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2024: The Year of AI? Exploring the Role of Legal Scholarship and Interdisciplinary Research

Editorial

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The publication of the second issue of 2024 of the European Journal of Law and Technology marks the culmination of an academic year rich in developments in the field of law and technology. Notably, in July, the Official Journal of the European Union published the text of Regulation (EU) 2024/1689: the Artificial Intelligence (AI) Act. Initially proposed in 2021, this landmark legislation was finalised just before the 2024 European elections, underscoring the EU's commitment to being the first to adopt a comprehensive AI regulation on a global scale.

Will 2024-2025 continue to be the year of AI? If the experience with the GDPR has taught us anything, the adoption of the AI Act will not signal the end of scholarly discourse on artificial intelligence. In fact, this Act is a preemptive measure in a context where the development and widespread adoption of AI is still in its early stages. Legal scholars now bear a significant responsibility: ensuring that the normative requirements are clearly interpreted and effectively implemented by technology specialists. While doctrinal legal scholarship remains important, contemporary law and technology research necessitates a high degree of interdisciplinarity. A deep understanding of how technology functions is essential to identify the challenges faced by AI developers. At EJLT, we are proud to showcase some of the best work reflecting these cross-disciplinary efforts. In this issue, we are pleased to present four original articles that contribute to the ongoing discourse in law and technology.

The first article, titled **'How Distrust is Driving Artificial Intelligence Regulation in the European Union',** by Clement Guitton, Aurelia Tamò-Larrieux, and Simon Mayer

examines the role of distrust as a pivotal factor in the EU's regulatory approach to AI. The authors identify five distinct stages in the regulatory cycle: *laissez-faire*, awareness, politicisation, regulation, and cool-off. They argue that distrust is a key driver in moving from the awareness to the politicisation stage, which typically paves the way for regulation. While the paper discusses various regulatory areas, its primary focus is on the development of AI regulation within the EU context.

The next two articles delve into the realm of smart contracts. In **'Regulating Unfair Commercial Practices in a Smart Contract Context',** Jasper Verstappen explores the impact of smart contract technologies on laws governing unfair commercial practices. The article investigates how legal frameworks can balance technological neutrality and functional equivalency in light of the disruptive potential of smart contracts. Verstappen emphasizes that a deep understanding of how these technologies operate is essential to ensuring that consumer protections are upheld.

In **'InPerpetuity{Challenging Misperceptions of the Term 'Smart Contract'}'**, Monica Vessio, Arnold Beckmann, Matt Roach, Séverine Saintier, Rhys Clements, and Anton Setzer challenge the traditional definition of smart contracts from both legal and computing perspectives. The authors highlight a discrepancy between legal and computing definitions, noting that while smart contracts may represent various forms of code, not all of these involve two parties—a fundamental legal requirement for a contract. The paper proposes a more future-proof, interdisciplinary definition of the concept, bridging the gap between law and computing.

Our final article of this issue, **'A Principled Approach to Infrastructure Moderation'**, by Tristan Goodman, offers a novel perspective on the role of internet infrastructure providers in online content moderation. Goodman argues that while much of the focus has been on the responsibilities of social media platforms, the potential contribution of infrastructure providers has been overlooked. The paper explores the possibility of recognising a limited, principle-based role for these actors in moderating online content.

We hope these articles will engage your interest and inspire further research. As always, we extend our deepest gratitude to our anonymous peer reviewers for their tireless efforts, to our copyeditor Vicki Hillyard, and to the members of the editorial board for their time and support. Needless to say, we also thank our authors and readers for their continued support of the EJLT.

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