JOURNAL OF INTERNATIONAL LAW, POLITICS AND SOCIETY
An International Open Access Double Blind Peer Reviewed
ISSN No.: 3108-0464

Volume 2 | Issue 2 (Apr.-Jun.) | 2026 Art. 07

AI Regulations and Ethics in India vs. USA: A Comparative Analysis of Artificial Intelligence Governance Frameworks

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Recommended Citation
Ashwani Kumar Singh, *AI Regulations and Ethics in India vs. USA: A Comparative Analysis of Artificial Intelligence Governance Frameworks*, 2 JILPS 89-105 (2026).
Available at www.jilps.in/current-issue/

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ABSTRACT

The rapid advancement of artificial intelligence (AI) technologies has necessitated the development of comprehensive regulatory frameworks and ethical guidelines across nations. This paper presents a comparative analysis of AI regulations and ethical considerations in India and the United States — two major economies with fundamentally distinct approaches to AI governance. While the United States has adopted a sector-specific, innovation-friendly approach with limited federal intervention, India has pursued a more centralized strategy that balances technological advancement with social welfare concerns. The paper examines regulatory landscapes, ethical frameworks, implementation challenges, and future trajectories of AI governance in both nations. Through this comparative lens, the study identifies key differences in philosophical approaches, regulatory mechanisms, enforcement strategies, and ethical priorities. The findings reveal that while both nations recognize the transformative potential of AI, their governance models reflect different socio-economic priorities, legal traditions, and technological capacities. This research contributes to the growing body of literature on international AI governance and offers insights for policymakers, technologists, and scholars interested in how distinct democratic systems approach the regulation of emerging technologies.

KEYWORDS

Artificial Intelligence, AI Regulations, AI Ethics, India, United States, Technology Governance, Digital Policy, Algorithmic Accountability

1. INTRODUCTION

1.1 Background and Context

Artificial Intelligence has emerged as one of the most transformative technologies of the 21st century, with applications spanning healthcare, finance, transportation, education, national security, and virtually every sector of modern society. The global AI market, valued at over $200 billion in 2023, continues to expand exponentially, promising unprecedented economic opportunities while simultaneously raising

profound ethical, legal, and social questions. As AI systems grow increasingly sophisticated and autonomous, concerns about privacy, bias, accountability, transparency, and human rights have intensified — prompting governments worldwide to develop regulatory frameworks that balance innovation with protection.

India and the United States represent two distinct yet equally significant players in the global AI landscape. The United States, home to technology giants such as Google, Microsoft, Amazon, and OpenAI, has established itself as the global leader in AI research, development, and commercialization. With substantial private sector investment, world-class research institutions, and a culture of technological entrepreneurship, the U.S. approach to AI regulation has historically prioritized innovation, market-driven solutions, and minimal government intervention.

India, by contrast, represents the world's most populous democracy with a rapidly growing digital economy and a unique set of socio-economic challenges. With initiatives such as Digital India, the Aadhaar biometric identification system, and a burgeoning startup ecosystem, India has demonstrated both the potential and the perils of large-scale technology deployment. The Indian approach to AI regulation reflects concerns about data sovereignty, social equity, the digital divide, and the need to harness AI for developmental goals while protecting vulnerable populations.

1.2 Research Objectives

This research paper aims to:

- Examine the current state of AI regulations in India and the United States
- Compare the ethical frameworks and principles guiding AI development in both nations
- Analyze the institutional mechanisms for AI governance and enforcement
- Identify key similarities and differences in regulatory approaches
- Evaluate the effectiveness and challenges of existing frameworks
- Discuss future trajectories and potential areas for international cooperation

1.3 Methodology

This study employs a comparative policy analysis methodology, drawing upon primary sources including government documents, legislative texts, policy papers, and official guidelines from both countries. Secondary sources include academic literature, industry reports, and expert analyses. The research examines regulatory frameworks, ethical guidelines, institutional structures, and implementation mechanisms — providing a comprehensive overview of AI governance in both nations.

1.4 Significance of the Study

Understanding how different nations approach AI regulation is crucial for several reasons. First, it provides insights into how democratic systems balance innovation with regulation. Second, it reveals how cultural, legal, and economic contexts shape technology governance. Third, it offers lessons for other nations developing their own AI frameworks. Finally, it contributes to discussions about international AI governance standards and cooperation.

2. ARTIFICIAL INTELLIGENCE REGULATIONS IN THE UNITED STATES

2.1 Regulatory Landscape and Framework

The United States has adopted a predominantly sector-specific and principles-based approach to AI regulation, characterized by limited federal oversight and reliance on existing legal frameworks. Unlike the European Union's comprehensive AI Act, the U.S. has not enacted omnibus federal AI legislation. Instead, AI governance emerges from a patchwork of sector-specific regulations, executive orders, agency guidelines, and state-level initiatives.

The foundational document for U.S. AI policy is the "American AI Initiative," launched through Executive Order 13859 in February 2019 under the Trump administration. This initiative established five key principles: investing in AI research and development, unleashing AI resources, setting AI governance standards, building the AI workforce, and engaging international partners — all while maintaining a light-touch regulatory approach.

The Biden administration continued this trajectory while introducing a stronger emphasis on trustworthy AI and civil rights protections. The "Blueprint for an AI Bill of Rights," released by the White House Office of Science and Technology Policy in October 2022, outlined five guiding principles: safe and effective systems, algorithmic discrimination

protections, data privacy, notice and explanation, and human alternatives and fallback options. While not legally binding, this blueprint signaled a clear shift toward more explicit ethical guardrails.

In October 2023, President Biden issued Executive Order 14110 on "Safe, Secure, and Trustworthy Artificial Intelligence" — the most comprehensive federal AI policy to date. This order directed federal agencies to develop AI safety standards, protect privacy, advance equity, support workers, promote innovation, and advance American leadership globally. It established new standards for AI safety and security, particularly for dual-use foundation models, and required developers of powerful AI systems to share safety test results with the government.

2.2 Sector-Specific Regulations

Rather than comprehensive AI legislation, the U.S. relies on sector-specific regulations administered by various federal agencies:

- **Healthcare:** The Food and Drug Administration (FDA) regulates AI-based medical devices and diagnostic tools through its Digital Health Center of Excellence, applying risk-based frameworks that classify AI applications by potential harm.

- **Finance:** The Consumer Financial Protection Bureau (CFPB), Federal Reserve, and Securities and Exchange Commission (SEC) oversee AI in lending, trading, and financial services, focusing on fairness, transparency, and consumer protection.

- **Transportation:** The National Highway Traffic Safety Administration (NHTSA) and Federal Aviation Administration (FAA) regulate autonomous vehicles and AI-powered aviation systems, emphasizing safety testing and certification.

- **Employment:** The Equal Employment Opportunity Commission (EEOC) addresses algorithmic bias in hiring and employment decisions under existing civil rights laws.

2.3 State-Level Initiatives

In the absence of comprehensive federal legislation, several states have enacted their own AI regulations. California's Consumer Privacy Act (CCPA) and its successor, the California Privacy Rights Act (CPRA), include provisions affecting AI systems that process personal data. Illinois's Biometric Information Privacy Act (BIPA) regulates the collection and use of biometric data, including facial recognition.

Colorado, Virginia, and other states have passed laws requiring transparency in automated decision-making systems.

2.4 Self-Regulation and Industry Standards

The U.S. approach relies heavily on industry self-regulation and voluntary standards. The National Institute of Standards and Technology (NIST) AI Risk Management Framework, released in January 2023, provides voluntary guidance for organizations developing and deploying AI systems, with a focus on trustworthiness, transparency, accountability, and fairness. Major technology companies have established their own AI ethics boards, principles, and review processes. Critics, however, argue that self-regulation is insufficient and that voluntary commitments lack meaningful enforcement mechanisms.

3. ARTIFICIAL INTELLIGENCE REGULATIONS IN INDIA

3.1 Regulatory Landscape and Framework

India's approach to AI regulation reflects its unique position as a developing economy with massive technological ambitions and significant socio-economic challenges. The government has pursued a strategy that emphasizes AI for social good, economic development, and national competitiveness while addressing concerns about data sovereignty, privacy, and algorithmic accountability.

The foundational document for India's AI policy is the "National Strategy for Artificial Intelligence," released by NITI Aayog in June 2018 under the title "#AIforAll." This strategy positioned AI as a tool for inclusive growth and identified five priority sectors: healthcare, agriculture, education, smart cities and infrastructure, and smart mobility and transportation. Unlike the U.S. approach, India's framework is more centralized and government-led, with NITI Aayog serving as the primary coordinating body.

3.2 Key Policy Initiatives

- **Responsible AI for All (2021):** NITI Aayog outlined seven principles for responsible AI: safety and reliability, equality, inclusivity and non-discrimination, privacy and security, transparency, accountability, and reinforcement of positive human values.

- **National Data Governance Framework Policy (2022):** This policy addressed data governance for government entities, establishing principles for data collection, storage, and sharing — emphasizing data minimization, purpose limitation, and citizen rights.

- **Digital Personal Data Protection Act (2023):** India's first comprehensive data protection law, enacted in August 2023, regulates the processing of personal data, establishes consent requirements, and creates a Data Protection Board for enforcement. Although not AI-specific, it significantly impacts AI systems through provisions on algorithmic accountability and automated decision-making.

- **Draft Digital India Act:** Proposed legislation to replace the outdated Information Technology Act of 2000, expected to include specific provisions for AI regulation, platform accountability, and algorithmic transparency.

3.3 Sectoral Guidelines

India has developed sector-specific guidelines for AI applications across healthcare (Ministry of Health and Family Welfare), financial services (Reserve Bank of India), and telecommunications (Telecom Regulatory Authority of India — TRAI), each focusing on risk management, consumer protection, and domain-specific safety standards.

3.4 Institutional Framework

India has established several institutions to support AI development and governance, including the National AI Portal (2020), multiple Centres of Excellence for AI research, and an AI Standards Committee under the Bureau of Indian Standards (BIS) tasked with developing national AI standards aligned with international frameworks while accommodating local contexts.

4. COMPARATIVE ANALYSIS OF ETHICAL FRAMEWORKS

4.1 Foundational Ethical Principles

Both India and the United States have articulated ethical principles for AI, but with different emphases that reflect their distinct socio-political contexts. The U.S. ethical framework, as articulated in the AI Bill of Rights Blueprint, centers on individual rights, consumer protection, and civil liberties — shaped by American values of individual autonomy, due process, and protection from government overreach.

India's Responsible AI framework, by contrast, emphasizes collective welfare, social equity, and developmental goals alongside individual rights. It explicitly addresses the digital divide, stressing that AI must be accessible and beneficial to all segments of society, including marginalized communities. This orientation reflects India's developmental priorities and constitutional commitment to social justice.

4.2 Approach to Fairness and Non-Discrimination

In the United States, the approach to algorithmic fairness is grounded in civil rights law and anti-discrimination statutes. Federal agencies such as the EEOC and CFPB focus primarily on protected characteristics under existing law: race, gender, national origin, age, and disability. Ongoing academic and policy debates concern different definitions of fairness and methods for measuring and mitigating bias.

India's approach to fairness encompasses both constitutional equality protections and developmental concerns. The Constitution's commitment to affirmative action for Scheduled Castes, Scheduled Tribes, and Other Backward Classes informs AI ethics discourse. Indian policymakers emphasize that AI systems must not perpetuate existing social hierarchies and must actively promote inclusion — with particular attention to rural populations, linguistic minorities, and economically marginalized groups.

4.3 Privacy and Data Protection

The U.S. lacks comprehensive federal privacy legislation, relying instead on a patchwork of sector-specific laws (HIPAA for health, FERPA for education, GLBA for finance) and state-level regulations. There is ongoing debate about the need for federal privacy legislation, with proposals such as the American Data Privacy and Protection Act remaining under consideration.

India's Digital Personal Data Protection Act of 2023 establishes a more comprehensive framework. It requires explicit consent for data processing, grants individuals rights to access, correct, and erase their data, and imposes penalties for violations. India's approach reflects concerns about data colonialism and the exploitation of citizen data by foreign corporations, including mandatory data localization provisions for certain categories of sensitive data.

4.4 Transparency and Explainability

U.S. policy emphasizes notice and explanation — ensuring individuals understand when AI systems are being used and how decisions affecting them are made. However, tension exists between transparency requirements and the protection of proprietary algorithms. Different sectors face different standards, with financial services and employment subject to stricter requirements.

India's framework similarly emphasizes transparency but adds a dimension of linguistic and cultural accessibility. Given India's 22 official languages and varied digital literacy levels, transparency requirements

must account for communication in multiple languages and formats accessible to all citizens. The Digital Personal Data Protection Act includes provisions for meaningful information about automated decision-making.

4.5 Accountability and Governance

The U.S. approach to accountability is fragmented across multiple agencies and legal frameworks. Enforcement relies on existing mechanisms: consumer protection laws, civil rights statutes, product liability, and tort law. There is ongoing debate about whether AI requires new liability frameworks or whether existing law is sufficient.

India has established more centralized accountability mechanisms, with the Data Protection Board serving as the primary enforcement authority for data-related violations and NITI Aayog providing policy coordination. This approach reflects a more interventionist regulatory philosophy in which the government plays an active role in setting standards and ensuring compliance.

5. IMPLEMENTATION CHALLENGES AND CRITICISMS

5.1 Challenges in the United States

- **Regulatory Fragmentation:** The absence of comprehensive federal AI legislation creates inconsistency, compliance complexity, and potential gaps where emerging AI applications do not fit neatly into existing regulatory categories.

- **Enforcement Gaps**: Voluntary frameworks and principles lack binding force. Industry self-regulation has proven insufficient in addressing harms, as evidenced by repeated scandals involving algorithmic bias, privacy violations, and misinformation.

- **Innovation vs. Regulation Tension**: Ongoing debates about whether regulation will stifle American competitiveness, particularly vis-à-vis China, create political friction and delay legislative action.

- **Technical Expertise Deficit**: Regulatory agencies often lack the technical expertise needed to effectively oversee rapidly evolving AI technologies, and face challenges recruiting AI talent who can command far higher salaries in the private sector.

- **Political Polarization**: AI regulation has become politically contentious, with partisan disagreements about the appropriate role of government and the severity of AI-related risks.

5.2 Challenges in India

- **Implementation Capacity**: The Data Protection Board, while legally established, requires substantial resources, expertise, and infrastructure to effectively oversee compliance across a vast and diverse country.

- **Digital Divide**: Significant disparities in internet access, digital literacy, and technological infrastructure between urban and rural areas complicate AI governance, rendering some regulations irrelevant in underserved contexts.

- **Resource Constraints**: Compared to the United States, India has more limited resources for AI research, development, and regulatory enforcement, particularly with respect to complex AI systems.

- **Balancing Development and Regulation**: India must balance its developmental aspirations with regulatory protections — overly stringent rules could discourage investment, while insufficient regulation risks exploitation of vulnerable populations.

- **Data Localization Debates**: India's data localization requirements have been criticized by international businesses as trade barriers, and debates persist about the appropriate balance between data sovereignty and global data flows.

- **Linguistic and Cultural Diversity**: Creating AI systems and regulations that account for India's extraordinary linguistic and cultural diversity remains an enormous challenge, particularly when most AI systems are trained predominantly on English-language data.

6. KEY SIMILARITIES AND DIFFERENCES

6.1 Similarities

Despite their distinct approaches, India and the United States share several common concerns and principles:

- Both nations view AI as critical for economic competitiveness, national security, and social progress.
- Both have articulated ethical principles emphasizing safety, fairness, transparency, and accountability.
- Both recognize the risks of algorithmic bias and the need to prevent discriminatory outcomes.
- Both emphasize data privacy, though through different mechanisms.
- Both involve multi-stakeholder processes — government, industry, academia, and civil society — in AI governance discussions.
- Both participate in international AI governance forums and recognize the importance of global cooperation.

6.2 Comparative Overview

Dimension	United States	India
Regulatory Philosophy	Market-oriented, innovation-first, sector-specific, decentralized	Development-oriented, social welfare emphasis, centralized coordination
Institutional Structure	Fragmented across multiple agencies; no central AI authority	Centralized through NITI Aayog; emerging Data Protection Board
Legal Framework	Patchwork of existing laws, executive orders, voluntary guidelines	Comprehensive data protection law; evolving digital legislation
Ethical Emphasis	Individual rights, civil liberties, consumer protection	Collective welfare, social equity, inclusion, digital divide

Dimension	United States	India
Data Governance	Sector-specific privacy laws; state-level regulations	Comprehensive data protection law; data localization requirements
Enforcement Approach	Litigation-driven; multiple enforcement agencies	Administrative enforcement through Data Protection Board
Innovation Ecosystem	Private sector-led; world-leading tech companies	Government-supported; growing startup ecosystem

7. CASE STUDIES AND PRACTICAL APPLICATIONS

7.1 Facial Recognition Technology

In the United States, facial recognition has become highly controversial due to documented accuracy disparities — particularly for people of color and Black women — as well as surveillance and privacy concerns. Several cities including San Francisco, Boston, and Portland have banned government use of the technology. At the federal level, no comprehensive regulation exists, though some agencies have implemented voluntary moratoria. The debate reflects deep tensions between law enforcement interests and civil liberties.

India has deployed facial recognition more extensively, including the National Automated Facial Recognition System (AFRS) for law enforcement. Proponents argue it enhances security and helps locate missing persons; critics raise concerns about surveillance overreach, privacy violations, and the absence of a clear legal framework. Unlike in the U.S., there has been less public debate and fewer institutional restrictions on government use, though civil society organizations have challenged deployments in court.

7.2 AI in Healthcare

The FDA has approved numerous AI-based medical devices, applying risk-based frameworks to rapidly advancing diagnostic, treatment-planning, and drug discovery applications. Concerns about algorithmic bias — such as algorithms that systematically underestimate the health

needs of Black patients — have prompted calls for stricter oversight and validation requirements.

India has embraced AI for healthcare delivery in underserved populations, with promising applications in tuberculosis detection and diabetic retinopathy screening in rural areas. The government has issued guidelines emphasizing clinical validation, safety, and accessibility — reflecting the potential of AI to meaningfully address healthcare gaps in resource-constrained settings.

7.3 AI in Employment

AI-powered hiring tools have proliferated in the United States, prompting the EEOC to issue guidance warning that algorithmic hiring tools may violate civil rights laws if they produce discriminatory outcomes. Several states and municipalities — including New York City through Local Law 144 — have enacted laws requiring bias audits of automated employment decision tools.

AI in employment is comparatively less regulated in India, though the Digital Personal Data Protection Act's provisions on automated decision-making may apply. India's primary focus has been on AI's macro-level employment impact — concerns about job displacement and the need for workforce reskilling — rather than algorithmic bias in individual hiring decisions.

8. FUTURE TRAJECTORIES AND RECOMMENDATIONS

8.1 Emerging Trends

United States

- Potential federal AI legislation to address gaps in the current patchwork framework
- Increased state-level regulation creating pressure for national standards
- Growing focus on generative AI and the governance of foundation models
- Enhanced international cooperation, particularly with democratic allies

India

- Implementation and assessment of the Digital Personal Data Protection Act
- Potential enactment of a comprehensive Digital India Act with AI-specific provisions
- Expansion of AI applications in government services and social programs
- Development of indigenous AI capabilities to reduce dependence on foreign technology

8.2 Recommendations for the United States

- Enact Comprehensive Federal AI Legislation to establish baseline standards while preserving sector-specific regulations and state innovation.
- Create an AI Regulatory Coordination Mechanism — an interagency body to ensure consistency and close governance gaps.
- Invest in Regulatory Capacity by enhancing technical expertise within agencies through recruitment, training, and academic partnerships.
- Strengthen Enforcement by moving beyond voluntary frameworks to enforceable standards with meaningful penalties.
- Develop Clear Algorithmic Accountability Frameworks with liability standards for AI harms and accessible mechanisms for redress.
- Lead International Standards Development to align global AI governance with democratic values.

8.3 Recommendations for India

- Strengthen Implementation Capacity by investing in resources, expertise, and infrastructure for the Data Protection Board and sector regulators.
- Address the Digital Divide to ensure AI regulations and benefits reach rural and marginalized populations.

- Promote Transparency and Public Participation through enhanced consultation in AI policymaking and greater openness in government AI deployments.
- Develop Indigenous AI Capabilities through sustained investment in research, education, and domestic technology development.
- Create Accessible Accountability Mechanisms with clear processes for challenging AI decisions and obtaining redress.

8.4 Opportunities for Bilateral Cooperation

Despite their different approaches, India and the United States have meaningful opportunities for collaboration:

- Joint research on AI safety, fairness, and beneficial applications
- Collaboration on international AI standards through multilateral forums
- Exchange of expertise and best practices in AI governance capacity building
- Shared commitment to democratic values and human rights as foundations for ethical AI
- Cooperation on global challenges including climate change, healthcare, and sustainable development

9. CONCLUSION

The comparative analysis of AI regulations and ethics in India and the United States reveals two distinct yet complementary approaches to governing transformative technology. The United States, with its innovation-first philosophy and market-oriented approach, prioritizes technological advancement and economic competitiveness while gradually developing ethical guardrails. India, with its development-oriented framework and emphasis on social welfare, seeks to harness AI for inclusive growth while protecting data sovereignty and addressing the digital divide.

Neither approach is inherently superior; each reflects the unique historical, cultural, legal, and economic context of its nation. The U.S. approach offers flexibility and encourages innovation but risks regulatory gaps and insufficient protections. The Indian approach provides more comprehensive frameworks and government oversight

but faces significant implementation challenges and resource constraints.

Both nations confront the same fundamental questions: How can AI systems be made safe, fair, and broadly beneficial? How can privacy and individual rights be protected while enabling innovation? How can the benefits of AI be distributed broadly rather than concentrated in the hands of a few? How can human agency and democratic values be preserved in an AI-driven world?

The answers to these questions will shape not only the future of AI in India and the United States but the trajectory of global AI governance. As AI technologies grow more powerful and pervasive, the need for effective, ethical, and enforceable regulatory frameworks becomes increasingly urgent. Both nations must continue evolving their approaches, learning from successes and failures, and engaging in substantive international cooperation.

Ultimately, the goal of AI regulation and ethics is not to impede technological progress but to ensure that artificial intelligence genuinely serves humanity — enhancing human capabilities, protecting human rights, and advancing human values. Both India and the United States, despite their different paths, share this fundamental aspiration. Their experiences offer valuable lessons for the global community as we collectively navigate the opportunities and challenges of the AI age.

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