

LEGAL AND ECONOMIC CHALLENGES OF ARTIFICIAL INTELLIGENCE USE IN JOURNALISM: TOWARDS RESPONSIBLE MEDIA GOVERNANCE

Liudmyla Borovyk¹, Sergii Paladiichuk², Oleksandr Golovach³

Abstract. This article presents a comprehensive interdisciplinary analysis of the legal and economic challenges associated with the use of artificial intelligence in journalism. It does this within the framework of developing a model of responsible media governance. The relevance of the study is driven by several factors. Firstly, there has been rapid diffusion of generative artificial intelligence technologies in editorial practice. Secondly, there has been transformation of media business models. Thirdly, there has been emergence of new challenges relating to copyright protection, professional journalistic ethics, and information security. Finally, there is a need to harmonise Ukrainian legislation with the European regulatory framework governing artificial intelligence. The study aims to examine the legal and economic implications of artificial intelligence in journalism, evaluate current approaches to its regulation and demonstrate that responsible media governance is a viable model for balancing technological innovation, economic efficiency and public interest protection. The findings demonstrate that, although artificial intelligence can substantially enhance the efficiency of editorial workflows by automating routine tasks, it can also generate new legal, economic and ethical challenges. These challenges are associated with using journalistic content to train generative AI models, allocating liability for AI-generated content, developing the market for licensing journalistic data, spreading disinformation and the growing use of digital avatars and synthetic media. The study concludes that the risk-based regulatory approach set out in the European Union's Artificial Intelligence Act (AI Act) offers a modern conceptual basis for managing the use of artificial intelligence in the media sector. However, effective implementation requires economic mechanisms to complement content licensing, transparent allocation of responsibilities among digital ecosystem participants, and further development of editorial self-regulation. The research's scientific novelty lies in substantiating the interdisciplinary concept of responsible media governance, integrating legal, economic and organisational self-regulatory mechanisms for the use of artificial intelligence in journalism. The practical significance of the findings is their potential to improve Ukrainian legislation on media and artificial intelligence, develop editorial AI governance policies, establish licensing mechanisms for journalistic content and align the national regulatory framework with European Union legislation.

Keywords: artificial intelligence, journalism, media governance, AI Act, copyright, media law, responsible AI, content licensing, disinformation.

JEL Classification: K24, K39, L82, O33, D83

1. Introduction

The rapid advancement of generative artificial intelligence (AI) is one of the most significant drivers of transformation in contemporary journalism.

Technologies that were once used primarily to automate specific technical tasks are now being integrated throughout the entire editorial workflow, from information retrieval and transcription to translation,

Received on: April 26, 2026 **Accepted on:** July 19, 2026 **Published on:** August 07, 2026

¹ Private Higher Education Establishment
"Academician Stepan Demianchuk International University
of Economics and Humanities", Ukraine (*corresponding author*)
E-mail: misborovyk@gmail.com
ORCID: <https://orcid.org/0000-0002-8997-0577>

² The National University of Water and Environmental Engineering, Ukraine
E-mail: s.b.paladiichuk@nuwn.edu.ua
ORCID: <https://orcid.org/0000-0003-2748-4482>

³ Private institution "Scientific Institute of Public Law", Ukraine
E-mail: agolovach@gmail.com
ORCID: <https://orcid.org/0009-0007-8462-3561>



This is an Open Access article, distributed under the terms
of the Creative Commons Attribution CC BY 4.0

text generation, audio and video content creation, news feed personalisation, and audience engagement. Simultaneously, the application of artificial intelligence extends well beyond the technological modernisation of newsrooms. It is fundamentally reshaping the economic models of media organisations, changing the way they approach copyright protection and creating new risks for information security. It is also raising complex questions about who is legally responsible for AI-generated content.

In light of the rapid development of generative AI models trained on vast amounts of journalistic content, these issues have become particularly significant. Such systems are evolving from tools that support journalistic work into influential actors within the digital information ecosystem. The emergence of a new market for licensing journalistic content, high-profile litigation between leading global media organisations and developers of generative AI systems, and the adoption of the European Union's Artificial Intelligence Act (AI Act) all demonstrate that the use of AI in journalism has become a matter of global legal and economic importance.

These challenges are even more pressing for Ukraine. Against the backdrop of the Russian Federation's large-scale armed aggression, digital information technologies are being used not only to support the development of the media sector, but also as instruments of information influence, disinformation campaigns and the dissemination of synthetic media. Meanwhile, Ukrainian news organisations must adapt to rapidly changing economic conditions, identify alternative sources of funding and integrate artificial intelligence into their editorial workflows – all while upholding professional journalistic standards in the absence of a comprehensive legislative framework governing the use of AI technologies. In these circumstances, there is an increasing need for a legal and economic regulatory model that can facilitate the digital transformation of the media sector while protecting the rights of journalists and publishers, ensuring algorithmic transparency and maintaining public trust in the media.

Contemporary scholarly literature on the use of artificial intelligence in journalism tends to examine the topic from isolated perspectives, such as digital media transformation, copyright law, information security, and AI ethics. However, the interplay between economic incentives, legal regulation and editorial self-governance remains under-explored. This complicates the development of an integrated governance framework for the responsible use of AI within media organisations.

The purpose of this study is therefore to provide a comprehensive analysis of the legal and economic challenges associated with the use of artificial intelligence in journalism. It will also evaluate

contemporary regulatory approaches and substantiate the concept of responsible media governance. This concept integrates legal, economic and organisational self-regulatory mechanisms for the use of artificial intelligence, while ensuring an appropriate balance between technological innovation, media freedom, economic efficiency and the protection of the public interest.

2. Literature Review

An analysis of the scholarly literature indicates that the study of artificial intelligence (AI) in journalism is gradually emerging as a distinct interdisciplinary field, integrating perspectives from legal studies, economics, media studies and digital governance. The rapid development of generative AI technologies has greatly expanded the scope of academic research, covering everything from the automation of editorial processes and changes to media business models to legal issues such as the regulation of journalistic content, copyright protection, algorithmic transparency, liability for AI-generated content and safeguarding information security.

Considerable attention has been devoted to examining the legal nature of artificial intelligence in Ukrainian legal scholarship. This includes its legal personality, liability-related issues, and its broader implications for the development of the contemporary legal system. The works of V. S. Kobko-Odarii, M. I. Hrab, O. A. Kostenko, T. P. Popovych, O. V. Masliuk, A. A. Matsola, O. S. Kotukha and S. Hlotov have explored these issues. Their research covers the legal aspects of AI systems, copyright protection, privacy rights, digital human rights and adapting national legal frameworks to emerging technological challenges.

The economic implications of artificial intelligence (AI) have been investigated by M. O. Tomashivskiy, R. V. Ivanov, T. V. Hrynk, R. I. Shchur, V. V. Matskiv, I. V. Kokhan and other scholars. They identify AI as a key driver of digital economic transformation, labour productivity growth, financial market development and Ukraine's post-war economic recovery. These studies emphasise the importance of combining technological innovation with modern mechanisms of public regulation, risk management and economic resilience.

In the field of international scholarship, the study of artificial intelligence covers a wide range of topics, including the economics of innovation, digital governance, and the transformation of legal institutions. Erik Brynjolfsson, Anton Korinek and Joshua Gans have made significant contributions to the economic analysis of artificial intelligence, examining the effects of generative AI on productivity, labour market dynamics and competition policy in their research.

Ryan Abbott and Ugo Pagallo have extensively explored the legal dimensions of artificial intelligence, including algorithmic liability and the evolution of regulatory frameworks. Their work focuses on copyright, digital liability, and the development of contemporary AI governance models.

A distinct strand of recent research focuses on the regulation of artificial intelligence in the media sector. International academic and policy literature is increasingly addressing issues such as licensing journalistic content for training generative AI models, algorithmic transparency, combatting disinformation and deepfakes, and developing responsible approaches to using artificial intelligence in editorial practice. Particular attention has been devoted to the risk-based regulatory framework established by the European Union's Artificial Intelligence Act (AI Act), the recommendations developed within the PROMPT project, and the emerging editorial standards that govern the use of generative AI.

Despite the growing body of scholarship on artificial intelligence, most existing studies focus primarily on one of its three main dimensions: legal, economic or technological. In contrast, integrated analyses of the legal, economic and organisational mechanisms that govern the use of AI in journalism are still in their infancy. In particular, insufficient attention has been given to developing sustainable economic models for licensing journalistic data, allocating responsibilities among participants in the digital media ecosystem, and integrating the requirements of the AI Act, editorial self-regulation and economic governance mechanisms into a coherent framework for the responsible governance of the media. This study is primarily motivated by the need to address these research gaps, which define its overall scope and direction.

3. Methodology

This study takes an interdisciplinary approach, integrating legal, economic and media studies perspectives to examine the use of artificial intelligence in journalism. This approach enables artificial intelligence to be conceptualised not only as a technological instrument of digital transformation within editorial practice, but also as an object of comprehensive legal regulation, economic governance and editorial self-regulation. It provides a comprehensive framework for analysing the relationship between regulatory requirements, the economic models of media organisations, and the practical application of generative AI in the modern information landscape.

This study uses a systems approach to gain a thorough understanding of the connections between the legal, economic, technological and ethical aspects of artificial intelligence in journalism. A comparative legal

method is used to analyse regulatory approaches to AI systems in Ukraine and the European Union. Particular emphasis is placed on the provisions of the AI Act and contemporary international practices regarding the protection of copyright and licensing of journalistic content. This study uses a law and economics approach to evaluate the impact of generative artificial intelligence on the transformation of media business models, the development of the market for licensing journalistic data, the creation of new content monetisation strategies, and the distribution of economic risks among stakeholders in the digital media ecosystem. Finally, institutional analysis is employed to examine how public regulation, editorial self-governance and corporate practices relating to the use of artificial intelligence interact in the media sector.

The empirical basis of the study comprises Ukrainian and European Union legislation governing the media sector, copyright and artificial intelligence; case law relating to the use of journalistic content for training generative AI models; analytical reports produced by international organisations; the National Council of Ukraine on Television and Radio Broadcasting's Recommendations on the Responsible Use of Artificial Intelligence in the Media Sector; the findings of the PROMPT project; and contemporary scholarly research in law, economics, journalism and digital governance.

The study's limitations primarily stem from its theoretical and analytical nature. The conclusions are based on an analysis of the existing legal framework, international practice, academic literature and publicly available analytical materials, and do not include a quantitative, empirical assessment of the economic impact of artificial intelligence on media organisation operations. Consequently, further research employing econometric, sociological and behavioural methods is required to evaluate the effectiveness of responsible media governance models in the context of ongoing digital transformation.

4. Results and Discussion

4.1. The Economic Logic of Integrating Artificial Intelligence into Editorial Practice

The adoption of artificial intelligence technologies by contemporary media organisations is primarily driven by the economic logic underlying editorial operations in the digital environment. Amid intensifying competition for audience attention, declining traditional advertising revenues and continuous growth in the volume of information, news organisations are compelled to seek solutions that can enhance labour productivity, reduce production costs and accelerate content creation simultaneously. Consequently, artificial intelligence is increasingly being seen not just

as a technological innovation, but also as a strategic tool for improving the economic performance and long-term sustainability of media organisations.

According to the Reuters Institute for the Study of Journalism, generative AI has been adopted by the general public at an exceptionally rapid pace. The proportion of users who had interacted with systems such as ChatGPT at least once increased from 40% to 61% within a year, while regular weekly use almost doubled from 18% to 34%. This trend not only reflects the widespread diffusion of a new technology, but also a profound transformation in news consumption patterns. Audiences are increasingly engaging with AI-generated news summaries, conversational chatbots, personalised recommendations and audio and video versions of journalistic content. This, in turn, stimulates institutional demand for AI technologies among media organisations themselves. These organisations must adapt their editorial workflows to evolving patterns of information consumption, all the while remaining competitive on digital platforms whose algorithmic infrastructures are largely beyond their control (Newman, Arguedas, Robertson, Nielsen, Fletcher, 2025).

Concurrently, the economic ramifications of artificial intelligence remain ambiguous and necessitate a thorough evaluation. The automation of transcription, translation, media monitoring, archival searches, preliminary data processing, and the preparation of draft texts has been shown to have a significant impact on the efficiency of editorial operations. Consequently, even relatively small newsrooms are now capable of handling workloads that were previously the preserve of substantially larger editorial teams. A notable example of this is the Lux TV and Radio Company media holding, where AI technologies are employed for the preparation, editing and voice-over production of news content, while mandatory human editorial oversight is maintained at the final stage of production. This hybrid model, combining automation with human supervision, has been shown to enhance newsroom productivity and contribute to the mitigation of professional burnout among journalists by alleviating repetitive technical tasks (Dzholos, 2025).

Conversely, the comprehensive integration of artificial intelligence systems necessitates considerable investments in technological infrastructure, cybersecurity, staff training, the adaptation of internal editorial procedures, and legal compliance. The latter encompasses the verification of AI licensing conditions, the assessment of intellectual property risks, the protection of personal data, compliance with copyright legislation, and the development of internal policies governing the responsible use of artificial intelligence. It is evident that for regional, local and niche media organisations, the aforementioned expenditures may constitute a considerable financial burden. This is due

to the fact that they may partially offset the anticipated economic benefits derived from the automation of editorial processes (National Council of Ukraine on Television and Radio Broadcasting, 2024).

From the perspectives of economic efficiency, journalistic ethics, and legal regulation, the most controversial application of artificial intelligence remains the generation of content that simulates direct human participation, including digital presenters, virtual journalists, and AI-powered avatars. The employment of digital replicas of actual presenters in Ukraine's international broadcasting initiatives, particularly in studio-based audiovisual productions intended for digital platforms, exemplifies the advanced technological sophistication of such systems. This sophistication encompasses realistic facial expressions, natural body movements, synchronised speech, and the ability to efficiently produce multilingual content (Dzholos, 2025). From an economic perspective, these technologies create significant opportunities for scaling up media production and substantially reducing the costs associated with content localisation. Concurrently, the implementation of digital avatars gives rise to a plethora of intricate legal and ethical concerns. These encompass the requisite disclosure of AI-generated content to audiences, the safeguarding of an individual's rights concerning their digital likeness, the necessity for informed consent with regard to the utilisation of a journalist's image and voice, and the maintenance of authenticity in journalistic communication. In such circumstances, the economic advantages of automation are increasingly superseded by reputational, ethical, and legal risks. This underscores the necessity of developing a comprehensive model of responsible media governance, within which economic efficiency is balanced with adherence to professional journalistic standards and the requirements of the law.

4.2. The Emergence of the Market for Licensing Journalistic Data

One of the most significant economic consequences of the rapid development of generative artificial intelligence is the emergence of a new sector within the media economy: the market for licensing journalistic content to train large language models (LLMs). Traditionally, the economic value of journalistic content was realised primarily through advertising, subscriptions or content syndication. However, editorial archives are increasingly acquiring independent economic value as high-quality datasets required for training, fine-tuning and improving generative AI models. Consequently, journalistic content is evolving into a distinct economic asset capable of generating new revenue streams independently of direct audience consumption.

The economic rationale underpinning this market is based on the mutual interests of its participants. Developers of large language models require access to reliable, well-structured and professionally produced textual corpora to ensure high-quality AI training. Meanwhile, media organisations are seeking to diversify their revenue streams in the face of declining traditional advertising income and changing media consumption patterns. This convergence of interests has led to a number of significant commercial agreements between major international media companies and technology firms specialising in artificial intelligence. For example, News Corp, the owner of The Wall Street Journal, the New York Post and the Times, has entered into a licensing agreement with OpenAI. According to estimates published by the Wall Street Journal, this agreement could be worth more than 250 million USD over five years. It grants OpenAI access to both current and archived journalistic content for use in developing its generative AI models (AIN.UA, 2024).

Similar developments can be observed across the international media industry. For example, Axel Springer, the parent company of Politico and Business Insider, entered into a long-term content licensing agreement with OpenAI reportedly valued at 25–30 million USD (Cullen & Davalos, 2023). Similarly, in 2023, the Associated Press granted OpenAI licensed access to its news archive, which dates back to 1985 (Lewin, 2025). According to industry analysis, the majority of these agreements adopt a hybrid remuneration model combining an upfront payment with recurring royalties based on the actual use of the licensed content. They also increasingly distinguish between training rights, which authorise the use of journalistic materials for training AI models, and display rights, which govern the presentation of excerpts, quotations or hyperlinks in AI-generated responses (Lewin, 2025). These contractual arrangements effectively give rise to a new category of proprietary rights in journalistic content, which was largely absent from the traditional economic model of the media industry.

At the same time, this market's emergence is characterised by a pronounced asymmetry in the bargaining power of its participants. According to industry reports, during the early stages of development, OpenAI offered some publishers annual licensing payments ranging from 1 million USD to 5 million USD to use their content for training AI models. However, several participants in these negotiations considered such offers to be disproportionate to the actual value of the journalistic resources provided (AIN.UA, 2024). This highlights the structural imbalance between large, international media groups with extensive archives of high-quality content and globally recognised brands, and smaller,

regional or local news organisations with substantially more limited negotiating capacity. Consequently, major publishing groups can establish a new, relatively stable source of revenue, while smaller media organisations – including many regional newsrooms in Ukraine – are largely excluded from this emerging market.

This issue extends beyond purely economic considerations to encompass important legal and societal dimensions. As the findings of the PROMPT project demonstrate, most existing recommendations, co-operation models and commercial practices are designed for large media organisations with the financial, organisational and legal resources to negotiate sophisticated licensing agreements (van Berkum, 2026). In contrast, local newsrooms, independent journalistic initiatives and media outlets operating in less widely spoken languages receive far less methodological, technological and financial support. In the long term, this trend could lead to economic value in journalistic data becoming concentrated in the hands of a small number of large international media groups and technology corporations. This is likely to exacerbate structural inequalities within the global media market, highlighting the need for more balanced legal mechanisms to govern the licensing of journalistic content in the era of generative artificial intelligence.

4.3. Litigation Concerning AI Training on Journalistic Content

Where voluntary licensing agreements between media organisations and artificial intelligence developers cannot be reached, conflicts of interest inevitably enter the realm of intellectual property rights protection. Consequently, litigation has evolved from being merely a means of resolving disputes between individual copyright holders and technology companies to becoming one of the main instruments shaping the future legal and economic framework that governs the market for journalistic data. In this context, court proceedings play a decisive role in determining the boundaries of what is permissible when using copyrighted journalistic works to train generative AI models.

The most prominent example is *The New York Times v. OpenAI and Microsoft*, which was filed with the United States District Court for the Southern District of New York on December 27, 2023. The plaintiff alleges that the defendants used millions of its copyrighted journalistic articles to train artificial intelligence models without authorisation or remuneration. A key issue in the case is the claim that, in certain instances, ChatGPT can reproduce substantial portions of *The New York Times'* articles almost verbatim. According to the plaintiff, this allows users to bypass the newspaper's subscription paywall, thereby

undermining its subscription-based business model. The lawsuit was subsequently consolidated with similar claims brought by the New York Daily News and the Center for Investigative Reporting, highlighting the systemic nature of the dispute for the media industry as a whole (LegalClarity, 2026).

The subsequent course of the proceedings has demonstrated that the legal questions raised extend well beyond the traditional boundaries of copyright law. In March and April 2025, Judge Sidney H. Stein rejected OpenAI's and Microsoft's motions to dismiss the main copyright infringement claims, enabling the case to be heard on its merits. However, he dismissed several additional causes of action (Allyn, 2025). As of mid-2026, the case remains in the discovery phase and no trial date has been set (LegalClarity, 2026). OpenAI's defence is primarily based on the fair use doctrine, arguing that training AI models on publicly available materials constitutes transformative use that neither substitutes for nor displaces the market for the original works (Allyn, 2025). In contrast, the plaintiffs argue that systematically using journalistic works to train models that can reproduce substantial amounts of copyrighted content, or effectively replace access to such content, constitutes direct interference with the commercial market for professional journalism. This deprives copyright holders of legitimate economic remuneration (LegalClarity, 2026).

The economic significance of this litigation extends far beyond the interests of those directly involved. Essentially, the court will decide whether journalistic works can be used to train generative artificial intelligence without a licensing agreement, or if such use should require contractual authorisation and appropriate remuneration for copyright holders. This question will have a significant impact on the future economic landscape of the journalistic data market, how economic value is distributed between media organisations and AI developers, and the long-term incentives for producing high-quality journalistic content. Regardless of the final legal decision, the litigation has already accelerated negotiations over content licensing, as evidenced by numerous high-profile commercial agreements being concluded between media companies and AI developers.

This dispute is of particular importance to Ukraine because the current legislative framework does not yet provide a comprehensive legal regime governing the use of journalistic works as training data for generative artificial intelligence models. At the same time, Article 33 of Ukraine's Law on Copyright and Related Rights establishes the legal framework applicable to works created using computer programmes and artificial intelligence technologies (The Law of Ukraine "On Copyright and Related Rights" of December 1, 2022,

No. 2811-IX). However, it does not address the legality of using pre-existing journalistic works for AI training without the consent of the relevant copyright holders. In the absence of specific legislative regulation, international judicial practice – particularly with regard to the use of journalistic content for training generative AI systems – is likely to become an important reference point for the development of Ukrainian legislation, helping to establish a balanced legal framework that governs the relationship between the media industry and artificial intelligence developers.

4.4. The EU AI Act's Risk-Based Approach and Its Significance for Media Regulation

Adopted in 2024, the European Union Artificial Intelligence Act (AI Act) represents the world's first comprehensive legislative framework for the systematic, risk-based regulation of artificial intelligence. Unlike traditional sector-specific regulation, the AI Act classifies AI systems according to their potential risk to fundamental rights, public interests and democratic institutions. It distinguishes between systems posing an unacceptable risk, a high risk, a limited risk and a minimal risk. A differentiated set of legal obligations governs the development, deployment and use of artificial intelligence technologies in each category (European Parliament & Council of the European Union, 2024).

In the context of journalism and the media sector, it is particularly notable that many modern AI applications, such as automated news production, text generation, personalised news feeds, recommendation algorithms, comment moderation systems and targeted advertising technologies, do not formally qualify as high-risk AI systems under the AI Act. This is because they are not deployed in areas such as healthcare, judicial decision-making, law enforcement or critical infrastructure (Shekeriak-Kushka, 2025). Nevertheless, such a formal classification does not accurately reflect the scale of their actual societal impact. The cumulative effects of algorithmic content personalisation, automated news dissemination and the prioritisation of information by algorithms can substantially influence public trust, political communication, electoral processes and the functioning of democratic institutions. Consequently, an increasing number of scholars argue that, in addition to the formal risk categories established by the AI Act, the media sector should be assessed in light of its broader implications for information security and democratic governance.

A salient feature of the AI Act is its non-prescription of a universal prohibition on the utilisation of artificial intelligence in journalism. Instead, it establishes a system of preventive safeguards, with the principle of transparency occupying a central position. It is imperative that users are explicitly informed whenever

they interact with artificial intelligence systems and whenever textual, audio, or audiovisual content has been wholly or substantially generated or modified through AI technologies. Of particular note is the mandatory labelling of synthetic audiovisual content (deepfakes), which is intended to reduce the risks of public manipulation, disinformation, and deception (European Parliament & Council of the European Union, 2024). From an economic perspective, whilst these transparency obligations may result in increased regulatory compliance costs for media organisations, they simultaneously contribute to the strengthening of audience trust, which is increasingly recognised as one of the most valuable intangible assets of contemporary media enterprises.

Concomitantly, the AI Act should not be regarded in isolation. The regulatory effectiveness of the Digital Services Act (DSA) is contingent upon its interaction with other foundational elements of the European Union's digital governance framework, namely the DSA, which establishes rules concerning illegal content moderation, algorithmic transparency, and the accountability of online platforms (European Parliament & Council of the European Union, 2022), and the Digital Markets Act (DMA), the objective of which is to ensure fair competition between large digital gatekeepers and other market participants (European Parliament & Council of the European Union, 2022). When considered as a whole, these legislative instruments establish an integrated model of digital governance that combines economic, competition, information governance, and fundamental rights protections within a coherent regulatory framework for digital platforms and artificial intelligence systems (Shekeriak-Kushka, 2025). The contemporary European regulatory model is distinguished by an integrated approach, in contrast to the fragmented regulation traditionally applied to individual technologies.

For Ukraine, the significance of the AI Act extends well beyond the formal harmonisation of national legislation with European Union law. In the context of Russia's full-scale military aggression, persistent information operations, and the widespread use of artificial intelligence technologies to generate disinformation, the implementation of a risk-based regulatory approach also acquires an important national security dimension. Concomitantly, alignment with European regulatory standards engenders the requisite conditions for the development of a contemporary model of responsible media governance, predicated upon the balanced integration of technological innovation, freedom of expression, algorithmic transparency, and effective risk management in the utilisation of artificial intelligence.

4.5. The Ukrainian Regulatory Framework: Between Soft Law and Legislative Vacuum

As of the mid-2020s, Ukraine has not yet adopted a dedicated legislative act comprehensively regulating the use of artificial intelligence in the media sector. Concurrently, a significant component of soft law has already come to the fore in the form of the Recommendations on the Responsible Use of Artificial Intelligence in the Media, developed by the National Council of Ukraine on Television and Radio Broadcasting (National Council of Ukraine on Television and Radio Broadcasting, 2024). Despite the absence of legally binding force in these Recommendations, they signify Ukraine's inaugural national standard for the responsible governance of artificial intelligence in journalism, thereby establishing normative benchmarks for prospective legislative regulation.

The aforementioned Recommendations establish a comprehensive framework of principles governing the responsible use of artificial intelligence. These principles encompass editorial accountability, legality, regular risk assessment, algorithmic transparency and explainability, audience awareness, personal data protection, non-discrimination, meaningful human oversight, accountability, and the adaptability of editorial processes (National Council of Ukraine on Television and Radio Broadcasting, 2024). The proposed framework integrates the legal, ethical and organisational dimensions of governance, treating the use of artificial intelligence not merely as a technological issue but as an essential component of contemporary media corporate governance.

The Recommendations' practical significance lies in their ability to extend beyond the declarative formulation of general principles by providing editorial teams with concrete mechanisms for their implementation. The document contains a structured methodology for assessing AI systems and AI-generated content according to risk levels ranging from unacceptable to low. This methodology takes into account various factors, including the developer's jurisdiction, licensing and pricing conditions, intellectual property considerations, personal data protection, the professional competence required of editorial staff, and procedures for meaningful human oversight. Of particular importance is the explicit designation of AI systems developed in an aggressor state as presenting an unacceptable risk. This introduces a distinct national security dimension into the regulatory framework (National Council of Ukraine on Television and Radio Broadcasting, 2024). This approach closely resembles the methodology proposed by the European PROMPT project in both its structure and underlying rationale. The project translates general ethical principles governing artificial

intelligence into practical procedures for day-to-day editorial governance (van Berkum, 2026).

Nevertheless, the current Ukrainian legislative framework does not yet comprehensively regulate the use of artificial intelligence in editorial practice. The Law of Ukraine "On Media" is an important step towards aligning national legislation with that of the European Union, particularly with regard to the regulation of online platforms and video-sharing services. However, it pays little attention to issues such as algorithmic information management, the automated generation of journalistic content or integrating generative AI models into editorial workflows (The Law of Ukraine "On Media" of December 13, 2022, No. 2849-IX). Similarly, while Ukraine's Law on Copyright and Related Rights (The Law of Ukraine "On Copyright and Related Rights" of December 1, 2022, No. 2811-IX) establishes the legal regime governing content generated using artificial intelligence in Article 33, it leaves a number of fundamental issues concerning the lawful use of journalistic works for AI training, the allocation of proprietary rights and the distribution of legal responsibility among participants in the technological value chain unresolved.

From a law-and-economics perspective, regulatory fragmentation in this domain engenders additional transaction costs for media organisations. The onus falls upon the editorial offices to determine independently the permissible scope of AI use, to assess legal risks, and to develop internal governance policies and compliance procedures. This is a particularly onerous task for small regional and niche media outlets. The absence of clear statutory rules has the effect of reducing legal certainty and discouraging investment in the digital transformation of newsrooms. This is because the potential economic benefits associated with artificial intelligence remain accompanied by considerable legal uncertainty.

For these reasons, the development of Ukrainian media legislation should not be limited to implementing selected provisions of the AI Act. Instead, the focus should be on establishing a comprehensive framework for the responsible governance of artificial intelligence, ensuring a balanced allocation of responsibilities among AI developers, technology providers, digital platforms and media organisations. Unlike the traditional model of individual journalist or editor liability, which has characterised Ukrainian media law historically, today's algorithm-driven information environment requires a multi-level regulatory framework based on transparency, accountability, risk management and shared responsibility among all participants in the digital ecosystem.

4.6. Disinformation, Deepfakes, and Cross-Border Challenges

The rapid advancement of generative artificial intelligence has fundamentally altered the scale and nature of contemporary information threats. Technologies enabling automated text generation, image synthesis, and the production of synthetic audio and video (deepfakes), as well as automated content dissemination networks and AI models capable of imitating journalistic writing styles and editorial practices, have made the creation of highly convincing disinformation significantly cheaper, faster, and more technologically accessible than ever before (Shekeriak-Kushka, 2025). Consequently, artificial intelligence enhances the productivity of media organisations while substantially lowering the economic barriers to producing and disseminating manipulative content.

Findings from the EU-funded PROMPT project demonstrate that contemporary disinformation is increasingly cross-border in nature. Identical or slightly modified narratives are disseminated simultaneously in multiple languages and across various digital platforms and information ecosystems using automated algorithms that adapt content to specific audience characteristics (van Berkum, 2026). The phenomenon of narrative laundering is particularly illustrative. This is where information originating from marginal or anonymous sources gradually acquires an appearance of credibility through repeated citation, reformulation and algorithmic amplification, ultimately entering the information environment of established media outlets or widely trusted digital platforms (van Berkum, 2026).

At the same time, journalistic responses to these challenges tend to be organised within national boundaries. While most news organisations operate within their own linguistic, legal and informational jurisdictions, contemporary disinformation campaigns increasingly transcend national borders. They rely on the infrastructure of global digital platforms and function with virtually no territorial limitations. This creates a significant imbalance between the transnational scale of information threats and the fragmented nature of national mechanisms for detecting and mitigating them (van Berkum, 2026). From a law-and-economics perspective, such asymmetry is a classic example of negative externalities. The societal costs generated by the widespread dissemination of disinformation far exceed the ability of individual media organisations, or even states, to address them effectively.

For Ukraine, which continues to face Russia's full-scale military aggression, the use of generative artificial intelligence extends far beyond the domains of journalistic ethics or media regulation and has

become directly linked to the protection of information security and national security (Shekeriak-Kushka, 2025). The employment of artificial intelligence in the production of fabricated video statements, forged communications allegedly issued by public officials, manipulative social media content, coordinated information and psychological operations, and the automated dissemination of disinformation campaigns is of increasing concern. In such circumstances, the rate and extent at which false content can be produced far exceeds the capacity of editorial teams to verify it manually. This underscores the importance of automated fact-checking systems, digital content authentication technologies, and AI-based tools capable of detecting synthetic media.

Consequently, the recommendations of the National Council of Ukraine on Television and Radio Broadcasting include provisions that have few direct counterparts in comparable European regulatory instruments. In particular, they explicitly classify the use of artificial intelligence systems developed in, or by entities affiliated with, an aggressor state as presenting an unacceptable risk (National Council of Ukraine on Television and Radio Broadcasting, 2024). This approach is indicative of the specific characteristics of Ukraine's security environment and serves to complement the broader European principles of transparency, accountability, and risk-based AI governance with an additional national security criterion.

More broadly, these developments demonstrate the evolution of traditional media regulation into a wider system of information governance. In this system, the regulation of artificial intelligence is considered not only in terms of freedom of expression and technological innovation, but also as a vital part of economic resilience, democratic security and the state's strategic autonomy. An effective response to cross-border disinformation therefore requires further refinement of national legislation, stronger international coordination, greater harmonisation of regulatory standards and deeper co-operation between public authorities, media organisations, academic institutions and technology companies.

4.7. Artificial Intelligence in Ukrainian Media Practice: Benefits and Risks

The integration of artificial intelligence into the editorial processes of Ukrainian media organisations has been demonstrated to be a component of contemporary newsroom operations, rather than being in the experimental stage of digital transformation (Dzholos, 2025). AI technologies are now being incorporated across virtually every stage of media production, including news gathering, archival research, information processing, audiovisual content creation,

and the personalisation of audience engagement. This evolution signifies a transition by Ukrainian media organisations from the isolated utilisation of individual digital tools towards a novel model of editorial production, in which artificial intelligence functions as an integrated element of information management.

This transformation is illustrated by several practical examples. For instance, the online news outlet Babel uses artificial intelligence to synthesise journalists' voices for podcast production, ensuring continuity even when the original presenter is unavailable. Meanwhile, the Lux TV and Radio Company uses AI technologies to prepare, edit and produce voice-overs for news content, while retaining final editorial control over the accuracy and quality of the information published. The State Enterprise 'Multimedia Platform for Ukraine's Foreign Broadcasting' has introduced digital avatars of television presenters to its international broadcasting projects. This has substantially increased the platform's multilingual capacity, production efficiency and content scalability for international audiences (Dzholos, 2025). Together, these examples show that artificial intelligence's main economic benefit is not replacing journalists, but enhancing editorial productivity, reducing production costs and increasing the operational capabilities of media organisations.

At the same time, the use of digital avatars and synthetic representations of journalists presents some of the most complex legal and ethical challenges associated with artificial intelligence. Despite their technical realism, important questions arise regarding the adequacy of audience disclosure, the necessity of continuous and unambiguous labelling of AI-generated presenters, and the permissible scope for using a journalist's digital likeness, even where formal consent has been obtained (Dzholos, 2025). In this context, the critical issue goes beyond the legal formalisation of relevant contracts to include compliance with professional ethics, editorial transparency and preserving audience trust. This remains one of the most valuable intangible assets of modern media organisations.

Practical experience likewise confirms that automating individual editorial processes does not eliminate the need for professional journalistic oversight. As demonstrated by student-led practical research, even the most advanced systems for automatic speech recognition, text and image generation, machine translation and large-scale information processing cannot independently guarantee factual accuracy, contextual reliability, legal compliance or adherence to professional journalistic standards (Bartoshchak, 2025). Ultimate responsibility for fact-checking, source verification, legal compliance and adherence to editorial policies therefore remains with journalists and editorial teams.

Accordingly, the practice of Ukrainian media confirms the broader international trend towards the human-in-the-loop model. Under this model, artificial intelligence functions as an intelligent decision-support tool, while strategic, editorial and legally significant decisions remain the responsibility of humans. This approach allows media organisations to maximise the economic benefits of AI while reducing the risks of misinformation, copyright infringement, loss of editorial independence and declining public trust in journalism.

More broadly, these case studies demonstrate that the success of digital transformation in the media sector hinges less on the technological sophistication of AI systems than on the quality of institutional governance surrounding their deployment. The economic benefits of AI can only be realised where clear editorial policies, effective risk management mechanisms, transparent audience disclosure and the preservation of professional journalism's decisive role in editorial decision-making are firmly established. It is the combination of technological innovation, sound legal regulation, professional ethics and responsible media governance principles that provides the foundation for the sustainable integration of AI into the contemporary information environment.

4.8. Towards a Model of Responsible Media Governance

This study proposes a conceptual model of responsible media governance based on its findings. This model reflects the interdependence of the legal, economic and organisational dimensions of the use of artificial intelligence in journalism. Unlike traditional approaches, which primarily address technological regulation through isolated legal or ethical requirements, the proposed model is grounded in the concept of integrated risk governance. In this model, economic efficiency, editorial autonomy and legal accountability are not viewed as competing objectives, but as components that reinforce each other within a coherent media governance framework.

The first component of the model is legal in nature and calls for national legislation to be harmonised with the risk-based regulatory framework established by the AI Act. The core elements include developing clear legal rules for using artificial intelligence in editorial activities, introducing transparent risk assessment procedures and explicitly allocating responsibilities among AI developers, technology providers, media platforms and editorial organisations. The model also calls for the modernisation of copyright legislation to reflect the specifics of using journalistic content to train generative AI models (European Parliament & Council of the European Union, 2024). In this context, legal certainty is a fundamental institutional

prerequisite for the predictable development of media markets and for reducing regulatory uncertainty.

The second component is economic in nature, seeking to establish a fair framework for the distribution of economic value generated through the use of journalistic content by artificial intelligence systems. This involves developing transparent licensing mechanisms and fair compensation schemes for publishers whose content is used for AI training. Examples of such commercial agreements can be seen in the work of News Corp, Axel Springer, and the Associated Press (AIN.UA, 2024; Cullen & Davalos, 2023). It also provides support for small and regional news organisations in negotiations with major technology companies. Comprehensive assessments of the economic viability of AI adoption are also included, taking into account not only anticipated productivity gains, but also hidden costs relating to regulatory compliance, staff training, cybersecurity and reputational risk management (van Berkum, 2026). This perspective considers the digital transformation of the media sector to be a long-term investment strategy that requires the balanced management of economic opportunities and risks, rather than merely a technological process.

The third component represents the organisational and self-regulatory dimension, ensuring the practical implementation of responsible AI principles in everyday editorial practice. This component is based on internal editorial policies, structured risk management procedures and robust professional human oversight mechanisms, which have been developed by adapting the Ukrainian Recommendations on the Responsible Use of Artificial Intelligence in the Media, as well as the methodological framework proposed by the European PROMPT project. In practice, this component requires editorial teams to adhere to a structured set of governance measures. These include defining the purpose of AI deployment, appointing personnel responsible for human oversight, verifying information sources and factual accuracy, assessing the risk of bias and discrimination, ensuring transparency with audiences, reviewing compliance with legal and ethical standards, conducting quality assurance of AI-assisted content and continuously monitoring published materials after they are disseminated (van Berkum, 2026).

The proposed model shows that ensuring the responsible use of artificial intelligence cannot be achieved through statutory regulation or newsroom self-regulation in isolation. Rather, its effectiveness depends on the simultaneous operation of all three interconnected components – legal, economic and organisational – which collectively compensate for one another's limitations. This integrated governance architecture enables the maximisation of the economic benefits of AI while safeguarding editorial independence, professional journalistic standards,

intellectual property rights and public trust in the media.

Accordingly, responsible media governance should not be understood merely as a collection of ethical recommendations, but rather as a comprehensive model of AI governance in journalism. This model should integrate legal regulation, economic incentives and professional self-regulation into a unified institutional framework. In this model, AI is used to enhance the efficiency and sustainability of editorial work. However, the ultimate responsibility for editorial decisions, legal accountability, and moral judgement regarding published information remains with human actors.

5. Conclusions

This study's findings demonstrate that the use of artificial intelligence in journalism is creating a new set of interconnected legal, economic and ethical challenges that cannot be effectively addressed by technological solutions or traditional legal instruments alone. The digital transformation of the media sector is not only reshaping the processes involved in producing and distributing journalistic content, but also the economic models that underpin media organisations, the mechanisms that govern copyright exploitation and the allocation of responsibility among participants in the media ecosystem.

The study concludes that the risk-based regulatory approach set out in the European Union's Artificial Intelligence Act (AI Act) offers a modern conceptual framework for the regulation of artificial intelligence within the media sector. However, the effectiveness of this approach depends to a large extent on integrating legal regulation with appropriate economic governance mechanisms. This is particularly evident in the emerging market for licensing journalistic content for training generative AI models, where significant asymmetries in bargaining power persist between global technology companies and media publishers, particularly regional and local news organisations.

The analysis also shows that existing judicial practice has not yet established consistent legal standards for using journalistic works to train

generative artificial intelligence models. This creates considerable legal uncertainty concerning the relationship between copyright protection, the doctrine of fair use and the economic interests of the media industry. For Ukraine, this issue is particularly important given the absence of legislation that comprehensively governs the use of artificial intelligence in journalism. Consequently, Ukraine needs to further develop its national regulatory framework, taking into account both European regulatory approaches and its specific national security considerations.

Examining current practices within Ukrainian media organisations confirms that artificial intelligence substantially enhances editorial efficiency by automating routine newsroom processes. However, the use of generative AI to produce human-like content, including virtual news presenters, journalist avatars and synthetic audio-visual materials, creates new challenges regarding professional ethics, public trust and information security. In this context, effective editorial governance necessitates meaningful human oversight of final editorial decisions, transparent disclosure of AI-generated or AI-assisted content, and clear human accountability for all published materials.

This study's main contribution is to substantiate the concept of responsible media governance, which incorporates three complementary dimensions: legal regulation, economic governance mechanisms, and professional editorial self-regulation. This integrated governance framework reconciles the technological advantages of artificial intelligence with the fundamental values of journalism, including accuracy, editorial independence, accountability and public trust, while remaining consistent with the evolving principles of European digital regulation.

Future research should focus on developing models for the collective licensing of journalistic data for use in training artificial intelligence systems, assessing the economic impact of regulatory compliance on the financial sustainability of regional and niche media organisations, and examining mechanisms for the further harmonisation of Ukrainian media legislation with the European Union's legal framework governing artificial intelligence.

References:

- AIN.UA. (2024, May 23). OpenAI signed an agreement with News Corp, which includes The Wall Street Journal, MarketWatch, and The Times. <https://ain.ua/2024/05/23/openai-pidpysav-ugodu-z-news-cor-do-yakoyi-vhodyat-wall-street-journal-marketwatch-i-times/>
- Allyn, B. (2025, March 26). Judge allows "New York Times" copyright case against OpenAI to go forward. NPR. <https://www.npr.org/2025/03/26/nx-s1-5288157/new-york-times-openai-copyright-case-goes-forward>
- Bartoshchak, T. (2025, October 25). AI algorithms in the media: What journalists are (not) allowed to do. Svit (Igor Sikorsky Kyiv Polytechnic Institute). <https://svit.kpi.ua/2025/10/25/algorithmy-shi-v-media-shho-ne-dozvoleno-zhurnalistam/>
- Cullen, A., & Davalos, J. (2023, December 13). OpenAI to pay Axel Springer tens of millions to use news content. Bloomberg. <https://www.bloomberg.com/news/articles/2023-12-13/openai-axel-springer-ink-deal-to-use-news-content-in-chatgpt>

- Dzholos, O. (2025). Opportunities and risks of using artificial intelligence in Ukrainian audiovisual and online media. *Scientific Works of the Interregional Academy of Personnel Management. Philology*, 3(17), 82–86. <https://doi.org/10.32689/maup.philol.2025.3.9>
- European Parliament, & Council of the European Union. (2022). Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act). Official Journal of the European Union, L 265, 1–66. <https://eur-lex.europa.eu/eli/reg/2022/1925/oj/eng>
- European Parliament, & Council of the European Union. (2022). Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act). Official Journal of the European Union, L 277, 1–102. <https://eur-lex.europa.eu/eli/reg/2022/2065/oj/eng>
- European Parliament, & Council of the European Union. (2024). Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act). Official Journal of the European Union, L 2024/1689. <https://eur-lex.europa.eu/eli/reg/2024/1689/oj/eng>
- LegalClarity. (2026, June 18). New York Times vs. OpenAI lawsuit status and timeline. <https://legalclarity.org/new-york-times-vs-openai-lawsuit-status-and-timeline/>
- Lewin, F. (2025). Market report: AI data licensing deals (2020–present). Emet Research. [https://emetresearch.framer.ai/blogs/market-report-ai-data-licensing-deals-\(2020-present\)](https://emetresearch.framer.ai/blogs/market-report-ai-data-licensing-deals-(2020-present))
- National Council of Ukraine on Television and Radio Broadcasting. (2024). Recommendations on the responsible use of artificial intelligence in the media. https://vrk.org.ua/images/recommendations_AI_in_media.pdf
- Newman, N., Ross Arguedas, A., Robertson, C. T., Nielsen, R. K., & Fletcher, R. (2025). Digital News Report 2025. Reuters Institute for the Study of Journalism. <https://doi.org/10.60625/risj-8qqf-jt36>
- Reuters Institute for the Study of Journalism. (2025). Generative AI and News Report 2025: How people think about AI's role in journalism and society. Reuters Institute for the Study of Journalism, University of Oxford. <https://reutersinstitute.politics.ox.ac.uk/generative-ai-and-news-report-2025-how-people-think-about-ais-role-journalism-and-society>
- Shekeriak-Kushka, Ya. V. (2025). Artificial intelligence in data journalism: Opportunities, threats, and ethical dilemmas. *Scientific Notes of Taurida National V. I. Vernadsky University. Series: Philology. Journalism*, 36(4, Part 2), 304–314. <https://doi.org/10.32782/2710-4656/2025.4.2/48>
- van Berkum, M. (2026, March 1). Responsible use of artificial intelligence in journalism. European Journalism Observatory (EJO). <https://ua.ejo-online.eu/9407/tsyfrovii-media/vidpovidalne-vykorystannia-shtuchnoho-intelektu-v-zhurnalistytsi>
- The Law of Ukraine "On Copyright and Related Rights" of December 1, 2022, No. 2811-IX. Bulletin of the Verkhovna Rada of Ukraine (BVR), 2023, No. 57, Art. 166. <https://zakon.rada.gov.ua/laws/show/2811-20>
- The Law of Ukraine "On Media" of December 13, 2022, No. 2849-IX. Bulletin of the Verkhovna Rada of Ukraine (BVR), 2023, No. 47-50, Art. 120. <https://zakon.rada.gov.ua/laws/show/2849-20>