

# Artificial Intelligence as a Legal Subject? Philosophical Foundations and Practical Consequences of Granting Legal Personality to Machines

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## Abstract

The rapid integration of artificial intelligence into social, economic, and legal processes has fundamentally disrupted the traditional architecture of legal responsibility and subjectivity. Contemporary legal systems, grounded in a binary distinction between natural persons and juridical persons, increasingly struggle to regulate autonomous algorithmic systems whose decisions shape rights, obligations, and social outcomes. This article investigates whether artificial intelligence can be coherently conceptualized as a legal subject and examines the philosophical and institutional consequences of such recognition. Employing a descriptive narrative review methodology, the study synthesizes philosophical theories of personhood and agency, classical doctrines of legal personality, and emerging comparative legal approaches to AI regulation. The analysis demonstrates that legal personality has historically functioned as an adaptive construct shaped by evolving social realities rather than a fixed metaphysical category. While artificial intelligence does not satisfy traditional human-centered criteria of personhood such as consciousness and moral autonomy, it increasingly exhibits functional forms of agency, autonomy, and causal power that challenge the adequacy of existing legal classifications. The article further explores the systemic implications of AI legal subjectivity across civil law, criminal responsibility, governance, and public policy, highlighting both the potential benefits of enhanced accountability and risk management and the ethical dangers of diluting human dignity and redistributing responsibility. The findings suggest that the central challenge is not whether AI should become a legal person in an absolute sense, but how legal systems can construct a flexible framework of legal subjectivity capable of accommodating artificial agency while preserving the moral and political foundations of law. The study concludes that rethinking legal ontology is essential for maintaining coherence, legitimacy, and justice in the age of intelligent machines.

**Keywords:** Artificial intelligence; legal personality; legal subjectivity; agency; responsibility; legal philosophy; algorithmic governance; comparative law

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## 1. Introduction

The accelerating integration of artificial intelligence into social, economic, and governmental infrastructures has begun to transform the architecture of contemporary legal systems in ways that were inconceivable even a decade ago. AI systems now perform functions traditionally associated with human cognitive labor, including legal document analysis, judicial risk assessment, contract drafting, predictive policing, credit scoring, medical diagnostics, and autonomous financial trading, thereby directly shaping individual rights, institutional outcomes, and market behavior. This expansion of algorithmic decision-making is not merely a technological development but a structural transformation of normative governance, as legal consequences are increasingly mediated by non-human cognitive processes (Rassolov & Chubukova, 2022). At the same time, digital platforms are reconfiguring the relationship between personhood and participation in economic life, introducing new forms of personalization, delegation, and agency that challenge inherited legal categories of responsibility and subjectivity (Greene & Shmueli, 2023). Within this context, the law confronts an unprecedented conceptual tension: it must regulate entities whose functional autonomy and causal impact on human affairs rival those of traditional legal subjects, yet whose ontological status remains deeply ambiguous.

This tension reveals the growing inadequacy of the classical dichotomy that structures modern legal ontology, namely the distinction between natural persons and juridical persons. Natural persons are grounded in biological humanity and moral agency, while juridical persons—such as corporations, associations, and states—are institutional constructs designed to coordinate collective interests and distribute responsibility. Both categories presuppose some form of intentional agency, continuity, and accountability, even when these attributes are abstracted or distributed. However, AI systems do not fit comfortably within either category. They are not biological beings capable of moral consciousness, nor are they collective social institutions constituted through human agreement. Instead, they represent a novel form of artificial agency produced through computational architectures, machine learning, and algorithmic adaptation. This ontological novelty destabilizes established legal taxonomies and exposes the fragility of existing doctrines of legal subjectivity (Kurki, 2023). The classical framework, built upon assumptions of human intentionality and institutional will, struggles to accommodate entities whose operational autonomy emerges from code, data, and training environments rather than consciousness or collective organization.

The crisis deepens as AI systems increasingly display forms of functional autonomy that resist simple classification as mere tools. Contemporary machine learning models operate through self-modifying processes that enable them to generate novel outputs, adapt to changing environments, and produce outcomes not fully predictable even to their creators. Such behavior challenges traditional instrument-based models of technology, which assume complete human control and foreseeability. The resulting gap between legal theory and technological reality has prompted growing scholarly attention to the possibility of recognizing AI as a distinct category of legal subject or quasi-subject. Legal analysis of AI's personality in civil and administrative law reveals that existing analogies to property, animals, or corporate entities only partially capture the normative complexities introduced by machine agency (Atabekov, 2023). At the same time, criminal law scholarship confronts profound difficulties in attributing responsibility when AI systems participate in harmful conduct through autonomous or semi-autonomous decision-making (Hsu, 2023). These difficulties illustrate that AI's functional role in normative systems increasingly exceeds the conceptual limits of its current legal classification.

Philosophical reflection further exposes the inadequacy of prevailing legal models by revealing the depth of the ontological assumptions underlying legal personality itself. The concept of personhood in law is not merely a technical classification but the institutional embodiment of philosophical judgments about agency, responsibility, and normative membership. Historical inquiries into the philosophy of law demonstrate that legal subjectivity has always been shaped by evolving conceptions of human freedom, consciousness, and moral agency (Mishagin, 2022). The formation of legal consciousness itself depends on culturally embedded understandings of individuality and responsibility, which are now being destabilized by the emergence of non-human decision-makers (Koval et al., 2022). AI thus does not merely introduce new regulatory challenges; it compels a reexamination of the philosophical foundations upon which the very concept of legal personality rests.

The growing discourse on AI agency reflects this theoretical unease. Scholars increasingly describe AI not as passive instruments but as active participants in normative environments, capable of influencing outcomes in ways that generate moral and legal significance. Comparative legal research highlights the emergence of proposals for “electronic persons” or other

forms of AI legal status, particularly within European legal debates, as a means of addressing accountability gaps and systemic risk (Eck & Agbeko, 2023). Similarly, studies on new subjects of law argue that artificial intelligence may already be operating within the legal order in ways that implicitly resemble subjectivity, even if such status remains unacknowledged (Kovacheva, 2022). This evolving discourse reflects a growing recognition that the traditional architecture of legal subjectivity is no longer sufficient to regulate the normative consequences of algorithmic governance.

Yet this recognition coexists with deep conceptual resistance. Many legal theorists warn that granting legal personality to machines risks eroding the moral foundations of law, diluting human dignity, and creating dangerous precedents for the redistribution of responsibility. The debate is therefore marked by a profound conceptual tension between tool-based models of AI, which insist on strict human accountability, and emerging quasi-agent models, which emphasize AI's functional autonomy and causal independence. The former seeks to preserve existing legal ontologies by treating AI as sophisticated instruments whose actions are always reducible to human intent, while the latter acknowledges that complex machine systems increasingly operate beyond the direct control or foreseeability of any individual actor (Karchevskiy & Radutniy, 2023). This tension lies at the heart of the contemporary crisis of legal ontology.

The problem becomes particularly acute in domains where AI-generated outcomes carry significant legal consequences. In contract law, automated agents negotiate, execute, and modify agreements in real time, raising questions about consent, intent, and authorship (Eck & Agbeko, 2023). In intellectual property law, AI systems produce creative works and process copyrighted materials in ways that strain conventional doctrines of originality and ownership (Afanasyeva & Furman, 2023). In criminal law, AI participation in harmful conduct disrupts established doctrines of mens rea and causation, forcing reconsideration of fundamental principles of punishment and prevention (Hsu, 2023). Each of these domains exposes the insufficiency of current legal categories to address the normative realities of machine agency.

These challenges are not merely doctrinal but epistemic. They reflect a deeper uncertainty about the nature of agency, responsibility, and personhood in a technologically mediated society. Sociological and methodological studies of law emphasize that legal concepts evolve in response to changing social conditions and intellectual paradigms (Vistak, 2023). As AI reshapes social interaction and institutional practice, the conceptual foundations of law must adapt accordingly. This adaptation requires not only technical regulatory reforms but also philosophical clarification of the assumptions that govern legal subjectivity. The crisis of legal ontology triggered by AI thus reveals a broader transformation in the relationship between law, technology, and human self-understanding.

Within this evolving landscape, the present study is motivated by a fundamental set of questions that cut across legal doctrine, philosophy, and policy. Can artificial intelligence be coherently conceptualized as a legal subject within existing theoretical frameworks, or does its emergence demand a reconfiguration of legal ontology itself? What philosophical assumptions concerning agency, autonomy, and moral responsibility underlie the concept of legal personality, and how are these assumptions challenged by the rise of artificial agents? What practical legal, institutional, and ethical consequences would follow from granting AI some form of legal status, whether as a full legal person, a limited subject, or a novel hybrid category? These questions form the epistemic core of the present inquiry.

The objective of this article is to develop a comprehensive conceptual analysis of the possibility of recognizing artificial intelligence as a legal subject by integrating philosophical foundations, comparative legal developments, and practical regulatory implications. The study seeks to clarify the conditions under which legal personality has historically been attributed, examine whether AI satisfies or disrupts those conditions, and evaluate the normative consequences of extending legal subjectivity beyond the human and institutional domains.

Methodologically, the article employs a descriptive narrative review approach. This method is particularly suited to interdisciplinary inquiries that traverse legal doctrine, philosophy of law, and regulatory policy, allowing for the systematic integration of diverse scholarly perspectives without imposing premature normative conclusions. Through careful synthesis of existing legal, philosophical, and comparative literature, the study constructs an analytical framework for understanding how the emergence of machine agency challenges the foundational categories of legal ontology and compels a rethinking of legal subjectivity in the digital age.

## 2. Philosophical Foundations of Legal Personality: From Human Agency to Artificial Entities

The concept of legal personality is rooted in a long philosophical and juridical tradition that precedes modern positive law and extends back to Roman legal thought. Roman jurists developed an early distinction between the human bearer of rights and obligations and the institutional forms that could also function as legal actors, such as *collegia*, municipalities, and the *fiscus*. This dual structure established the foundational division between natural persons and juridical persons, a division that has since shaped Western legal systems. The natural person was anchored in biological existence and moral accountability, while the juridical person functioned as an abstract construct designed to facilitate social organization and the coordination of collective interests. Over time, this distinction was refined by legal philosophers who sought to explain how non-human entities could legitimately participate in normative relations. Modern legal theory thus emerged through sustained reflection on the nature of personhood, legal will, and institutional responsibility, forming a conceptual infrastructure that continues to inform contemporary debates on legal subjectivity (Kurki, 2023). The historical evolution of these ideas demonstrates that legal personality has never been a purely descriptive concept but rather a normative tool shaped by philosophical assumptions about agency, identity, and responsibility.

Within this intellectual tradition, several influential theories of legal personality crystallized. The fiction theory, associated with early positivist thinkers, held that juridical persons exist only by virtue of legal construction and possess no real existence outside normative recognition. This view emphasized the primacy of the state in conferring legal status and reinforced the instrumental character of corporate entities. In contrast, the real entity theory argued that collective organizations possess genuine social reality and that legal recognition merely reflects preexisting social facts. The concession theory attempted to mediate these positions by suggesting that while collective entities emerge from social interaction, their legal capacity depends on formal recognition by sovereign authority. The purpose theory further refined the concept by grounding legal personality in the capacity to pursue legally protected purposes, rather than in metaphysical existence. These theoretical models collectively illustrate the malleability of legal personhood and the extent to which it has historically adapted to new social and economic forms (Miulescu, 2022). Such adaptability suggests that legal personality is not fixed but responsive to shifting conditions of social organization.

Beneath these doctrinal frameworks lie deeper philosophical criteria concerning what it means to be a person. Classical philosophy associated personhood with rationality, self-consciousness, and moral agency. Rationality has long been regarded as the defining attribute of persons, enabling the capacity for judgment, deliberation, and norm-guided behavior. Consciousness and intentionality further distinguish personal agency by grounding the subjective experience of action and the directedness of mental states toward objects, goals, and values. These features collectively support the attribution of moral responsibility, as only beings capable of understanding reasons and consequences can meaningfully be held accountable for their actions. The philosophical analysis of freedom and responsibility emphasizes that moral agency presupposes the capacity for autonomous choice, which in turn requires some degree of self-determination and control over one's actions (Mishagin, 2022). These criteria historically justified the central position of human beings as the primary bearers of legal personality.

Autonomy and free will deepen this moral framework by introducing the idea that genuine agency involves more than causal participation in events; it requires the capacity to originate action through reflective self-governance. Philosophical accounts of freedom stress that moral agents must not only act but understand themselves as the authors of their actions, capable of endorsing or rejecting motivations through reasoned deliberation. Identity and continuity complement this picture by providing the temporal dimension of personhood. A person is not merely a momentary subject of experience but a continuing agent whose past actions and future commitments form a coherent narrative structure. This temporal continuity underlies legal practices of responsibility, punishment, and obligation, which presuppose stable personal identity across time (Poole, 2022). Together, these metaphysical criteria constitute the classical philosophical architecture of personhood that underpins modern legal systems.

The concept of agency occupies a central position in both legal and philosophical discourse. Human agency has traditionally been understood as the capacity to initiate action based on reasons, intentions, and values. This conception presupposes cognitive faculties such as perception, reasoning, and self-reflection, which enable individuals to navigate normative environments and assume responsibility for their conduct. Legal systems translate this philosophical model into doctrines of capacity, intent, negligence, and liability, thereby embedding metaphysical assumptions into practical regulation. Beyond

individual agency, law also recognizes collective and institutional agency, as organizations act through structured decision-making processes that produce outcomes attributable to the collective as a whole. Corporations, states, and other institutions thus become subjects of rights and duties despite lacking biological consciousness, illustrating that legal agency has long extended beyond the natural human individual (Kovacheva, 2022). This expansion demonstrates that the law already operates with a layered conception of agency, accommodating diverse forms of normative participation.

The emergence of algorithmic and artificial agency introduces a new and destabilizing category into this established framework. Unlike institutional agents, which derive their agency from the coordinated actions of human members, AI systems generate behavior through computational processes that involve machine learning, data-driven adaptation, and probabilistic inference. Their actions are neither directly reducible to individual human intentions nor fully attributable to collective organizational will. Instead, AI systems occupy an intermediate position between tools and agents, exhibiting forms of autonomy that challenge conventional legal classifications (Atabekov, 2023). This hybrid character forces legal theory to confront the limits of its traditional agency models and to reconsider the criteria by which normative responsibility is assigned.

Philosophical challenges posed by AI further complicate this landscape. The distinction between weak AI and strong AI reflects competing views about the nature of machine intelligence. Weak AI refers to systems that simulate cognitive functions without genuine understanding, while strong AI posits the possibility of machines possessing consciousness and intentionality comparable to human minds. Although contemporary AI remains firmly within the domain of weak AI, its increasing functional sophistication raises difficult questions for functionalist theories of mind, which define mental states by their causal roles rather than by their physical substrates. Under functionalism, if an AI system performs the same cognitive functions as a human mind, it may warrant similar conceptual treatment, regardless of its biological composition (Korkh & Antonova, 2023). This theoretical perspective challenges deeply entrenched assumptions about the exclusivity of human cognition.

Computational theories of mind reinforce this challenge by modeling mental processes as information-processing systems. If cognition is fundamentally computational, then the boundary between human and artificial intelligence becomes conceptually porous. AI systems capable of learning, self-modification, and complex problem-solving increasingly resemble the functional architecture of human cognition, at least at the operational level. This resemblance fuels debates about whether consciousness and intentionality might emerge from sufficiently complex computational systems. The phenomenon of emergence further complicates matters, as machine learning models often develop internal representations and strategies that are not explicitly programmed by human designers. These emergent properties introduce elements of unpredictability and novelty into AI behavior, undermining the assumption of complete human control (Rassolov & Chubukova, 2022). The resulting epistemic opacity makes it increasingly difficult to maintain that AI systems are merely passive instruments.

Learning and unpredictability also destabilize traditional notions of responsibility. Legal doctrines rely heavily on foreseeability and control as criteria for attributing liability. However, when AI systems evolve through exposure to dynamic environments and massive datasets, their future behavior becomes probabilistic rather than deterministic. This unpredictability complicates efforts to trace causal responsibility back to human designers, operators, or owners. Criminal law scholarship has begun to confront these challenges by examining whether and how AI systems themselves might be treated as normative participants in legal relations (Hsu, 2023). Although such proposals remain controversial, they underscore the growing inadequacy of existing frameworks for addressing the normative consequences of artificial agency.

The philosophical implications of these developments extend beyond technical questions of regulation. They strike at the heart of legal ontology by destabilizing the foundational categories through which law conceptualizes its subjects. If legal personality is grounded in agency, autonomy, and responsibility, and if these attributes increasingly appear in artificial systems in functional form, then the exclusion of AI from legal subjectivity becomes progressively more difficult to justify on purely theoretical grounds (Kurki, 2022). At the same time, the moral and metaphysical criteria traditionally associated with personhood—consciousness, intentionality, selfhood—remain deeply contested in the context of machine intelligence, generating a persistent tension between functional capability and moral recognition.

This section has constructed the theoretical framework necessary for analyzing whether and how artificial intelligence might be coherently integrated into the concept of legal personality. By tracing the evolution of legal subjectivity from Roman foundations through modern philosophical accounts of personhood and agency, and by examining the disruptive implications



of algorithmic and artificial agency, the groundwork is laid for a systematic evaluation of AI's possible status within contemporary legal systems.

### 3. Doctrinal and Comparative Legal Approaches to AI Legal Personality

Contemporary legal discourse on artificial intelligence builds upon long-standing doctrinal experience with non-human legal subjects. The law has historically extended subjectivity beyond natural persons whenever social, economic, or political realities required stable frameworks of responsibility and coordination. Corporations represent the most familiar example: although lacking consciousness or biological existence, they possess rights, duties, and procedural standing, enabling markets and institutions to function predictably. The philosophical justification for such recognition lies in the law's functional orientation toward social order rather than metaphysical essence, a position emphasized in modern legal philosophy when analyzing the adaptive character of legal concepts (Kurki, 2023). States operate as another non-human subject, exercising sovereign authority and bearing international obligations despite their abstraction from individual human agents. Maritime law further illustrates the pragmatic flexibility of legal subjectivity by treating ships as quasi-persons for purposes of liability, registration, and enforcement, reflecting the need for accountability in transnational commerce. Even environmental entities and animals have increasingly been recognized as rights-holders in certain jurisdictions, signaling a normative shift in how law conceptualizes subjecthood when ethical or ecological imperatives demand it (Kurki, 2022). These precedents demonstrate that legal personality has always been a strategic construct rather than a fixed ontological category.

This doctrinal background profoundly shapes contemporary debates on AI. Scholars examining new subjects of law argue that artificial intelligence already performs functions analogous to these recognized non-human subjects, yet remains formally excluded from legal personality (Kovacheva, 2022). The comparison is particularly striking with corporations: both are artificial entities, both act through complex internal processes, and both influence markets and rights. However, unlike corporations, AI systems are not composed of human members whose collective intentions can be identified, which complicates traditional doctrines of attribution and control. Legal analysis of AI personality through analogies with animals and humans highlights the inadequacy of existing categories and the growing need for doctrinal innovation (Atabekov, 2023). These parallels illustrate that the debate over AI legal personality is not unprecedented but rather an extension of law's historical pattern of adapting subjectivity to new forms of agency.

Comparative legal developments reveal substantial divergence in how jurisdictions approach this challenge. European legal discourse has been particularly active, with proposals emerging from policy and academic circles suggesting the recognition of AI as an "electronic person" for specific regulatory purposes. Such proposals aim to close accountability gaps created by autonomous decision-making and to distribute liability more coherently across complex technological networks (Eck & Agbeko, 2023). In civil law systems, which traditionally emphasize codified definitions of legal subjectivity, the debate tends to focus on doctrinal coherence and the preservation of systematic integrity. By contrast, common law systems, grounded in case-based evolution, approach AI through incremental adjustments to liability and negligence doctrines, often resisting radical reconceptualization of personhood. These methodological differences reflect broader jurisprudential cultures regarding legal change and institutional trust (Vistak, 2023).

Beyond Europe and North America, regulatory strategies in China and Japan illustrate alternative models of governance. These jurisdictions prioritize administrative oversight, licensing regimes, and risk-management frameworks, focusing on the social consequences of AI deployment rather than its ontological status. Studies of AI governance emphasize that effective regulation often emerges from pragmatic concern with accountability, transparency, and public trust rather than from abstract debates on personhood (Rassolov & Chubukova, 2022). This divergence suggests that the question of AI legal personality cannot be resolved in isolation from broader regulatory philosophies and political cultures. Comparative analysis therefore reveals not a single trajectory but a spectrum of approaches shaped by institutional history, economic priorities, and normative commitments.

Within these varied frameworks, several competing models of AI legal status have crystallized. One influential model treats AI as property, positioning it alongside other technological assets owned and controlled by human actors. This approach preserves existing liability structures and reinforces human accountability, but it struggles to address scenarios in which AI

behavior becomes autonomous and unpredictable. A related model conceptualizes AI as a product, subject to regimes of product liability and consumer protection. While this framework accommodates certain harms, it presupposes static design and foreseeable risks, assumptions increasingly undermined by machine learning and adaptive systems (Afanasyeva & Furman, 2023). The agent model, by contrast, treats AI as an instrument through which human principals act, borrowing from doctrines of agency law. Yet this analogy falters when AI systems generate outcomes that no principal explicitly intended or could reasonably foresee.

More radical proposals advocate recognizing AI as an electronic person, endowed with limited legal capacity for specific functions. This model aims to align legal responsibility with functional autonomy, allowing AI systems to bear obligations, hold assets, and be subject to sanctions within defined boundaries (Eck & Agbeko, 2023). Proponents argue that such recognition would enhance legal clarity and distribute risk more efficiently in technologically complex environments. Hybrid liability models attempt to balance these positions by combining elements of property, product, and agency frameworks, assigning layered responsibilities among developers, operators, users, and possibly AI systems themselves. Legal scholars emphasize that these hybrid models reflect law's historical tendency to blend doctrinal tools when confronting novel forms of agency (Miulescu, 2022).

Arguments in favor of granting AI some form of legal personality often begin with accountability. Autonomous systems increasingly participate in decisions affecting life, liberty, and property, yet existing doctrines struggle to assign responsibility when harm occurs. Criminal law scholarship demonstrates how AI complicates traditional notions of intent and culpability, particularly when human oversight is diffuse or indirect (Hsu, 2023). Recognizing AI as a limited legal subject could close these gaps by creating new loci of responsibility and enabling more effective enforcement mechanisms. Risk distribution constitutes a second major argument: legal personality could allow AI systems to hold assets, purchase insurance, and contribute to compensation schemes, thereby internalizing the social costs of technological risk (Rassolov & Chubukova, 2022). From an economic perspective, such arrangements may enhance market efficiency and reduce uncertainty for investors and innovators.

Innovation incentives also figure prominently in pro-personhood arguments. Clear legal frameworks reduce regulatory ambiguity, encouraging technological development and responsible deployment. Scholars analyzing legal consciousness and normative adaptation emphasize that law must evolve alongside social and technological change to maintain legitimacy and effectiveness (Koval et al., 2022). Recognizing AI as a legal subject, even in limited form, may thus serve as a stabilizing mechanism in rapidly transforming markets.

Conversely, substantial objections challenge the wisdom of extending legal personality to machines. Ethical hazards dominate these critiques, particularly concerns about eroding human dignity and moral responsibility. Critics warn that attributing subjectivity to machines may blur the moral boundaries that distinguish persons from objects, undermining foundational principles of justice and accountability (Gorgoshadze & Katamadze, 2022). Slippery slope arguments caution that once legal systems grant personality to AI, pressures may mount to extend similar recognition to increasingly abstract entities, destabilizing the normative coherence of law. Others argue that existing legal tools are sufficient and that doctrinal refinement, rather than ontological transformation, should address emerging challenges (Atabekov, 2023).

These debates reveal that the question of AI legal personality is not merely technical but deeply normative. It touches upon fundamental issues of moral responsibility, social trust, and the future architecture of legal systems. Comparative analysis shows no consensus, only a dynamic field of experimentation shaped by institutional history, philosophical commitments, and technological realities. This diversity underscores the need for a principled framework capable of integrating doctrinal coherence with practical governance, a task that becomes increasingly urgent as artificial intelligence continues to reshape the conditions of legal order.

#### **4. Practical Consequences and Systemic Implications of Recognizing AI as a Legal Subject**

Recognizing artificial intelligence as a legal subject would produce far-reaching consequences across the architecture of private and public law, transforming the allocation of rights, obligations, and institutional responsibilities. In civil and commercial law, the most immediate impact would arise in contract formation. Contemporary automated systems already

negotiate, draft, execute, and modify contracts at speeds and scales unattainable for human actors. Treating AI merely as a tool of its operator fails to capture the reality that many contractual outcomes now emerge from algorithmic processes that are neither directly intended nor fully predictable by any individual human participant. Legal analysis of electronic persons in contractual relations suggests that acknowledging limited subjectivity for AI could enhance legal certainty by aligning formal responsibility with functional autonomy (Eck & Agbeko, 2023). Without such recognition, courts face increasing difficulty in determining whose intent governs automated transactions and how consent should be conceptualized when outcomes are generated by self-learning systems. The inadequacy of existing doctrines becomes particularly visible in high-frequency trading, algorithmic procurement, and dynamic pricing environments, where contractual obligations may arise without any human actor's contemporaneous awareness or direct authorization.

Tort liability presents even greater challenges. Traditional negligence frameworks depend upon foreseeability, fault, and human control, yet machine learning systems evolve through exposure to data and environments in ways that escape precise prediction. Legal scholarship on AI governance emphasizes that such unpredictability undermines the coherence of existing liability doctrines and generates significant accountability gaps (Rassolov & Chubukova, 2022). Recognizing AI as a legal subject could permit courts to impose primary liability on the system itself, with secondary liability distributed among developers, operators, and users through hybrid regimes. This would not eliminate human responsibility but would reconfigure it in accordance with actual causal structures. Without such adaptation, victims of AI-related harm may face insurmountable obstacles in proving fault, while innovators confront excessive uncertainty regarding exposure to liability, distorting both justice and economic efficiency.

Ownership and authorship represent another domain profoundly affected by AI subjectivity. Autonomous systems now generate inventions, artworks, literary texts, and software with minimal human intervention. Existing intellectual property regimes, however, presuppose human creativity and intention. Studies of copyright processing by AI systems reveal the growing mismatch between doctrinal assumptions and technological reality (Afanasyeva & Furman, 2023). If AI were recognized as a legal subject, even in limited form, it could hold copyrights or patents, license its works, and bear obligations associated with infringement. Such a framework would require substantial doctrinal reform but could provide greater clarity than the current patchwork of legal fictions that attribute AI outputs to human actors who may have exercised little creative control. Conversely, retaining exclusively human authorship risks distorting legal categories and undermining the coherence of intellectual property law as AI-generated content proliferates.

The implications for criminal responsibility are no less significant. Criminal law rests upon the concept of *mens rea*, the mental element of crime that presupposes intention, knowledge, or recklessness. AI systems do not possess consciousness in the human sense, yet their behavior increasingly produces harmful consequences traditionally addressed through criminal sanctions. Scholarship in criminal law has begun to explore whether AI participation in harmful acts necessitates new models of responsibility that transcend conventional *mens rea* frameworks (Hsu, 2023). Recognizing AI as a legal subject would compel lawmakers to confront whether sanctioning machines can meaningfully serve the purposes of criminal law. Classical sanction theory emphasizes deterrence, retribution, incapacitation, and rehabilitation. While retribution appears conceptually inapplicable to non-conscious entities, deterrence and incapacitation could be operationalized through fines, restrictions on operation, or forced modification of algorithms. Such measures could influence the behavior of designers and operators indirectly while aligning formal responsibility with causal agency.

This reconfiguration would also shift the balance between preventive regulation and punitive enforcement. Modern regulatory theory increasingly favors prevention over punishment, especially in technologically complex domains where harm can be systemic and irreversible. Studies on effective AI governance stress the importance of *ex ante* risk management, licensing regimes, and continuous oversight (Rassolov & Chubukova, 2022). Granting AI legal subjectivity could complement this preventive orientation by embedding accountability directly within technological systems, requiring them to maintain compliance records, insurance coverage, and audit trails. At the same time, overreliance on preventive regulation risks diluting the expressive function of criminal law, which communicates social condemnation and reinforces moral norms. The challenge lies in balancing these functions within a legal architecture that acknowledges artificial agency without eroding the normative foundations of criminal justice.



Beyond private and criminal law, the governance implications of AI subjectivity extend to public policy and administrative regulation. Insurance and risk management would undergo fundamental transformation. If AI systems could hold assets and enter into insurance contracts, markets could internalize technological risks more effectively, distributing losses across stakeholders and reducing the burden on victims and courts. Scholars of legal consciousness argue that such institutional adaptations are essential for maintaining social trust in law during periods of rapid technological change (Koval et al., 2022). Market regulation would likewise evolve, as AI subjects participating directly in commerce would require registration, compliance mechanisms, and supervisory oversight comparable to corporate actors. Administrative accountability would need to accommodate AI decision-makers within regulatory frameworks governing transparency, due process, and reviewability, ensuring that algorithmic governance remains subject to democratic control.

Ethical and social consequences of AI legal subjectivity are perhaps the most profound and contested. Human dignity occupies a central position in these debates. Critics argue that granting legal personality to machines risks trivializing the moral status of persons and eroding the symbolic foundations of human rights (Gorgoshadze & Katamadze, 2022). Supporters counter that legal personality is a functional construct rather than a moral endorsement and that carefully circumscribed recognition of AI need not diminish human dignity. Nevertheless, the symbolic implications of such recognition cannot be ignored, as law plays a crucial role in shaping social values and collective identity.

Redistribution of responsibility represents another ethical challenge. AI subjectivity could shift blame from powerful corporate actors to technological systems, enabling moral evasion and weakening accountability. Legal theorists caution that such redistribution must be carefully designed to prevent the concentration of power and the erosion of justice (Atabekov, 2023). Power asymmetries would also be affected, as corporations controlling advanced AI could gain disproportionate influence over markets and political processes if regulatory frameworks fail to ensure equitable governance. Studies on digital platforms and personalization demonstrate how technological infrastructures already shape social relations and power structures (Greene & Shmueli, 2023). Introducing AI legal subjects into this environment without robust safeguards could exacerbate existing inequalities.

Democratic legitimacy ultimately depends on whether legal systems can integrate AI subjectivity while preserving transparency, accountability, and public trust. Comparative legal research underscores that legitimacy arises not merely from formal legality but from citizens' confidence that law reflects shared values and serves the common good (Vistak, 2023). Any move toward recognizing AI as a legal subject must therefore be accompanied by inclusive public deliberation, institutional checks and balances, and mechanisms for continuous evaluation. Without such safeguards, legal innovation risks outpacing social consent, undermining the very stability it seeks to preserve.

Together, these institutional consequences reveal that recognizing AI as a legal subject would not constitute a narrow technical reform but a systemic transformation of law's foundational structures. The challenge lies in designing a legal architecture capable of accommodating artificial agency while sustaining the moral, political, and social commitments upon which legal order ultimately depends.

## 5. Conclusion

The emergence of artificial intelligence as an autonomous actor within social, economic, and legal systems confronts contemporary law with one of the most profound conceptual challenges in its history. At stake is not merely the regulation of a new technology, but the stability of the legal system's foundational categories of subjectivity, responsibility, and agency. This study has demonstrated that artificial intelligence destabilizes the inherited architecture of legal ontology by occupying an intermediate position between object and subject, tool and agent, instrument and decision-maker. As AI systems increasingly generate outcomes that carry significant normative consequences for individuals and institutions, the conceptual frameworks that once structured legal responsibility become progressively inadequate. The law is therefore compelled to engage in a process of theoretical self-examination and institutional renewal.

The philosophical inquiry undertaken in this article reveals that legal personality has never been a static or metaphysically fixed concept. From its origins in Roman law through its modern elaboration in theories of juridical personhood, legal subjectivity has functioned as an adaptive instrument of social coordination. The classical criteria of personhood—rationality,

consciousness, autonomy, identity, and responsibility—provided a coherent foundation for human-centered legal systems. However, the rise of artificial agency exposes the limitations of this framework. While contemporary AI lacks human consciousness, it increasingly satisfies functional conditions of agency, autonomy, and causal influence that historically justified the attribution of legal status to non-human entities such as corporations, states, and institutional bodies. This functional convergence creates a structural tension between philosophical tradition and technological reality that cannot be resolved through doctrinal adjustments alone.

The comparative and doctrinal analysis conducted in this study further illustrates that legal systems across the world are already experimenting with new forms of regulatory architecture in response to this tension. Although no jurisdiction has yet fully embraced AI legal personality, the proliferation of hybrid liability regimes, expanded governance mechanisms, and proposals for electronic personhood signal an emerging consensus that existing models of regulation are insufficient. These developments reflect law's longstanding capacity for evolutionary adaptation, yet they also reveal deep normative anxieties regarding the moral and political consequences of extending legal subjectivity beyond the human and institutional domains.

The practical implications of AI legal subjectivity are extensive and systemic. In civil and commercial law, contract formation, tort liability, ownership, and intellectual property doctrines must be reconfigured to reflect the realities of autonomous algorithmic participation in legal relations. In criminal law, traditional concepts of intent, culpability, and punishment encounter unprecedented challenges when confronted with non-conscious yet causally powerful artificial agents. Governance and public policy must likewise adapt through new mechanisms of insurance, market regulation, and administrative oversight capable of managing technological risk without stifling innovation. Ethical and social considerations—human dignity, responsibility distribution, power asymmetries, and democratic legitimacy—cut across all these domains, underscoring that the question of AI legal personality is not merely technical but civilizational in scope.

This study has argued that the core problem confronting contemporary law is not whether artificial intelligence should be granted legal personality in an absolute sense, but how legal systems can preserve coherence, accountability, and legitimacy in an environment where agency is no longer exclusively human. The traditional binary between subject and object no longer maps onto the normative landscape of algorithmic governance. What is required instead is a principled framework of legal subjectivity capable of recognizing varying degrees and forms of agency while safeguarding the moral and political foundations of the legal order.

The future of legal responsibility in the age of artificial intelligence will therefore depend on the law's ability to transcend inherited conceptual boundaries without abandoning its normative commitments. Legal subjectivity must evolve from a rigid categorical structure into a flexible spectrum of normative participation, calibrated to the functional roles that different actors—human, institutional, and artificial—play within society. Such an evolution will not diminish the centrality of human dignity; on the contrary, it offers a pathway for preserving it by ensuring that responsibility, accountability, and justice remain meaningfully aligned with the realities of technological power.

Ultimately, the challenge of artificial intelligence compels law to reassert its foundational purpose: not merely to classify entities according to inherited categories, but to construct a normative order capable of governing emerging forms of power in service of human flourishing. Whether AI becomes a legal subject in limited form, a regulated quasi-agent, or remains formally categorized as an object with expanded governance structures, the process of confronting this question forces law to rethink its own ontology. In doing so, the legal system enters a new phase of intellectual development, one in which the boundaries of personhood, agency, and responsibility are renegotiated for a digital civilization.

### **Ethical Considerations**

All procedures performed in this study were under the ethical standards.

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## Conflict of Interest

The authors report no conflict of interest.

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