Simen Owen Academic Proceedings Series

Vol. 3 2026

Article **Open Access**

Evaluating the Effectiveness of Legal Regulation of AI-Generated Content and Optimizing Regulatory Pathways

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Abstract: The rapid expansion of generative artificial intelligence (AI) has transformed fields such as media, education, and politics, while simultaneously raising urgent legal and ethical challenges. Issues including disinformation, copyright disputes, and threats to democratic processes have intensified debates on how best to regulate AI-generated content. Yet existing research often focuses on single jurisdictions, lacks systematic evaluation criteria, and rarely explores pathways for globally adaptive governance, leaving both scholars and policymakers without a coherent framework for assessing effectiveness. This study addresses these gaps by developing a multidimensional evaluative framework grounded in technology-law co-evolution, risk-benefit balancing, and human rights-based governance. Employing comparative legal analysis, doctrinal review, and case studies from the European Union, the United States, and China, the research assesses regulatory effectiveness across three dimensions: enforceability, adaptability, and rights protection. Findings indicate that the EU ensures comprehensive safeguards but struggles with consistent enforcement, the U.S. emphasizes expressive freedom but remains fragmented, and China achieves strong compliance at the cost of transparency and rights. The paper contributes theoretically by integrating diverse perspectives into a coherent model and practically by proposing a hybrid regulatory pathway that combines hard law, soft law, and oversight mechanisms. This approach provides a roadmap for more balanced and adaptive governance of AI-generated content.

Keywords: generative artificial intelligence; legal regulation; comparative governance; enforcement and adaptability; human rights protection

Received: 19 December 2025
Revised: 31 January 2026
Accepted: 11 February 2026
Published: 18 February 2026

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1. Introduction

The rise of artificial intelligence (AI) systems capable of generating text, images, video, and audio has created profound opportunities and challenges for governance [1]. Generative AI models have already transformed education, journalism, art, and political communication [2]. Yet their scalability, speed, and capacity to mimic human expression also generate pressing risks: the spread of disinformation through deepfakes, disruption of intellectual property regimes, threats to democratic processes, and erosion of trust in authentic content [3]. These consequences have driven governments, international organizations, and private actors into urgent debates on regulation.

Despite growing initiatives, responses remain fragmented, uneven, and reactive. The European Union's Artificial Intelligence Act represents the most comprehensive framework, emphasizing risk-based obligations and ex-ante safeguards, but faces challenges in consistent enforcement and application to fast-evolving models [4]. The United States, constrained by free speech protections and decentralized governance, relies on sectoral or state-level measures, resulting in a patchwork ill-suited for transnational

platforms [5]. China has introduced binding measures mandating security reviews, data controls, and watermarking, ensuring enforceability but raising concerns about censorship and expressive freedoms [6]. Collectively, these regimes illustrate both regulatory diversity and shared shortcomings: definitional ambiguities, enforcement gaps, and difficulty keeping pace with innovation.

Existing scholarship provides valuable insights but significant gaps remain. Much research focuses narrowly on single jurisdictions or evaluates regulations in isolation, neglecting their effectiveness in balancing enforceability, adaptability, and rights protection. Few studies construct a comprehensive analytical framework for assessing effectiveness or propose pathways for adaptive, globally coordinated governance. This leaves policymakers and scholars without clear guidance to evaluate what works, what fails, and what innovations are most promising.

This paper addresses these gaps through comparative analysis of the EU, U.S., and China, complemented by case studies on copyright disputes, election deepfakes, and state enforcement. Drawing on theories of technology-law co-evolution, risk-benefit balancing, and human rights-based governance, it develops a multidimensional framework to assess enforceability, adaptability, and rights protection. The study combines doctrinal analysis, comparative legal study, and qualitative case research to capture both breadth and depth.

The contribution is twofold. Academically, it advances theoretical debates by offering an integrated framework for evaluating regulatory effectiveness. Practically, it proposes optimized pathways combining the stability of hard law with the flexibility of soft law, clarifying trade-offs across models and suggesting mechanisms for international coordination. This provides a roadmap for more balanced and adaptive regulation of AI-generated content.

2. Literature Review

The regulation of AI-generated content has attracted increasing scholarly attention, producing a range of theoretical approaches and empirical studies. To clarify the state of research, this review examines three major subfields: legal theories of technology regulation, regulatory approaches to AI-generated content, and governance models involving multiple stakeholders. Each strand reveals different strengths and limitations, and together they highlight the analytical gaps that this paper aims to address.

2.1. Legal Theories of Technology Regulation

One dominant stream in the literature emphasizes the precautionary principle, arguing that the potential harms of AI-generated content, such as disinformation, bias, and rights violations, justify strict ex-ante controls [7]. This view prioritizes risk minimization and often advocates for comprehensive statutory frameworks. An opposing school adopts an innovation-driven perspective, suggesting that overregulation could stifle technological progress and that adaptive mechanisms should allow experimentation before restrictive measures are imposed [8]. Between these poles, a third position stresses the importance of balancing legal certainty with regulatory flexibility, proposing hybrid approaches that combine binding legal norms with iterative guidelines [9]. While these theoretical debates provide a foundation for understanding regulatory rationales, they often remain abstract and insufficiently connected to empirical case studies of generative AI.

2.2. Regulatory Approaches to AI-Generated Content

A second body of scholarship focuses on sector-specific legal responses. Studies of copyright law, defamation, election integrity, and platform liability highlight how existing legal doctrines have been adapted to address the challenges of AI-generated works [10]. One perspective views traditional content laws as largely adequate, requiring only minor adjustments to definitions and enforcement mechanisms. Another contends that

generative AI introduces qualitatively new challenges, such as the indistinguishability between human and machine expression, which existing frameworks cannot resolve [11]. Comparative analyses show that regional approaches diverge significantly: some jurisdictions favor ex-ante obligations and risk classification, others rely on reactive litigation, while others adopt centralized administrative control [12]. The strength of this scholarship lies in its detailed legal analysis, but its limitation is the lack of cross-regional synthesis that evaluates effectiveness beyond doctrinal compatibility.

2.3. Governance Models and Multi-Stakeholder Perspectives

A third strand of literature examines governance models. State-centric approaches emphasize legislative and regulatory authority, ensuring enforceability but risking rigidity and limited innovation. Co-regulatory approaches assign shared responsibility to industry through codes of conduct and technical safeguards, offering flexibility but weaker accountability. Participatory models highlight civil society and user rights, enhancing legitimacy and transparency but facing coordination difficulties [13].

Comparative studies show that no single model provides a complete solution: state-led systems deliver uniformity, industry-led systems provide adaptability, and participatory models secure legitimacy [14]. Yet most research treats these perspectives in isolation, lacking integration into a multidimensional framework. This study addresses that gap by synthesizing governance debates with theoretical and comparative insights, providing a foundation for optimizing regulatory pathways in the dynamic context of AI-generated content.

3. Theoretical Framework and Methodology

3.1. Theoretical Framework

The regulation of AI-generated content requires integration of broader theories of technology governance and law. This study adopts three complementary perspectives: technology-law co-evolution, risk-benefit balancing, and a human rights-based approach.

The technology-law co-evolution perspective emphasizes the dynamic interaction between innovation and regulation. Law evolves in response to technological advances, while technology adapts to legal boundaries. The EU's Artificial Intelligence Act, which introduces risk-based categories of AI systems, exemplifies an effort to anticipate evolving model capabilities, though its effectiveness depends on future interpretive adjustments [15].

The risk-benefit balancing model highlights trade-offs between mitigating harms and preserving innovation. Regulation of deepfakes illustrates this dilemma: while state-level laws in the U.S. aim to curb political disinformation, First Amendment protections limit restrictions, reflecting a preference for expressive freedom even at the cost of harm prevention.

The human rights-based approach focuses on safeguarding expression, privacy, and cultural participation. China's 2023 Interim Measures for Generative AI, mandating alignment with "core socialist values" and security reviews, demonstrate how centralized rules can ensure compliance but raise concerns over censorship and user autonomy.

By combining these perspectives, the study constructs a multidimensional framework assessing regulatory effectiveness along three axes, enforceability, adaptability, and rights protection, providing both analytical depth and guidance for designing optimized regulatory pathways.

3.2. Methodology

To operationalize the theoretical framework, this study employs a combination of qualitative research methods, including comparative legal analysis, textual analysis of statutory provisions and policy documents, and case study examination. This mixed-

methods approach enables both breadth, through cross-jurisdictional comparison, and depth, through close engagement with specific legal controversies.

3.2.1. Comparative Legal Analysis

The comparative method is used to evaluate regulatory regimes across three major jurisdictions: the European Union, the United States, and China. These jurisdictions were selected because they represent divergent models of governance, rights-based precaution in the EU, fragmented and litigation-driven regulation in the U.S., and centralized administrative control in China. Each system illustrates distinctive priorities and institutional structures, allowing for meaningful contrasts and the identification of transferable lessons.

3.2.2. Textual and Doctrinal Analysis

Doctrinal analysis is applied to statutory texts, regulatory guidelines, and judicial decisions that directly address AI-generated content. This includes examination of the EU AI Act, U.S. state statutes on deepfakes, and China's Interim Measures. Textual analysis focuses on definitional clarity, scope of application, and enforcement mechanisms. The objective is to assess how well each legal framework operationalizes abstract regulatory goals into actionable rules.

3.2.3. Case Study Analysis

To ground the theoretical framework, three case studies illustrate the practical challenges of regulating AI-generated content.

First, during the 2024 U.S. election cycle, deepfake videos depicting candidates spread widely online. Although states such as Texas and California enacted laws restricting deceptive political deepfakes, enforcement was weakened by jurisdictional limits, rapid dissemination, and constitutional protections for free speech. This case shows the tension between regulatory aims and constitutional norms.

Second, in the European Union, copyright litigation from 2023 to 2025 highlighted disputes over training data and derivative works. Courts in Germany and France examined whether AI outputs infringed existing copyrights and whether scraping constituted fair use. The unsettled outcomes demonstrate the difficulty of applying traditional intellectual property rules to generative AI, especially when balancing creators' rights with innovation.

Third, in China, the Cyberspace Administration imposed fines and suspensions on providers releasing "harmful" or "unverified" outputs. Obligations such as watermarking and algorithmic reviews were strictly enforced, illustrating strong compliance capacity but also raising concerns over censorship and limited freedom of expression.

Together, these cases demonstrate how divergent regulatory strategies confront similar challenges, highlighting trade-offs between enforceability, adaptability, and rights protection..

3.3. Research Object Selection and Process

The selection of the EU, the U.S., and China as focal jurisdictions is justified not only by their geopolitical significance but also by their contrasting governance models. Together, they represent three archetypal approaches: precautionary, liberal, and authoritarian. By examining these cases, the study is able to test the applicability of the evaluative framework across diverse contexts and extract lessons for global regulatory coordination.

The research process proceeded in three stages. First, primary legal texts and policy documents were collected from official sources, including EU legislative archives, U.S. state legislatures, and Chinese regulatory agencies. Second, secondary literature was reviewed to contextualize and critique these texts, with particular attention to

publications from 2023 onward that reflect the latest developments. Third, case studies were selected for detailed analysis based on their salience, diversity, and representativeness. This triangulated approach ensures both comprehensiveness and reliability. As summarized in Table 1, the EU, U.S., and China illustrate contrasting regulatory instruments, priorities, and enforcement patterns that frame the comparative analysis.

Table 1. Comparative Overview of Regulatory Approaches to AI-Generated Content.

Jurisdiction	Key Instruments	Primary Focus	Strengths	Limitations	Illustrative Case
European Union	AI Act, Copyright Directives	Risk-based ex-ante regulation, IP rights	Comprehensive framework, rights emphasis	Enforcement complexity, definitional ambiguity	AI art copyright litigation (Germany, France)
United States	State deepfake laws, sectoral regulations	Free speech, liability after harm	Protects expressive freedoms, flexible	Fragmentation, weak pre-emptive measures	Deepfake election ads
China	Interim Measures for Generative AI	Content control, security reviews	Strong enforcement, clear obligations	Overbreadth, limited rights protection	CAC sanctions on AI providers

4. Findings and Discussion

The comparative analysis reveals three central dimensions shaping the effectiveness of AI content regulation: enforceability, adaptability, and rights protection. These findings build upon the earlier case studies and link back to the theoretical framework of technology-law co-evolution, risk-benefit balancing, and human rights-based governance.

4.1. Effectiveness of Regulatory Enforcement

One of the clearest findings concerns the variance in enforceability across jurisdictions.

In the European Union, the AI Act represents a comprehensive attempt at harmonized regulation, mandating obligations such as transparency, risk classification, and documentation. However, the effectiveness of these provisions is undermined by uneven enforcement across member states. The copyright litigation cases in Germany and France demonstrate how national courts interpret and apply general EU directives differently. While German courts leaned toward a more expansive interpretation of derivative works in the AI context, French courts exhibited more caution, emphasizing authors' moral rights. The inconsistency underscores how enforceability depends not only on legislative design but also on judicial practice.

In the United States, the case of deepfake election advertisements revealed the fragmented and reactive nature of enforcement. Although Texas and California enacted statutes prohibiting the dissemination of deceptive AI-generated videos within election periods, these laws proved difficult to enforce due to jurisdictional boundaries and constitutional free speech protections. Content spread rapidly across platforms hosted outside the state, and challenges invoking the First Amendment weakened attempts at legal intervention. This suggests that enforceability is severely constrained when regulation is both decentralized and constitutionally limited.

In China, by contrast, the enforcement capacity of centralized authorities such as the Cyberspace Administration of China (CAC) enabled swift punitive measures. Providers

of generative AI tools that failed to implement watermarking or algorithmic content moderation faced fines and suspensions. This demonstrates the high enforceability of top-down systems. Yet the price of enforceability was the lack of procedural safeguards, leaving limited room for contestation or proportionality analysis. As shown in Figure 1, enforcement capacity is highest in China, moderate in the EU, and weakest in the U.S.

Finding 1: Enforcement effectiveness is maximized in centralized systems but often at the expense of due process and rights protection, while decentralized systems preserve legal safeguards but struggle to respond quickly to emergent harms.

Figure 1. Enforcement Strength Across Jurisdictions.

4.2. Adaptability to Technological Change

The second dimension concerns adaptability, namely whether legal regimes can evolve in step with the rapid development of generative AI technologies.

In the European Union, adaptability is constrained by slow legislative processes. Although the AI Act was designed as a horizontal framework, amendments require lengthy negotiations among member states. Current debates over whether general-purpose AI models should be classified as "high-risk" illustrate how legal certainty and stability can hinder timely responsiveness.

The United States exhibits stronger adaptability, as its reliance on case law and sector-specific statutes allows courts to reinterpret doctrines such as fair use or defamation in light of novel technologies. Ongoing copyright litigation involving AI-generated art exemplifies this flexibility: courts are considering whether training data scraping qualifies as transformative use. Yet adaptability is weakened by fragmentation, with divergent state and federal rulings creating inconsistent standards.

China demonstrates administrative adaptability, where agencies such as the Cyberspace Administration can rapidly revise measures and compel immediate compliance. The 2023 Interim Measures highlight how regulatory changes can be synchronized with technological advances. However, this discretion-driven responsiveness reduces predictability for businesses and limits legal stability.

These contrasts are summarized in Table 2, which shows how legislative amendment, judicial precedent, and administrative rule-making shape the strengths and weaknesses of each system.

Table 2. Adaptability Comparison Across Jurisdictions.

Jurisdiction	Mechanism of Adaptation	Strengths	Weaknesses	Case Example
EU	Legislative amendment, EU directives	Stability, legal certainty	Slow, consensus-dependent	Ongoing debates on general-purpose models under AI Act
U.S.	Judicial precedent, state legislation	Flexible, case-specific	Fragmentation, inconsistency	Copyright litigation on AI-generated art
China	Administrative rule-making (CAC)	Rapid responsiveness	Discretionary, unpredictable	Interim Measures revised and enforced in 2023

Finding 2: Adaptability is strongest where regulatory authorities or courts retain discretion (China and the U.S.), but both models risk inconsistency. The EU emphasizes stability and legal certainty, yet risks lagging behind innovation.

4.3. Protection of Fundamental Rights

The third dimension concerns the protection of fundamental rights.

The EU has historically emphasized human rights, and this orientation is evident in its approach to AI content regulation. The AI Act incorporates principles of transparency and accountability, while existing copyright and data protection frameworks safeguard individual rights. However, the balance is not always maintained: strict copyright enforcement risks limiting creative reuse and stifling innovation. The German and French cases illustrate how rights to protect authorship may conflict with broader rights to access and innovate.

The U.S. regime places freedom of expression at the center of its constitutional structure. This is both a strength and a weakness. On one hand, robust First Amendment protections prevent overbroad restrictions on generative content. On the other hand, these same protections limit the government's ability to regulate harmful disinformation, as the deepfake election advertisement case demonstrated. The paradox is that strong rights protections can undermine regulatory effectiveness when harms occur through speech-related technologies.

In China, rights protection is subordinated to broader state objectives such as social stability and information control. While providers are obliged to avoid producing harmful or false content, the criteria for such determinations are aligned with political priorities rather than individual rights. As the CAC enforcement cases show, rights such as freedom of expression or cultural participation are compromised in favor of enforceability and control. As illustrated in Figure 2, each jurisdiction aligns with distinct rights trade-offs.

Finding 3: Rights protection varies sharply: the EU emphasizes proportionality and balance, the U.S. emphasizes expressive freedom often at the expense of harm prevention, and China prioritizes stability over rights.

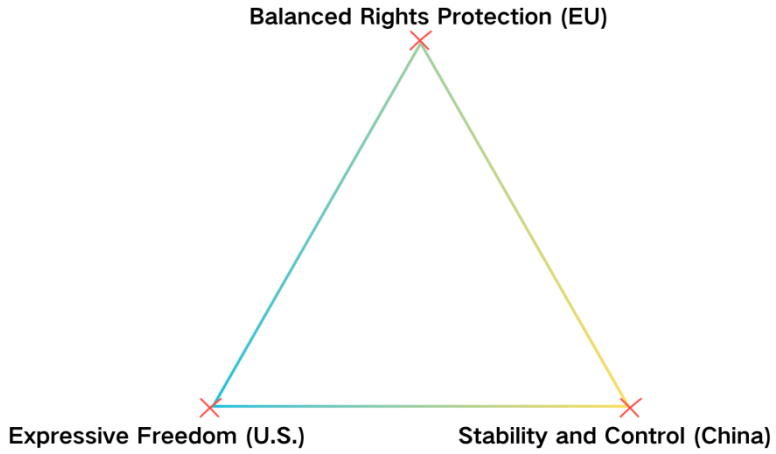

Figure 2. Rights Protection Trade-Offs.

4.4. Comparative Synthesis and Theoretical Implications

By comparing these three dimensions across jurisdictions, several broader findings emerge.

First, the analysis supports the theory of technology-law co-evolution. Each system's regulatory design reflects its underlying legal culture and political structure, and each adapts in different ways to generative AI. The EU relies on consensus-driven lawmaking,

the U.S. leverages adversarial litigation, and China exercises centralized authority. These models illustrate how legal systems evolve in tandem with their institutional environments.

Second, the findings highlight the applicability of the risk-benefit balancing model. In each jurisdiction, regulatory choices reflect implicit judgments about the acceptable trade-offs between innovation and risk. The EU tilts toward risk management, the U.S. toward innovation and expressive freedom, and China toward risk avoidance through control. These trade-offs illustrate the absence of a universally optimal regulatory design, underscoring the need for contextualized solutions.

Third, the findings confirm the importance of a human rights-based approach. While rights protection is uneven, the comparative analysis reveals that long-term legitimacy depends on embedding rights into regulatory frameworks. Systems that compromise rights for short-term enforceability risk undermining user trust and international credibility.

4.5. Contribution to Scholarship and Policy

The findings contribute to scholarly debates in several ways. Unlike much existing research, which examines regulations in isolation, this study demonstrates the value of a multidimensional framework that evaluates enforceability, adaptability, and rights protection simultaneously. This integrative approach bridges theoretical perspectives with empirical case evidence, showing not only where regulations succeed or fail but also why.

From a policy perspective, the study identifies the need for hybrid regulatory pathways. Purely centralized enforcement maximizes compliance but undermines rights; purely decentralized enforcement preserves rights but weakens efficacy. A balanced pathway would combine baseline hard law obligations with adaptive soft law mechanisms, such as industry codes and multi-stakeholder oversight, to enhance both flexibility and legitimacy.

As illustrated in Table 3, the proposed hybrid pathway integrates enforceability, adaptability, and rights protection through statutory obligations, soft law instruments, and independent oversight, offering both flexibility and legitimacy in regulating AI-generated content.

Table 3. Optimized Hybrid Regulatory Pathway.

Dimension	Proposed Mechanism	Rationale	Expected Impact
Enforceability	Baseline statutory obligations (e.g., watermarking, disclosure)	Ensure minimum safeguards	Increase compliance across platforms
Adaptability	Soft law instruments (industry codes, guidelines)	Enable flexible responses to new risks	Reduce regulatory lag
Rights Protection	Independent oversight bodies, judicial review	Safeguard proportionality and accountability	Enhance legitimacy and trust

4.6. Discussion of Innovation and Value

This study contributes innovation by integrating cross-jurisdictional insights into a framework that evaluates AI content regulation through enforceability, adaptability, and rights protection. Unlike prior research that isolates single systems, the analysis offers a comparative synthesis that links theory with concrete cases.

The value is twofold. Academically, it provides an integrative lens connecting legal theory with empirical practice, clarifying how different systems embody distinct trade-offs. Practically, it offers policymakers guidance to design hybrid pathways: statutory obligations for baseline safeguards, soft law for flexibility, and independent oversight for rights protection.

In application, this means combining the EU's structured risk classification, the U.S.'s judicial adaptability, and China's administrative responsiveness while avoiding their respective shortcomings. Such a model advances both scholarly debate and regulatory practice by aligning effectiveness with legitimacy.

5. Conclusion

This study has examined the effectiveness of legal regulation of AI-generated content through a comparative analysis of the European Union, the United States, and China. By applying a multidimensional framework, enforceability, adaptability, and rights protection, the research highlights the distinctive strengths and weaknesses of each system. The EU offers comprehensive ex-ante safeguards but struggles with uniform enforcement; the U.S. protects expressive freedom yet faces fragmented and reactive regulation; China ensures strong compliance but often at the expense of transparency and rights.

The paper contributes theoretically by integrating perspectives of technology-law co-evolution, risk-benefit balancing, and human rights-based governance into a coherent evaluative model. This synthesis provides a new lens that connects abstract theories with concrete legal practices. Practically, it advances policy design by proposing a hybrid regulatory pathway that combines baseline statutory safeguards, adaptive soft law, and independent oversight. Such an approach can reconcile enforcement needs with innovation and legitimacy.

Future research should extend this framework by testing its applicability in emerging contexts, such as cross-border content governance, AI-driven misinformation in global elections, and the regulation of multimodal systems. Greater interdisciplinary collaboration between law, computer science, and ethics will also be essential to refine adaptive and globally coordinated regulatory models.

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