人工智慧倫理規範的立法

－兼談官民版本人工智慧基本法草案的倫理原則規定

Legislation of Ethical Norms for Artificial Intelligence

- Discussing the Ethical Principles of the Official and Civilian Versions of the AI Basic Act Draft

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中文摘要

人工智慧基本法的制定，是當前臺灣人工智慧法制建設的重要問題，官方與民間已有相當程度的共識，各界紛紛提出相關草案，希望有助於臺灣人工智慧的正向發展。在立法上，人工智慧倫理原則是重要的規定，若能確立人工智慧倫理原則規定，將能建構人工智慧社會的基本價值觀念，以此作為相關法律規範的指導，使法律適用切合民情。本文針對官方（國家科學及技術委員會）與民間（人工智慧法律國際研究基金會）人工智慧基本法草案的人工智慧倫理原則規定，進行比較與檢討。總體而言，官民草案的人工智慧倫理原則規定，與世界主要國家或地區的人工智慧倫理原則已經差異不大；但是，在法律條文的設計上，筆者與官民草案的想法有別，乃於文中提出淺見，並提出具體建議。

關鍵詞：倫理；軟法；硬法；基本法；人工智慧

Abstract

In Taiwan, the formulation of the Artificial Intelligence (AI) Basic Act is a crucial issue in Taiwan's AI legal framework development. Both the government and opposition have reached a considerable consensus, with various parties proposing relevant drafts to promote the positive development of AI. In legislation, AI ethical principles are essential provisions. Establishing these principles can help shape the fundamental values of an AI-driven society, serving as a guiding framework for related legal regulations and ensuring their applicability to societal needs. This article compares and examines the AI ethical principles stipulated in the AI Basic Act Drafts proposed by the government (National Science and Technology Council) and the NGO (International AI and Law Research Foundation). Overall, the ethical principles outlined in these drafts closely align with those of major countries and regions worldwide. However, in terms of legal text design, the author's perspectives differ from those of both the government and private sector drafts. This paper offers insights and specific recommendations on this matter.

Keywords: ethics; soft law; hard law; basic act; artificial intelligence