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GOVERNING ARTIFICIAL INTELLIGENCE BEYOND BORDERS: THE ROLE OF INTERNATIONAL ORGANIZATIONS IN THE EVOLUTION OF INTERNATIONAL LAW

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Abstract

The rapid development of artificial intelligence (AI) has transformed economic, social, and governmental activities while creating increasingly complex legal challenges that extend beyond national borders. The transnational nature of AI raises regulatory issues that can't be effectively addressed through domestic legal frameworks alone, particularly with regard to jurisdiction, state sovereignty, accountability, and the protection of fundamental rights. These challenges have contributed to the emergence of global AI governance and increased the role of international organizations in developing common norms and coordinating international responses to AI-related risks. This study examines the role of international organizations in the development of global AI governance and the evolution of international law in regulating the cross border use and development of AI. It employs normative legal research using statutory, conceptual, and international legal approaches. The analysis focuses on international instruments and initiatives developed by the United Nations, UNESCO, the Organisation for Economic Cooperation and Development (OECD), and the Council of Europe. The study finds that international organizations contribute to global AI governance through norm setting, policy coordination, international cooperation, and the development of common standards. The development of international law concerning AI has also progressed from non binding soft law instruments and principles toward more formal and legally binding frameworks, as demonstrated by the Council of Europe Framework Convention on Artificial Intelligence. Nevertheless, divergent national regulations, jurisdictional boundaries, state sovereignty, enforcement challenges, and the rapid pace of technological development continue to hinder the establishment of a coherent global legal framework. Greater international cooperation and regulatory coordination are therefore necessary to develop an adaptive and effective international legal framework capable of addressing the cross border implications of AI while safeguarding fundamental rights and the rule of law.

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INTRODUCTION

The development of artificial intelligence (AI) in recent years has become one of the technological advancements that has significantly transformed various aspects of society, including economic activities, government administration, and international relations. AI is no longer merely utilized as a supporting technology but has evolved into systems capable of analyzing data, generating information, providing recommendations, and performing certain tasks with increasingly sophisticated levels of automation.[1] These developments offer considerable opportunities for improving efficiency and encouraging innovation. At the same time, however, they have generated new legal challenges concerning accountability, human rights protection, data security, algorithmic transparency, and responsibility for the use of AI. This situation demonstrates that the development of AI technology is progressing faster than the capacity of existing legal frameworks to anticipate its various consequences.[2]

The legal challenges associated with AI have become increasingly complex because the technology is not confined to the jurisdiction of a single state.[3] AI systems may be developed by companies located in one country, utilize data originating from multiple countries, operate through digital infrastructure across different jurisdictions, and produce impacts on individuals or communities in other states. Consequently, AI governance cannot rely solely on national laws, as differences in regulatory standards, obligations, and accountability mechanisms among states may create regulatory gaps. Studies on AI governance indicate that regulatory developments remain diverse and have not yet been fully harmonized, while issues such as algorithmic transparency and accountability increasingly possess global dimensions.[4]

From the perspective of international law, the development of AI raises questions concerning the extent to which existing legal instruments can regulate a technology with characteristics that differ from those of previous technological developments.[5] These challenges include determining responsibility when AI-generated decisions or actions cause harm, ensuring the application of human rights principles in algorithmic systems, and establishing effective mechanisms for states to supervise technologies that are developed and utilized across national borders.[6] Research on the relationship between AI and international law demonstrates that rule-making activities undertaken by international organizations have contributed to expanding the scope of international legal governance in addressing AI-related issues. The resulting instruments have also evolved from forms of soft law toward the potential development of more legally binding forms of regulation.[7]

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[1] Nisa, A.K, "The Prospect of AI Law in Indonesian Legal System: Present and Future Challenges," The Indonesian Journal of International Clinical Legal Education, 6(1), 2024, hlm. 27.

[2] Ibid.,

[3] Perepolkin, S., at al "Artificial Intelligence and International Law: From Recommendations to Conventional Regulation," Revista de Direito Internacional 21 (3), 2025, hlm. 332.

[4] Ibid., 329

[5] Ibid.,332

[6] Prabowo S. H, dkk, "Analisis Yuridis Konsepsi Ideal Pengaturan Artificial Intelligence di Tingkat Internasional oleh Perserikatan Bangsa-Bangsa," Literasi Hukum 9, (2) 2025, hlm. 80-81.

[7] Ibid., hlm. 84

The absence of a uniform international legal framework for AI also presents challenges for states in developing their respective national policies. In Indonesia, for example, AI governance remains connected to various existing legal instruments, but these instruments have not yet established a comprehensive regulatory framework specifically addressing AI. Research on the prospects of AI law in Indonesia indicates that existing legal provisions remain insufficient to address the distinctive characteristics and risks associated with AI, thereby highlighting the need for more specific regulatory development. Other research has identified regulatory gaps concerning the definition of AI, risk classification, algorithmic transparency, auditing, human oversight, and the labeling of synthetic content within Indonesia's legal framework.

Under these circumstances, international organizations play an important role in promoting the development of common norms and standards. Organizations such as the United Nations (UN), UNESCO, and the Organisation for Economic Co-operation and Development (OECD) can serve as platforms for states to establish common understandings regarding the principles governing the development and use of AI. UNESCO, for instance, has adopted the *Recommendation on the Ethics of Artificial Intelligence*, which provides a global normative framework addressing the development and use of AI while emphasizing ethical principles and human rights.[8] This development demonstrates that international organizations function not merely as forums for diplomatic cooperation but also as important actors in the development of norms that can influence national legal and policy frameworks.

The role of international organizations has become increasingly significant because AI regulation requires coordination capable of bridging differences in legal approaches and interests among states. Research on international AI governance indicates that there is still no uniform regulatory framework or comprehensive consensus among states and international organizations concerning the governance of AI. Consequently, global organizations such as the United Nations have the potential to facilitate dialogue among states and accommodate diverse interests in developing coordinated principles and standards for AI governance.[9] Furthermore, developments in AI law demonstrate the need to integrate national, regional, and international approaches so that regulatory frameworks can respond effectively to the inherently transnational nature of AI technology.[10]

Based on these circumstances, the regulation of artificial intelligence beyond national borders is not merely a technological issue but also a significant issue in the development of international law. These dynamics place international organizations among the important actors in establishing norms, promoting regulatory harmonization, and developing legal principles that can serve as common references for states. Therefore, this article examines the regulation of artificial intelligence beyond national borders and the role of international organizations in the development of international law, particularly by analyzing how international norms and instruments have evolved in response to the challenges posed by AI and how these developments may contribute to the establishment of a more coordinated framework for global AI governance.

CONCERN

[8] Satya et al., "Human Rights Protection in Artificial Intelligence Governance: Comparative Lessons for Indonesia's Regulatory Framework," Diponegoro Law Review, 11(1), 2026, hlm. 68-69.
[9] Ibid.,
[10] Rahman, R. A., Artificial intelligence regulation on labour market: Comparative perspectives on the European Union Artificial Intelligence Act in the Indonesian context. *Lex Scientia Law Review, 8*(1), 2024, hlm. 300.

1. How do international organizations contribute to the development of global governance of artificial intelligence?

2. How has international law evolved to regulate the cross-border use and development of artificial intelligence?

METHOD

This study employs a normative legal research method using regulatory, conceptual, and international legal approaches. The regulatory approach is used to examine legal provisions and international documents concerning the regulation of Artificial Intelligence (AI), while the conceptual approach is applied to analyze the concepts of global AI governance, international cooperation, state sovereignty, jurisdiction, and cross-border AI regulation. The international legal approach is used to examine the development of international legal norms and provisions established through international organizations. The legal materials consist of primary legal materials, including international legal provisions and official documents developed by the United Nations, UNESCO, the Organisation for Economic Cooperation and Development (OECD), and the Council of Europe, as well as secondary legal materials consisting of relevant academic journals, books, and scholarly publications. All legal materials are analyzed descriptively through interpretation and comparative analysis to identify the role of international organizations in the development of global AI governance and the evolution of international law in regulating the cross border use and development of AI.

International organizations also play a role in the development of global governance regarding Artificial Intelligence (AI)

An international organization is an association formed and supported by several countries of their own volition, with the aim of maintaining world peace in international relations.[11] Under international law, an international organization holds the status of a subject of international law as long as it possesses international legal personality. This status enables international organizations to have their own rights and obligations, distinct from those of their member states, and to take legal actions in accordance with the authority granted to them in their founding instruments.[12]

According to Sri Setianingsih Suwardi, there are narrow and broad definitions of an international organization. In the narrow sense, an international organization is defined as a forum where countries cooperate to solve specific problems. In the broad sense, an international organization is a forum for cooperation among countries, and that forum has authority over its member states.[13]

H.G. Schermers defines an international organization as a form of cooperation based on an international agreement that results in a legal entity under international law and at least one institution acting of its own free will, independent of its founders.[14]

Thus, international organizations play a vital role in fostering cooperation, maintaining order, and promoting compliance with international law. The existence of international organizations

[11] Carissa Adelia Z, dkk, "Peran Organisasi Internasional di Dalam Suatu Negara ", Socius: Jurnal Penelitian Ilmu-Ilmu Sosial , 1(6), 2024, hlm. 122.
[12] Putu Nanda Putra Utama Wirnatha Wibawa dkk., "Eksistensi dan Fungsi Kedudukan Hukum Organisasi Internasional," Jurnal Locus Delicti, Vol. 4, No. 1, 2023, hlm. 41.
[13] Ibid.,
[14] Ibid.,

also serves as a means for states to address global issues that cannot be effectively resolved through the actions of individual states acting separately.

The role of international organizations in AI governance is closely linked to their status as norm-setting actors that is, actors that help shape, develop, and disseminate norms or principles that serve as guidelines for state behavior in international relations.[15] In this regard, norm-setting is carried out through the drafting of international treaties, resolutions, declarations, recommendations, and policy guidelines. These norms can influence national policies and serve as a reference for states in determining the limits and responsibilities regarding the use of AI technology.

This role can be seen in various initiatives developed by international organizations, one of which is the United Nations (UN). As an international organization with a broad membership, the UN serves as the primary forum for establishing global AI governance, as the development of this technology is closely tied to the interests of the international community such as the protection of human rights, security, and equitable access to technology. These efforts were realized through the adoption of the Global Digital Compact on September 22, 2024, as part of the Pact for the Future. This agreement promotes international cooperation in AI governance, including the establishment of mechanisms for dialogue and scientific assessment. Subsequently, the UN General Assembly adopted Resolution A/RES/79/325 on August 26, 2025, establishing the Independent International Scientific Panel on Artificial Intelligence and the Global Dialogue on Artificial Intelligence Governance.[16] The scientific panel is intended to provide evidence-based assessments of the opportunities and risks of AI, while the global dialogue serves as a forum for countries to discuss AI governance policies and cooperation.

Through these measures, the UN plays a role in fostering mutual understanding and coordination among nations. However, establishing global AI governance requires not only forums for dialogue but also principles that can serve as guidelines for practice. It is this need that prompted UNESCO to develop an AI ethics framework through the “Recommendation on the Ethics of Artificial Intelligence,” adopted on November 23, 2021. This recommendation marks UNESCO’s first global standard on AI ethics and provides guidance for countries in developing and using AI while respecting human rights.

UNESCO’s recommendations include principles such as transparency, fairness, privacy protection, human oversight, and accountability. These principles are intended to prevent the use of AI that harms society, including discrimination, data misuse, and unaccountable decision-making. UNESCO also encourages countries to incorporate these ethical principles into national policies, such as those related to education, health, and data management. Under international law, UNESCO’s recommendations constitute “soft law” they do not automatically bind countries legally but carry normative weight as they serve as a reference for countries and stakeholders in formulating human rights-oriented AI policies.

While UNESCO emphasizes ethical foundations, the Organization for Economic Co-operation and Development (OECD) complements this approach with policy principles that promote innovation and ensure AI is trustworthy. The OECD plays a role in developing AI policy guidelines through the OECD AI Principles, which were first adopted in 2019 and updated in 2024 to align with technological advancements, particularly generative AI and general purpose AI.[17] The update

[15] Martha Finnemore, at al, “International Norm Dynamics and Political Change”, *International Organization*, 52(4), 1998, hlm. 895.
[16] United Nations, Global Digital Compact, diadopsi sebagai bagian dari Pact for the Future, 22 September 2024; United Nations General Assembly, Resolusi A/RES/79/325, 26 Agustus 2025
[17] OECD, “OECD Updates AI Principles to Stay Abreast of Rapid Technological Developments,” 3 Mei 2024

reinforces the focus on issues of safety, privacy, intellectual property rights, and information integrity.

The OECD AI Principles promote the development of innovative and trustworthy AI, while respecting human rights and democratic values. These principles encompass inclusive growth, transparency, safety, and accountability. The OECD also provides recommendations to governments for developing AI policies that can foster innovation while mitigating technological risks.[18] These principles are not a legally binding international agreement, but they serve as intergovernmental guidelines that influence the formulation of AI policies and promote harmonization of governance approaches at the global level.

Unlike the approaches of UNESCO and the OECD, which are based on recommendations and policy principles, the Council of Europe has taken a further step by establishing a legally binding international legal framework for signatory states. This is embodied in the Framework Convention on Artificial Intelligence and Human Rights, Democracy, and the Rule of Law, which was adopted on May 17, 2024, and opened for signature on September 5, 2024.[19] This convention is the first legally binding international treaty that specifically regulates AI in relation to human rights, democracy, and the rule of law.

The convention requires States Parties to take steps to ensure that activities within the AI system from development to use remain consistent with the principles of human rights, democracy, and the rule of law. States Parties are also encouraged to conduct risk assessments and establish oversight mechanisms to address the impacts of AI. The Council of Europe's contribution differs from that of UNESCO and the OECD in that it produces legal regulations that can impose obligations on States Parties in accordance with the provisions of the convention.[20] These differing approaches demonstrate that the contributions of international organizations to AI governance take not only the form of norm-setting but also encompass policy harmonization, international cooperation, and the development of common standards.

The contribution of international organizations to AI governance can be understood through four interrelated forms: norm-setting, policy coordination, international cooperation, and standard-setting. Norm-setting involves establishing norms and principles that serve as guidelines for the behavior of states and stakeholders in AI development, as exemplified by UNESCO's recommendations on AI ethics. Meanwhile, policy coordination involves harmonizing policies among nations so that differing approaches to regulating AI do not create barriers to international cooperation. The United Nations fulfills this role through global dialogue forums that enable countries to discuss policies and develop a common understanding.[21]

In addition to establishing norms and harmonizing policies, international organizations play a role in strengthening cooperation through knowledge exchange, research, capacity building, and technical assistance, particularly for developing countries. International organizations also promote the development of AI standards that prioritize safety, transparency, and human

[18] Ibid.,
[19] Council of Europe, Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, CETS No. 225, 2024.
[20] Ibid.,
[21] United Nations, Global Digital Compact, 2024.

rights. However, coordination still faces challenges due to differences in mandates and priorities. UNESCO emphasizes ethical and human rights aspects; the OECD promotes innovative and trustworthy AI policies; while the Council of Europe develops legal frameworks related to human rights, democracy, and the rule of law. Developing countries also face limitations in resources and expertise to implement these evolving standards. Therefore, better coordination is needed by clarifying the division of roles, harmonizing policies, and increasing the involvement of developing countries. The United Nations can serve as a global coordination forum, while UNESCO, the OECD, and the Council of Europe carry out their respective roles in accordance with their mandates so that AI governance can proceed in a more focused and complementary manner.

The Development of International Law in Regulating the Cross-Border Use and Development of Artificial Intelligence (AI)

The development of artificial intelligence (AI) has driven changes in international law, particularly because this technology can be developed in one country using data from another country and can produce legal and social impacts across various jurisdictions. This situation raises issues concerning jurisdiction, human rights protection, developer liability, and law enforcement. However, to date, there is no single universal international treaty that comprehensively regulates all aspects of AI. Therefore, the development of international law in this field has taken place through a combination of international principles, recommendations issued by international organizations, regional instruments, and national regulations that influence one another.[22]

The initial stage of this development was characterized by the use of soft law, which refers to instruments containing principles and guidelines but lacking the same binding force as international treaties. One example is the Recommendation on the Ethics of Artificial Intelligence, adopted by UNESCO in 2021. This instrument encourages states to develop AI that respects human rights, upholds human dignity, and considers social and environmental impacts. Although it is not binding in the same way as a treaty, this guideline plays a role in establishing common standards for countries that do not yet have harmonized legal approaches to AI. A similar development can be observed in the OECD AI Principles, which were updated in 2024 to adapt to technological advancements. These principles emphasize inclusive AI that respects human rights, is transparent, safe, and accountable. The OECD Principles help establish a common policy direction among countries, including in addressing AI systems used across borders, and emphasize the importance of transparency, security, fairness, and accountability in the development and use of AI. These principles can serve as a reference for shaping AI governance policies, although their implementation still needs to be adapted to the legal framework of each country.[23]

Attention to human rights has further strengthened the demand for AI regulation to go beyond ethical guidelines. AI systems can cause discrimination, threaten privacy, restrict access to

[22] Huw Roberts et al., "Global AI governance: barriers and pathways forward," *International Affairs* 100(3), 2024, hlm. 1278.
[23] Naufal Noumi A. P. et al., "Artificial Intelligence dalam Sistem Hukum Indonesia: Tantangan Regulasi dan Pertanggungjawaban Hukum," *Jurnal Hukum Lex Generalis*, 7(10), 2026, hlm. 22.

services, or affect freedom of expression when used without adequate supervision. Therefore, AI regulation needs to be developed with reference to human rights obligations recognized under international law. Vidalis argues for the importance of more binding international regulation to address the risks AI poses to human rights, although the establishment of an instrument with broad applicability still faces political and legal challenges.[24] A significant transition from guidelines to more concrete legal regulations can be seen in the Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, which was adopted by the Council of Europe and opened for signature in 2024. This Convention establishes a legal framework for the development, design, and application of AI that must be consistent with human rights, democracy, and the rule of law. Although it originates from a regional organization, the scope of the Convention and its openness to countries outside the Council of Europe demonstrate efforts to establish cross-border legal cooperation. The status of signature and entry into force must still be distinguished, as signing does not automatically mean that a country is bound as a party to the Convention.[25]

At the regional level, the European Union has developed a more detailed approach through Regulation (EU) 2024/1689, known as the Artificial Intelligence Act. This regulation establishes a risk-based framework by setting different obligations according to the level of risk posed by AI systems, including prohibitions on certain practices and requirements for high-risk AI systems. Its influence on cross-border governance arises from the fact that the regulation may apply to certain products or providers operating in the European Union market. However, the AI Act is a regional regulation of the European Union, not a universal international treaty that automatically binds all countries.[26]

In addition to establishing principles and obligations, the development of AI law is also closely related to data governance. AI systems often use data that is collected, processed, or transferred across national borders, thereby raising issues concerning privacy, security, data access, and the allocation of responsibilities. The OECD report on data governance and privacy emphasizes the importance of international cooperation in addressing differences in legal and policy approaches among countries. This demonstrates that AI regulation cannot be separated from existing legal frameworks, particularly those concerning personal data protection and privacy rights.[27] Although these instruments demonstrate progress, law enforcement concerning cross-border AI still faces challenges. Differences in national regulations may complicate the determination of applicable law when developers, service providers, users, and injured parties are located in different countries. Furthermore, the technical nature of AI systems may make it difficult to establish the cause of harm, while data and decision making processes may be under the control of companies operating outside the jurisdiction of the affected parties. Therefore, the principles of transparency and accountability need to be accompanied by oversight mechanisms, inter-agency cooperation, and access to effective legal remedies.[28]

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[24] Takis Vidalis, "Artificial Intelligence and Human Rights: Towards an Advanced International Binding Regulation?," *Goettingen Journal of International Law,* 15(2), 2025, hlm. 279.
[25] Council of Europe, Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, CETS No. 225, 2024.
[26] European Parliament and Council of the European Union, Regulation (EU) 2024/1689 of 13 June 2024.
[27] OECD, "OECD Updates AI Principles to Stay Abreast of Rapid Technological Developments," 3 Mei 2024
[28] Huw Roberts et al., "Global AI governance: barriers and pathways forward," *International Affairs* 100(3), 2024, hlm. 1283.

Another challenge is the differences in political interests, levels of technological development, and regulatory capacities among countries. Countries with advanced technological capabilities and substantial resources may have greater influence in determining standards, while countries with limited capacities risk facing difficulties in implementing regulations and supervising foreign AI providers. Global AI governance faces institutional and political barriers that require international coordination. Therefore, the establishment of common standards needs to be accompanied by strengthening national capacities and ensuring broader participation so that AI governance does not merely reflect the interests of certain countries or technology companies.

Based on these developments, the regulation of AI under international law is gradually evolving from the establishment of ethical principles and voluntary guidelines toward a more structured legal framework, including regional conventions and regulations that have binding force within certain jurisdictions. However, these developments have not yet resulted in a fully harmonized global legal system. Future cross-border AI regulation requires international cooperation that integrates human rights protection, data governance, transparency, accountability, and law enforcement mechanisms. Thus, the evolution of international law depends not only on the establishment of new instruments but also on the ability of states and international organizations to consistently implement the principles that have been agreed upon.[29]

CONCLUSION

Based on the discussion, it can be concluded that international organizations play an important role in developing global governance of artificial intelligence (Artificial Intelligence/AI). The ability of AI to transcend national borders means that the regulation of this technology cannot rely solely on national law, but requires cooperation among states and a common understanding of standards that can be jointly applied. This role is carried out through the establishment of norms, policy coordination, the strengthening of international cooperation, and the development of principles and standards for the development and use of AI. The United Nations (UN) serves as a global coordination forum, UNESCO promotes the application of ethical principles and the protection of human rights, the OECD develops policy guidelines to promote innovative and trustworthy AI, while the Council of Europe establishes a legal framework linking the use of AI with human rights, democracy, and the rule of law. These different approaches demonstrate that each international organization makes complementary contributions to establishing more structured AI governance.

The development of international law in regulating the cross-border use and development of AI demonstrates a shift from the use of soft law instruments toward the establishment of a more concrete and binding legal framework. UNESCO's recommendations and the OECD Principles serve as guidelines for states in formulating AI policies, while the Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law adopted by the Council of Europe demonstrates progress toward regulation through international treaties. At the regional level, the European Union has also developed the Artificial Intelligence Act using a risk based approach. Although these instruments demonstrate progress in AI regulation, a universal international legal framework that comprehensively regulates all aspects of AI has not yet been

[29] Takis Vidalis, "Artificial Intelligence and Human Rights: Towards an Advanced International Binding Regulation?," *Goettingen Journal of International Law,* 15(2), 2025, hlm. 276.

established. Differences in national regulations, jurisdictional issues, limitations in law enforcement mechanisms, and disparities in technological and regulatory capacities among countries remain obstacles to achieving harmonized AI governance.

Therefore, the development of international law concerning AI should be directed toward strengthening cooperation among states, harmonizing policies, and enhancing national capacities to implement agreed principles and standards. Such regulation must also be accompanied by clear oversight and accountability mechanisms so that risks of discrimination, privacy violations, data misuse, and harm resulting from the use of AI can be addressed effectively. Thus, the success of global AI governance is determined not only by the establishment of new legal instruments, but also by the consistent implementation of regulations, the equal participation of various countries, and the ability of international organizations to bridge differences in interests. Through these efforts, international law is expected to develop adaptively in response to technological advancements while ensuring that the development and use of AI continue to respect human rights, the principles of justice, and legal certainty.

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