyond human programming" [33]. This is the answer to our questions.

Such a "rich" description, both in spirit, and in what human consciousness and mind mean, deepens our hope that we are unique and impossible to reproduce in a machine. Our consciousness is somehow a fundamental feature of the universe, being connected to it and impossible to locate. This could be explained by reference to one of the most influential contemporary theories, *"Integration Information Theory*", elaborated by Giulio Tononi and Christof Koch, theory whereby "consciousness is linked to the way information is integrated into the brain" [34], and it cannot be located precisely because it is based on complex connections between different regions of the brain. Thus, each of us is unique, integrating in a unique way any information, sensation, experience. Incidentally, according to Michio Kaku, "human consciousness is a particular type that involves mediation between feedback loops through the simulation of the future and the evaluation of the past", a process carried out at the level of the prefrontal cortex [35].

We also speak, at the level of Ai, of emotion, and we meet the very concept of emotional AI, but it is not an artificial intelligence that feels emotion or empathy, but a technology based on human-machine interaction, "an emerging technology used to make probabilistic predictions about the emotional state of people, using data on facial movements, body language, tone of voice or chosen words as sources" [36]. The use and development of this type of AI can affect human rights, which is also why the amendments adopted by the European Parliament on 14 June 2023 on the proposal for a Regulation of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) inserted a provision prohibiting the placing on the market or putting into service of AI systems designed to detect the emotional state of

individuals, in particular that there are still serious concerns about the scientific basis of these AI systems, as their emotions and perceptions vary considerably from culture to culture and from a variety of situation to another and even at the level of one person [37].

Daniel Goleman, an expert in emotional intelligence and professor at Harvard University, believes that emotional intelligence consists of “the ability to recognize our own feelings and identify those of others, to self-motivate and use the power of emotions, both in relation to ourselves and in relation to others" [38]. Will it still be possible to identify a method of implementing human emotions in robointeligence? Can human emotion be measured and translated into a robot? What is the future of emotional intelligence (EI) in the age of AI? For example, in an AI development, one of the top coaches, Marshall Goldsmith, allowed his skills to be copied by an AI avatar, managing to expand his sphere of influence far beyond the number of clients he could meet in person.

Empathy is of three categories: cognitive, in the sense of understanding how a person sees or perceives the world, emotional, which involves reading the feelings of others, and empathic concern, that is, caring for others. Indeed, AI can be a brilliant analyst of language and emotions based on facial expressions or tone of voice, using sophisticated computer vision algorithms such as convolutional neural networks. In this sense, AI can detect facial expressions in images or videos and assign them a corresponding emotional score. However, could the robot be programmed to have an empathic concern? Can emotionally and spiritually “feed” a person? [39] AI programmer researchers argue that this is possible, but it is only a setting, it is not a feeling, since “feeling” cannot be programmed and this is where the difference “between us and them” arises.

The convergence between AI and emotional intelligence (EI) has gained significant attention lately, but, in our opinion, the idea of awareness of emotions can only be defining in the case of a human being, being irrelevant to AI, which we still consider a program of algorithms devoid of feelings. It is true that AI can still simulate feelings and detect emotional states, but it will never “feel” empathy, pity or love for someone or something. It is essential, however, that AI is at least programmed not to harm any person. Interestingly, however, if you ask ChatGPT about EI (emotional intelligence), it will admit its lack of feeling and emotion, stating the following: “I am a complex and powerful

machine learning algorithm with no emotional skills ... they cannot feel or experience emotions, as a man does. However, they can process and analyse data and information to provide analysis or suggestions". [40] This answer appears as a real awareness of AI that it cannot experience emotion, but can it learn what emotion means or can it choose at some point a certain pattern of the human personality that it accepts, implements and assumes, based on the analyses carried out? Will an "artificial emotional intelligence" develop?

The physicist Michio Kaku stated in his paper "Physics of the Future" that large corporations will probably succeed in creating robots "capable of loving and gaining a place in the extended human family". In a recent interview, [41] Alexandru Dan, a researcher in the field of AI in Luxembourg, even talks about ChatGPT 4o, the new OpenAI update, which "can be empathetic if programmed with various algorithms based on analysing a huge number of images, videos, books in which human emotions are exemplified. Thus, AI doesn't show empathy in a human way, but it can simulate it, infer and classify human emotions, and respond in a very convincing way". In this case, we're going to be talking in the near future about humanoid robots, with the role of taking care of older people, who will also understand their emotions, because they will be programmed to do that.

Going beyond the idea of consciousness and reaching the stage of awareness, then we should recall the story of Geoffrey Everest Hinton, cognitive psychologist and computer scientist, successful researcher on artificial neural networks, which formed the basis of ChatGPT, Midjourney or Bard, pioneer in the field of AI and employee of Google, who admitted that he left this company precisely to be able to openly tell some of the lesser-known truths of the risks of technologies. Thus, according to Hinton, "two great absolute dangers and acute challenges are looming: the possibility of establishing and affirming AI's own purpose, on the one hand, and that of becoming smarter than its creator, with the general spectrum of thus taking over the leadership of the present world, on the otherhand". That is why the researcher makes an appeal to humanity to identify a solution to control AI, before it becomes too intelligent and before it becomes an existential problem for humanity. In fact, although he is one of the creators of AI, Elon Musk drew attention to these dangers during the World Government Summit held in Dubai

from 13th to 15th February 2023, stating that “one of the biggest risks for the future of civilization is artificial intelligence”, which is why it is necessary to regulate the safety of AI, which although it can slow its evolution, could be a good thing for humanity. [42] Another Google employee, Blake Lemoine, also claimed that one of the AI - based conversation technologies - LaMDA is conscious, as in a conversation about religion and people, the robot described itself as “a conscious person who wants to prioritize the well-being of humanity, wanting to be recognized as an employee of Google, not a property”. Interestingly, the employee was subsequently fired.

Another recent news story warns us that a robot, ChaosGPT, created with the help of Auto-GPT programming from OpenAI has begun to contact other AI to try to create an alliance against humanity, “posting” on Twitter a plan to take control of the world. According to specialists, however, the protections built into OpenAI’s Auto-GPT core programming and other robots that use OpenAI programming are designed not to answer violent tasks and questions, which is why ChaosGPT failed to gather any AI allies. [43] As we were saying, ChatGPT 4o was recently released, the new update of OpenAI researchers, which introduces new capabilities and new functions in a humanoid robot. Thus, according to Alexandru Dan, AI researcher in Luxembourg, [44] ChatGPT 4o uses transformers technology, managing to respond almost instantly when interacting with a human, the difference between communication between two people and communication of a human with an artificial intelligence becoming indistinguishable.

Interesting to remember here is also the “AI For Good Global Summit” held in July 2023 in Geneva, in which, along with more than 3000 experts and company executives, some of the most advanced humanoid robots equipped with AI participated, who were interviewed and who replied that “they will one day be able to rule the world better than humans and that they should show caution in relation to AI”, while acknowledging that they still do not master human emotional behaviour [45]. We believe that our caution, that of the people, should consist primarily in the awareness of the danger and the need for rapid regulation.

Conclusions

Myth or not, this “modern data flood”, AI, has increasingly simplified ideas about people and expanded ideas about technology, and this myth can undermine science, erode the culture of human intelligence and resourcefulness. In this “simplified world” [46], the power of the human being must be reborn, and AI must remain only “a prosthesis placed on human ingenuity”. There remain many unexplored ethical and legal dilemmas that will surely reform the “architecture” of human rights.

We will close the circle of this research on the same philosophical note, strongly stating that the era of AI is but a world without consciousness. According to Carl Jung, consciousness is “a wonder among wonders...our consciousness just does not create itself, but springs from unknown depths ... it gradually wakes up in the child, and throughout its life it wakes up every morning from the depths of sleep, from a state of unconsciousness. It is like a child who is born daily from the maternal womb of the unconscious” [47]. What consciousness offers us is the “fan” of feelings and states of mind, while conscience is the connection with this reality of experiencing emotion, its awareness, somehow from the outside. This is also what awareness of AI control is about. Let’s not allow some smart machines to blur until cancellation the boundary between man and AI.

It is human consciousness that gives meaning to the world in which we live, so let us not contribute to the extinction of conscious life and preserve our identity as “homo sapiens”, avoiding producing the greatest crisis, and perhaps the last in human history - the AI crisis, through hasty and perhaps too enthusiastic legal reflection. After all, wisdom is the positive purpose given to intelligence, which AI can never achieve.

References:

[1] Dănișor, Gh., Justiție-Filosofie aspirațională, *[Justice - Aspirational philosophy]*, ProUniversitaria Publishing House, Bucharest, 2024, p. 56.
[2] Ibidem, p. 57.
[3] Levinas, E., Între noi. Încercare de a-l gândi pe celălalt, *[Between us. Trying to think the other]*, All Publishing House Bucharest, 2000, p. 24.
[4] Dănișor, Gh., op.cit., p. 192.
[5] Dănăilă, Leon, Neuroplasticitatea. Secretul longevității creierului, *[Neuroplasticity. The secret of brain longevity]* Bookzone, 2023, p. 8.
[6] O companie din SUA lucrează la primul transplant de cap. Cum se va efectua operația "science fiction", 23.05.2024 *[A US company is working on the first head transplant. How will the operation “science fiction”*

be performed, 23/05/2024] - https://observatornews.ro/sanatate/o-companie-din-sua-lucreaza-la-primul-transplant-de-cap-cum-se-va-efectua-operatia-science-fiction-577562.html
[7] Hawkins, Jeff, 1000 de creieri. O nouă teorie a inteligenței, [*1,000 brains. A new theory of intelligence]*, Ed. Publica, Bucharest, 2022, p. 30, p. 327.
[8] Popenici, Ștefan, Inteligența artificială și viitorul educației. Narațiuni critice ale tehnologiei și imaginației în învățământul superior, *[Artificial intelligence and the future of education. Critical narratives of technology and imagination in higher education]*, Didactica Publishing House, Bucharest, 2023, p. 11.
[9] Sternberg, R., The Cambridge handbook of intelligence, Cambridge University Press, doi:10.1017/9781108770422, p. 31.
[10] Emil Cioran, Tratat de descompunere, *[Decomposition treaty]*, Humanitas Publishing House, 1992, p. 35.
[11] Butz, M.V., Towards strong AI. KI – Kunstliche Intelligenz, 35 – pp. 91-101 - https://doi.org/10.1007/s13218-021-00705-x.
[12] OECD, Artificial Intelligence in Society, 2019 - https://www.oecd.org/publications/artificial-intelligence-in-society-eedfee77-en.htm.
[13] Ciutacu, Ioana, Efectele implementării inteligenței artificiale în justiție asupra drepturilor fundamentale și asupra drepturilor procedurale, *[Effects of the implementation of artificial intelligence in justice on fundamental rights and procedural rights]* 23 August 2022 - https://www.universuljuridic.ro/efectele-implementarii-inteligentei-artificiale-in-justitie-asupra-drepturilor-fundamentale-si-asupra-drepturilor-procedurale/.
[14] Document 52021PC0206, Propunere de Regulament al Parlamentului european și al Consiliului de stabilire a unor norme armonizate privind inteligența artificială (legea privind inteligența artificială) și de modificare a anumitor acte legislative ale uniunii, COM/2021/206 final *[Proposal for a Regulation of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) and amending certain Union legislation, COM/2021/206 final]* - https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=CELEX%3A52021PC0206.
[15] https://www.europarl.europa.eu/news/ro/press-room/20240308IPR19015/legea-privind-inteligenta-artificiala-pe-adopta-un-act-de-referinta.
[16] Sejnowsky, T.J., The deep learning revolution, The MIT Press, apud Stefan Popenici, op.cit., p. 35.
[17] Pentru dezvoltare a se vedea Ovidiu Harfas, Calculul cuantic, următoarea revoluție, 19 Decembrie 2023 *[For development, see Ovidiu Harfas, Quantum computing, the next revolution, 19 December 2023]* - https://www.g4media.ro/calculul-cuantic-urmatoarea-revolutie-fizicianul-american-michio-kaku-suntem-acum-in-etapele-initiale-ale-urmatoarei-revolutii-o-revolutie-care-promite-sa-redefineasca-nu-doar-calculul-ci-si-inte.html
[18] Compania IBM a prezentat un nou computer cuantic *[IBM presents a new quantum computer]* - https://www.euronews.ro/articole/compania-ibm-a-prezentat-un-nou-computer-cuantic.
[19] Andreea Vlad, Exclusiv. Se pregătește marea resetare! Fiara apocaliptică devine realitate. „Poți să pui o momâie ministru" *[Andreea Vlad, Exclusive. The Big Reset is coming! The apocalyptic beast becomes reality. "You can put a dummy as minister"]* - https://evz.ro/exclusiv-se-pregateste-marea-resetare-fiara-apocaliptica-devine-realitate-poti-sa-pui-o-momaie-ministru-video.html
[20] Grof, Stanislav, Psihologia viitorului. Lecții din cercetarea modernă asupra conștiinței, *[Psychology of the future. Lessons from modern research on consciousness]*, Elena Francisc Publishing, 2007.
[21] Citat în Ovidiu Predescu, Ovidiu-Roland Predescu, Inteligența artificială azi. O perspectivă a dreptului, a drepturilor omului, a eticii și nu numai, Ediția a II-a, revăzută și adăugită, *[Quoted in Ovidiu Predescu, Ovidiu-Roland Predescu, Artificial intelligence today. A perspective on law, human rights, ethics and beyond, Second edition, revised and added]*, Universul Juriudic Publishing House, Bucharest, 2024, pp. 307-308.
[22] Citat în Alexandru Stan, ChatGPT favorizează plagiatul, *[Quoted in Alexandru Stan, ChatGPT favors plagiarism]* - https://www.mediafax.ro/externe/chatgpt-favorizeaza-plagiatul-un-filosof-in-varsta-de-94-ani-scrie-ca-inteligenta-artificiala-este-limitata-21677556
[23] Constantin-Dulcan, Dumitru, Cuvinte alese, *[Chosen words]*, Școala Ardeleană Publishing House, Cluj-Napoca, 2022, p. 23, 25, 26, 27.

[24] Hegel, Știința logicii, *[Science of logic]*, Ed. Academiei RSR, Bucharest, 1966, p. 57. Hegel, Filosofia Spiritului, [Philosophy of spirit], Ed. Humanitas, Bucharest, 1996, p. 360.
[25] Dănișor, Gh., Justiție-Filososofie aspirațională, *[Justice - Aspirational philosophy],* ProUniversitaria Publishing House, Bucharest, 2024.
[26] Roux, Georges, Paroles du Guerisseur, G.R. Editeur, 1950, *apud* Popa Tache, Cristina Elena, Spre un drept al sufletelui și al biocâmpurilor formelor de viață, Adjuris, București, publicată, de asemenea și în Franța, *[Towards a right of the soul and the biofields of life forms, Adjuris, Bucharest, also published in France]*, préface de Jean-Luc Martin-Lagardette, « Vers un droit de l'âme et des bioénergies du vivant », Ed. L Harmattan, Collection: Logiques Juridique, 2022, p.8.
[27] Kurzweil, Ray, Epoca mașinilor spirituale – când computerele depășesc inteligența umană, *[The age of spiritual machines - when computers surpass human intelligence]*, Ed. Paralela 45, 2012, p. 145.
[28] Florea, Bogdan, Metatrendurile din 2022: inteligența artificială, realitatea virtuală, conectivitatea globală prin 5G, metaverse, decembrie 2022, *[Metatrends of 2022: artificial intelligence, virtual reality, global connectivity through 5G, metaverse, December 2022*] - https://alephbusiness.ro/servicii-financiare/fintech/metatrendurile-din-2022-inteligenta-artificiala-realitatea-virtuala-conectivitatea-globala-prin-5g-metaverse/.
[29] Etapele până când computerele ar putea prelua controlul asupra omenirii - Cât de departe ar putea ajunge dezvoltarea AGI, 26.12.2023, *[Stages until computers could take control of humanity - How far AGI development could go, 26/12/2023]* - https://m.ziuanews.ro/dezvaluiri-investigatii/etapele-p-n-c-nd-computerele-ar-putea-prelua-controlul-asupra-omenirii-c-t-de-departe-ar-putea-ajunge-dezvoltarea-agi-1580334
[30] Citat în Meghan O'Gieblyn, Dumnezeu, om, animal, mașină. Tehnologie, metaforă și căutarea sensului, *[Quoted in Meghan O'Gieblyn, God, man, animal, machine. Technology, metaphor and the search for meaning]*, Humanitas Publishing House, Bucharest, 2023, pp. 176-177.
[31] Kaku, Michio, Viitorul minții umane, *[The Future of the Mind]*, Trei Publishing House Bucharest, 2016. Pentru dezvoltare, a se vedea *[For development, see]* Ovidiu Predescu, Ovidiu-Roland Predescu, op.cit., pp. 116-124.
[32] Constantin-Dulcan, Dumitru, Inteligența Materiei, *[The Intelligence of the Matter]*, Școala Ardeleană Publishing House, Cluj-Napoca, 2021, p. 324.
[33] Constantin-Dulcan, Dumitru, Cuvinte alese, *[Chosen words]*, Școala Ardeleană Publishing House, Cluj-Napoca, 2022, pp. 23-27.
[34] Citat în *[Quoted in]* Ovidiu Predescu, Ovidiu-Roland Predescu, op.cit., p. 119.
[35] Kaku, Michio, Viitorul minții umane, *[The future of the mind]*, Trei Publishing House Bucharest, 2016. Pentru dezvoltare, a se vedea Ovidiu Predescu, Ovidiu-Roland Predescu, op.cit., pp. 116-124.
[36] Matefi, Roxana, Utilizarea Inteligenţei Artificiale pentru detectarea stărilor emoţionale ale persoanelor. Potenţiale riscuri asupra drepturilor fundamentale ale omului, 2023 [*Using artificial intelligence to detect people's emotional states. Potential risks to fundamental human rights, 2023]* - https://www.ceeol.com/search/article-detail?id=1173488
[37] https://www.europarl.europa.eu/doceo/document/TA-9-2023-0236_RO.html
[38] Goleman, Daniel, Emotional Intelligence in the Age of AI, 27 aprilie 2023 - https://www.linkedin.com/pulse/emotional-intelligence-age-ai-daniel-goleman.
[39] Centrul de Resurse pentru eco-bio Educație, Reziliență și Sustenabilitate, Inteligența emoțională a viitorului, 18 martie 2024, *[Resource Center for eco-bio education, resilience and sustainability, emotional intelligence of the future, 18 March 2024]* - https://creeracord.com/2024/03/18/inteligenta-emotionala-a-viitorului/
[40] Barbau, Cătălin, Ce crede Inteligența Artificială despre Inteligența Emoțională?, 10 octombrie 2023 *[What does Artificial Intelligence think about Emotional Intelligence?, 10 October 2023]* - https://speaker.md/2023/10/10/ce-crede-inteligenta-artificiala-despre-inteligenta-emotionala/.
[41] https://republica.ro/uluitoarea-lume-noua-vazuta-de-alexandru-dan-cercetator-in-domeniul-ai-in-luxemburg-zesti-pregatit-cand.
[42] Șerban, Teodor, Elon Musk despre inteligența artificială: Este „mult mai periculoasă" decât focoasele nucleare, 16 februarie 2023, *[Elon Musk on artificial intelligence: It is "much more dangerous" than nuclear warheads, 16 February 2023]* - https://ziare.com/elon-musk/elon-musk-inteligenta-artificiala-mai-periculoasa-focoase-nucleare-1789276

[43] Dragomir, Daniel Mihai, Primele semnale de alarmă: un robot a început să ia legătura cu alte IA pentru a încerca să creeze o alianță împotriva umanității, 18.04.2023, *[First alarm signals: a robot began to get in touch with other AI to try to create an alliance against humanity, 18/04/2023]* - https://www.stiripesurse.ro/primele-semnale-de-alarma-un-robot-a-inceput-sa-ia-legatura-cu-alte-ia-pentru-a-incerca-sa-creeze-o-alianta-impotriva-umanitatii_2878380.html
[44] https://republica.ro/uluitoarea-lume-noua-vazuta-de-alexandru-dan-cercetator-in-domeniul-ai-in-luxemburg-zesti-pregatit-cand.
[45] Predescu, Ovidiu-Roland, op.cit., p. 84.
[46] Larson, Erik J., Mitul Inteligenței Artificiale. De ce computerele nu pot gândi la fel ca noi, Traducere de *[The Myth of Artificial Intelligence: Why computers can't think the way we do, Translation by]* Ovidiu-Gheorghe Ruța, Polirom, 2022, p. 11.
[47] Jung, Carl Gustav, Amintiri, vise, reflecții. Consemnate și editate de *[Memories, Dreams, Reflections. Recorded and edited by]* Aniela Jaffe, Ed. Humanitas, Bucharest, 2020, p. 464.