

# ARTIFICIAL INTELLIGENCE AND THE CYBER UTOPIANISM OF JUSTICE. WHY AI IS NOT INTELLIGENCE AND MAN'S STRUGGLE TO SURVIVE HIMSELF

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## ABSTRACT

**Objective:** to show the ontological differences between human and artificial intelligence and address structural divergences at the definitional level.

This work integrates a more detailed and specific panel of articles and researches conducted as CrossMediaLabs which covered the following topics in 2023 and 2024

- Copyrights and artificial intelligence systems. Legal principles and requirements underlying law in a globalised world
- From the European Court of Justice ruling of 4 July 2023 (Case C252/21) to paid social profiles. The intervention of ex-post justice does not solve the problem of citizens' data management.
- AI and human emotions: definition, regulation and possible implications.
- Artificial intelligence at the service of criminal justice? AI and criminal law: benefits and dangers of a de-humanisation of justice
- From clarity of the act to legal design. A realist commentary on new trends in cyber-utopianism.
- The Supreme Court decision 43638/2023 and the competent court for the crime committed by means of computer operations: the crossroads of the choice between the place of human action and the technological place.
- Legislative Decree 107/2023: the new rules to combat the dissemination of terrorist material on the network. An initial reading of the limits and risks to constitutional rights.
- AI-generated images: for a Chinese court they can be protected by copyright
- The legal protection of neural rights

**Methods:** dialectical approach to cognition of social phenomena, allowing to analyze them in historical development and functioning in the context of the totality of objective and subjective factors, which predetermined the following research methods: formal-logical and sociological.

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**Results:** a cross-cutting analysis was applied to the phenomenon of AI between cyber utopianism and cyber realism. Starting from a quote by Max Tegmark, the theory of artificial intelligence is reconstructed by the theorists who founded the discipline (Turing, Minsky, Bernstein, von Neumann) and it is discussed why – in light of the discoveries and assumptions of neuroscience – it is not possible to define it as intelligence according to human criteria. Three short notes are included in the appendix that complete the discussion: 1. on the consciousness of machines 2. on the theory of utopian cyber employment and remuneration 3. “The hungry judge is more cruel” (discussion on an Israeli study).

**Scientific novelty:** through the examination of multiple types of intelligence (Gardner) and social intelligence (Thorndike, Goleman), a more complex definition of intelligence is proposed than that which can be replicated by artificial neural networks, especially in relation to the interaction between animal and environment. Three short messages highlight the uncertainty and risks that may arise from the rampant use of artificial intelligence as judges.

**Practical significance:** starting from a correct definition of human intelligence, the author comes to the definition of artificial intelligence. Beyond the myth of AI, we discover its limits and the objective limitations we must provide for in order to save the most precious asset we have: mankind.

**Keywords:** artificial intelligence, justice, criminal law, neuroscience, computational theory