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Exploring the Legal Personality of Artificial Intelligence: Challenges, Opportunities, and Future Directions

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Abstract

What exactly is artificial intelligence, and can it be viewed as an autonomous entity? To explore this, we need to define autonomy and consider the implications for regulation. When we think about regulating an autonomous entity, can AI be classified as a legal person? Is there a need to create a new category of legal personality specifically for AI? This article tackles these key questions by exploring established philosophies concerning legal personhood and evaluating their relevance to the possible conferral of legal rights on AI. The authors also delve into the relatively new concept of electronic personality and its applicability in relation to artificial intelligence. Furthermore, they examine the nature and extent of rights and responsibilities that could be assigned to AI. The methodology employed in this study is primarily based on existing literature and follows a doctrinal approach.

Keywords: Artificial Intelligence, Legal Personality, Electronic Personhood, Jurisprudence

Background

Britannica says artificial intelligence is the "ability of a digital computer or computer-controlled robot to perform tasks commonly associated with intelligent beings. The term is applied to the project of developing systems endowed with the intellectual processes characteristics of humans, such as the ability to reason, discover meaning, generalize, or learn from experience." (Copeland, 2024) Simply put, artificial intelligence is an entity that can perform like a human—however, the definition of AI changes with different aspects of the system. An AI performs a task resembling human intelligence or an instrument that can make any existing solution efficient. These systems can draw, create, or design and produce inventions, which becomes a crucial aspect when considering the involvement of intellectual property rights. Artificial intelligence systems focus on processing the data to produce the desired product by taking required actions. The AI's programmer or operator cannot predict or control this process. AI is of three types based on the level of intelligence and autonomy: artificial narrow intelligence, artificial general intelligence, and artificial super intelligence. (Betz & Whitfield, 2024) Narrow AI is ordinary day-to-day machine learning that carries out limited tasks like Google Maps, Apple Siri, etc. (Kasparov, 2017) They are often termed weak AI due to their limited area of functioning. Although they have yet to be achieved, general and Super AI are what science aims to achieve. They aim to achieve optimized solutions to problems and can even outperform human skills and intelligence. However, they require a data set as part of their algorithm. Super AI would have more substantial elements and abilities to perform human tasks. Robot Sophia can be considered a glimpse as these robots will soon replace humans with machines. (Weller, 2017)

Over the recent years, this technology has grown tremendously, becoming autonomous with applications in various social and economic fields. This increased sophistication has resulted in autonomous creations by artificially intelligent entities, i.e., the creation of work without human assistance. AlphaGo Zero, a version of Deepmind's Go software AlphaGo, was the first artificially intelligent entity to learn tabula rasa without human input. Without prior knowledge of the game, the software could learn how to play and outperform the algorithm that defeated the world's best human Go player. (Silver & Hassabis, 2017) There have been various examples that can be copyrighted, like The New Rembrandt (Baraniuk, 2016), a 3D-printed painting, The Day a Computer Wrote a Novel (Schiller, 2016) novel written by Japanese AI; the WaveNet, an AI which can generate music without any human input are only to name a few. (Dieleman, 2016) Due to the advanced learning ability of artificial intelligence, they can create work that can receive copyright protection. As artificial intelligence (AI) continues to evolve at an unprecedented pace, the challenge of establishing effective legal regulations becomes increasingly critical. A central question that demands our attention is whether AI should be recognized as a legal person. Traditionally, the concept of personhood has encompassed both natural individuals and juristic entities. However, the autonomous capabilities of AI raise profound questions about this traditional framework, particularly given its potential to make decisions that could significantly impact rights and responsibilities.

This research paper delves into the current legal landscape regarding personhood, utilizing John Grey's insights to explore the possibility of recognizing AI as a legal entity. Grey argues that a legal person is one who possesses legal rights and obligations, a distinction that sets persons apart from mere human beings. One of the primary obstacles in this discussion is the lack of a widely accepted definition of personhood, which creates ambiguity in determining AI's status. (Grey, 1997) To assess whether AI can be deemed a legal person, we must also critically examine the concept of legal subjectivity. Legal subjectivity is the framework through which the law recognizes entities, conferring rights and liabilities upon them. For example, a corporation enjoys a juristic personality that includes specific rights and obligations, vastly different from those attributed to a river or a deity. Both legal subjectivity and legal personality necessitate the capacity to hold rights and duties, as well as the ability to engage in legal acts. (Dremliuga et al., 2019) Many scholars caution against extending legal personality to AI. They argue that, despite AI's ability to make independent decisions, it fundamentally lacks sentience and the capacity to express its own will. The implications of this distinction cannot be overlooked as we navigate the complexities of integrating AI into our legal frameworks. Recognizing AI as a legal person would not only transform our understanding of personhood but could also set precedents with far-reaching consequences for society. Thus, this debate is not merely academic; it is crucial for shaping the future of law in an increasingly automated world. (Simmler & Markwalder, 2019)

Research Methodology

This research paper utilizes a comparative and deductive methodology to address the questions posed. It entails a thorough examination and analysis of established jurisprudence and theories regarding legal personhood and their relevance to artificial intelligence. The authors have reviewed various research papers, guidelines, and scholarly articles to grasp different perspectives and opinions. In this context, the research paper seeks to identify and emphasize the gaps and weaknesses in existing jurisprudential theories. Through this analysis,

the authors aim to contribute to a comprehensive and balanced discussion on the personhood status of artificial intelligence. The goal is to pinpoint the deficiencies and propose potential remedies to address the existing gaps.
Nonetheless, the research has certain limitations. The continuously evolving nature of artificial intelligence and the law may lead to not addressing every aspect. The researchers are aware of this limitation and strive to tackle it.

Gaps in Current Intellectual Property Regulations for Emerging AI Technologies

The legal system needs to stay current with the changing technology. Indian law grants Copyright to the creator of an original work and patent protection to the inventor. The jurisprudential justification behind these rights is Locke's labor theory, wherein the author, the originator of the work, should have the exclusive right to its use and distribution. (Hughes, 1988) Since one of the primary areas of artificially intelligent entities is the ability to create literary and artistic work, studying the suitability of existing copyright laws becomes relevant. The creativity and independence developed by AI technology over the years have raised concerns regarding IP protection and have called for a re-examination of the existing legal standards. The courts have refused to recognize animals as capable of holding copyright since they are not humans. (Naruto v. Slater, 2018) There have been similar issues under patent laws, wherein the criteria of novelty must be satisfied before claiming ownership of an invention. Recognition and protection of work generated by artificial intelligence under the existing law is a challenge before lawmakers.

Indian copyright law emphasizes the original expression of an idea as a precondition for copyright protection. The law, therefore, does not mandate a high degree of creativity to grant copyright. Going by these legal standards, artificial intelligence has developed enough to create work that can qualify to achieve a modicum of creativity and pass the originality test for owning a copyright. The challenge, however, is posed by Section 2 (d)(vi) of the Copyright Act, 1957, which defines the term author- (i) "In relation to literary or dramatic work, the author of the work; (ii) in relation to a musical work, the composer; (iii) in relation to an artistic work other than a photograph, the artist; (iv) in relation to a photograph, the person taking the photograph; (v) in relation to a cinematograph film or sound recording, the producer, and ; (vi) in relation to any literary, dramatic, musical or artistic work which is computer generated, the person who causes the work to be created." (The Copyright Act, 1957) The proximity of the person who created a work is necessary for conferring copyright protection. However, the person in this reference is a human or a legal person. Therefore, the existing law does not include AI systems; their authorship and ownership of work remain ambivalent.
Similar to copyright claims, AI puts various legal challenges before patent laws. DABUS AI, an algorithm, invented a lamp that flickers in a pattern mimicking brain activity. (Ireland & Lohr, 2020) Its inventors have filed patents in the U.K., Europe, and the U.S.A., claiming that the algorithm deserves proper recognition for designing a new product. The patent office, however, has refused to grant a patent since, traditionally, these rights vest with humans. No humans in this situation had any role or legal claim to a patent created by AI. The legal challenge is that AI systems are not conscious and might not be creative legally. (Robitzski, 2019) Under Section 2 (y) of the Indian Patents Act, 1970, the patent application is submitted only by "the true and first inventor" or a person assigned with such rights. (The Patents Act, 1970) Although the Act does not require the inventor to be a natural person, in practice, an

inventor is considered a natural person. It would be an interesting jurisprudential development of law on AI and patent laws.

IP laws focus only on human elements to determine ownership/ liability, but the time has come for lawmakers to rethink their standards and liability criteria. The question of whether the law can extend legal personhood to these artificially intelligent entities would soon become imperative. A juristic personality is a legal fiction who can sue and be sued. It has the legal rights, liability, and capacity to hold property. However, a mere technological advancement does not require a revolutionary change in the legal system. It is because of increased human interaction with such technological development that it raises new legal challenges before the system. The existing legal system does not recognize artificial intelligence as a legal person. Many philosophers think that the purpose of law is to protect human welfare and further their interests. However, over the years, juristic personality has incorporated many inanimate entities like corporations, animals, family setups, etc. Extending legal personality to artificial intelligent entities would help make them accountable under the law, just like corporations. Such personality is merely a means to enable humans to act or to be held responsible on behalf of a non-human entity. There are divided opinions on whether AI should extend its legal personality.

One school of thought thinks that since AI can surpass the human intellect, it should be granted its rights and personal liabilities and treated as a legal person, similar to how a company has the status of a juristic person. Contrary to this, since AI is the outcome of human programming, the act of AI can be traced back to its human creator/ handler. Therefore, AI must not be recognized as a juristic person. The reason is that AI neither possesses complete autonomy nor free will. The 2020 European draft on AI-generated work argues in favor of recognizing such work at par with a human's work and, therefore, should be copyright protected. However, it opposes recognizing personality rights in favor of AI. The draft proposes vesting the ownership of work in the person who creates and publishes the work according to the legal requirements unless the technology designer retains the ownership rights. (European Parliament Report, 2020) The question is whether the IP policy should expand and create new rights in response to technological developments in AI.

These arguments were legal speculations until Saudi Arabia granted citizenship to the human-like robot Sophia in 2017. Similarly, The Civil Law Rules on Robotics discusses the urgency of regulating artificial intelligence entities and suggests developing a legal personality in addition to proposing measures to assign responsibility for the actions of artificial intelligence. (European Parliament 2015/2103(INL), 2017) In Feb 2020, the European Commission published its White Paper on AI (European Commission, 2020) and a brief report on safety and liability. These documents highlight the inadequacy of European law and liability mechanisms about artificial intelligence. Subsequently, in July 2020, The European Parliament published a study on determining the civil liability of artificial intelligence. (Bertolini, 2020) While accepting the difficulty of defining an AI, the draft refutes the idea of a technology-neutral regulatory approach. The study has proposed a new legal strategy for dealing with the liability challenges of AI. Similarly, until recently, the Chinese legal system denied copyright protection to AI-produced work (Chen, 2019); however, a district court in China refused to allow the reproduction of algorithm-generated work without authorization. (Bo, 2019) In 2020, WIPO released the Draft Issues Paper on Intellectual Property Policy and Artificial Intelligence to establish a uniform policy on artificial intelligence. (WIPO, 2020)

With years of research, IBM's AI engine, Watson, can detect cancer in just 10 minutes and help save human lives. AI systems have started affecting human lives, and our legal system is far from acknowledging that. Existing IP laws recognize only humans as creators/infringers. Policymakers should take a positive and balanced approach to identifying and regulating AI. (Gerke et al., 2020) One of the primary reasons behind discussing personhood status for artificial intelligence is its autonomous nature. The ability to evolve based on the data processed, makes the content generated by artificial intelligence uncertain thereby, application of IP laws becomes challenging regarding vesting of rights. AI generated content poses legal challenges regarding ownership of copyright over the content, determining liability and situations where AI enters into contractual relations. This can pose legal challenges when the artificial intelligence has increased autonomy and can act like humans.
There have been conflicting opinions upon granting personhood status to artificial intelligence and few scholars suggest that an alternate legal doctrine designed specifically for artificial intelligence would be a better idea. They suggest that AI should be considered as a mere tool or an agent when entering into a contractual relationship to determine rights and liabilities. However, one of the essential components of agency is the capacity to give legal consent which means that AI should be legally capable of mental capacity, which in turn requires legal personality. (van den Hoven van Genderen, 2018) The issue of granting personhood status becomes of importance due to the benefits derived from the status. Along with the benefits derived, having the ability to be held responsible before the law i.e the ability to sue and be sued is also an important aspect of legal personhood. Even if law recognises AI as a legal person, the world might face regulatory challenges due to the lack of a uniform legal system across the globe. Apart from this, further challenges might also arise due to the unique technological structure of every AI. Due to the autonomous nature of AI, predicting a particular outcome might become difficult which may pose challenges in drafting specific regulations to ensure that they operate within a particular legal and ethical framework.

In a situation where the world is struggling to accept a common definition for artificial intelligence, the European Union, released a draft report on artificial intelligence where they have attempted to define artificial intelligence. The European Parliament defines an AI system as a system that displays intelligence behavior by analyzing certain inputs and acting, with some degree of autonomy to achieve specific goals. AI systems can be purely software based, acting in the virtual world, or can be embedded in hardware devices. (European Parliament, 2020) The Parliament's resolution on civil liability regime for artificial intelligence (2020/2015(INI),2020 O.J.(C 338) and intellectual property rights for the development of artificial intelligence technologies (2020/ 2014 (INL), 2020 O.J. (C 338)1) states that no legal personality should be granted to AI since they do not possess human consciousness and their development was done to serve humanity. The parliament also states that AIs are capable of causing more harm because of human control and therefore, cannot be held liable. Parliament in this resolution also acknowledged that due to the autonomous nature of AI, creation of AI-generated content might result in intellectual property right issues which might potentially have adverse effects on human creators. This approach however, was not welcomed by the scholars and considered not at par with the developing technologies.

Legal Personhood and Artificial Intelligence

According to Dyschkant, the concept of legal personhood is an anthropocentric philosophical approach which plays an important role in determining the personhood status of non-human entities. (Dyschkant, 2015) Anthropocentric philosophy focuses on human experience in determining what counts as a person because it gets difficult to assign a personality when the entity is not sufficiently like a human. Contrary to this, Grey puts forth capacity, accountability and humanity of AI as determinant factors for personhood status. (Koops et al., 2010)

In legal jurisprudence, the concept of person ficta and juristic person are different from natural person. These ancient concepts can be traced back to the Roman era where person ficta i.e. an imaginary person, could only exist if the State recognised it through a legislation. Compared to the existing concept of juristic personality, person dicta did not have a separate identity from that of its members and was dependent on human will to own any rights. Subsequently, the concept of persona ficta was replaced with the idea of juristic personality by using a priori notion of law. (Brown, 2021) The fundamental difference between both these concepts is the conferring of legal rights. Juristic person attaches legal rights to a subject, and that can be either an individual or a group of individuals. An individual/ group of individuals having a definite set of legal rights is a fiction exactly like the legal personality of a human being.

This difference in personalities has been followed by many countries. The United States for example, follows the concept of persona ficta wherein a corporation is legally recognised as a fictitious person whereas, in European countries like Germany, France etc. the corporations are considered as a real person. Deiser, in his work, terms this as a broad generic human existence recognised by law as a juristic person. The difference lies in the will of a person. A juristic person is legally not capable of having or expressing its will since it has abandoned the fictional premise under the persona ficta approach. Will is required to confer right and not to impose duty. (Deiser, 1908) Therefore, artificial intelligence can be considered as a persona dicta with duties without a will, or as a persona ficta with recognized rights and will, or as a juristic person without a will. The question whether artificial intelligence has a will or not is dependent on its status as a persona ficta. (Brown, 2021) If artificial intelligence is recognised as a legal person, the issue would be whether the rights are conferred through its programmers or owners or whether the law should recognise personhood and impose legal duties even in absence of a will. These are some major challenges that need to be addressed and are dependent on the public policy of the nation. (Matter of Nonhuman Rights Project Inc. V Stanley, 2015) According to Gray, rights and duties of a legal person are alternate and not concurrent. Even though law recognises certain rights in favor of a legal person, no concurrent duties are imposed on them. He draws analogy from recognised legal persons like temples and churches which are considered as legal persons but have no corresponding duties. In his opinion, duty does not require will but to have a right and exercise it, one needs to have a will. (Grey, 1997)

However, to determine these policy questions, we need to address a couple of fundamental ideas- whether to grant rights and duties to AI or not. Many scholars are of the opinion that no rights should be conferred on artificial intelligence since rights are granted to an agency which has the capacity to contribute to the society as rights come along with their set of co-related duties. (Matter of Nonhuman Rights Project, Inc. V Lavery, 2018) Legal status granted to temples etc. is dependent on the human intervention to enforce the legal rights on

their behalf. (Chesterman, 2020) However, the ability to make autonomous decisions is what makes artificial intelligence unique and different from already existing legal personalities. Solaiman takes an anthropocentric approach and states that since artificial intelligence does not rely on human intervention, they should not be granted personhood status. (Byrn V. New York City Health & Hospitals Corp., 31 N.Y.2d 194, 1972) However, the programmer of AI or its owner can be considered to confer rights to artificial intelligence.

Another fundamental question that runs parallel with conferring rights is imposition of duties on artificial intelligence. The two arguments against imposition of duties on AI are the lack of any mental element and the challenges in enforcement and determining the liability. However, it can be argued that artificial intelligence is designed and programmed to perform a particular task which can be considered as intention for the purposes of bestowing duties. (Solaiman, 2017) To illustrate, AI that are designed to collect data to learn and develop itself and predict behaviors can be considered for the purposes of imposing duties. However, if the law is unable to enforce these rights, duties and fixation of liability, the legal obligations are meaningless. One of the primary concerns in enforcement of liabilities is its effectiveness against non- human entities since the humans would eventually bear the responsibility for infringing actions. The question whether an artificial intelligence can be granted rights and duties depends on whether they can own the rights and duties derived from property ownership. (Davis, 2011) Since the ability to legally hold property in one's name has been the foundation of legal personality; it is necessary to enquire that to what extent can an artificial intelligence be entitled.

Artificial Intelligence And Property Ownership

Property ownership and legal personality are interrelated concepts. The status of personhood largely depends on the fact that an entity can hold property in its name. In the existing legal system, the property ownership by a non- human entity depends upon a human agent, acting on its behalf to protect and enforce the rights. (Bisoyi, 2022) This relationship can be understood from the principle that which the law recognizes as a property will not have personality rights and to own property, one must have legal personality. Upon grant of personal status, the non- human entity transitions into a legal being, vested with rights and duties, however, this change is dependent on the public policy of the nation. Artificial intelligence, if given this status, would go through this change too. There are many non-human entities which are recognised by law as a person. Rivers (O'Donnell & Jones, 2018), idols etc. are considered as legal persons and can own property. (Yuille, 2020) The interesting thing to be considered is that these rights and property are managed by their human agent, on their behalf.. For example, the shareholders, board of directors work and manage things on behalf of a corporation. Similarly, the High Court of Uttarakhand have declared river Ganga and Yamuna as legal person under the parens patriae principle while making the State loco parentis for the rivers. (Mohd. Salim V State of Uttarakhand, 2017) It is doubtful if the same concept can be applied to artificial Intelligence to recognise personhood status, since they are capable of taking the decisions on their own and have the autonomous ability to think. The principle behind allowing human agents to act on behalf of non- human entities is to ensure enforceability of the rights conferred.

However, we need to keep in perspective the fact that not all artificial intelligence relies on human agency to act. The existing machine learning technology behind artificial intelligence

has not yet become a strong AI, independent of human interference. Machine learning can be categorized as supervised and unsupervised learning, depending upon the human assistance required in functioning. A supervised machine learning would be more suitable for application of parens patriae principle for property ownership since it requires human intervention to provide the required results. (Zenor, 2018) In other words, a weak AI can be conferred the right to own property provided there is a human agent acting on its behalf, in the same manner as a corporation, river, or an idol. However, a strong AI, capable of taking the decision, if granted the right to own property, can exercise these rights beyond the controls of law and human beings which could result in legal issues and compromised social order.

D. Rothenberg, to address the issue whether an AI can own property or not, mentions three scenarios wherein property can be owned: 1. in the capacity of an agent, 2. like a corporation, and 3. like a natural person. (Rothenberg, 2016) He points out that since AI are used by humans, they already act like an agent and therefore possess and control property in that regard. However, the legislative requirement for regulation of agency can only be altered by way of law. Regarding the second suggestion, an AI can hold a property like a corporation since it meets all the requirements of a corporation- it is a legal entity, separate from its shareholders and has the capacity to continue even after its shareholders. Apart from this, AI also reflects the ability to enter a contract. Like a corporation cannot act apart from its shareholders, an AI too can act through humans, someone who can be held responsible and liable for the actions of a non-human entity. (Rothenberg, 2016) This proposition however rests on the presumption that AI be granted legal personhood. However, regarding the third suggestion, making AI legally capable to hold property like a natural person would require a drastic paradigm shift in public policy and morality of a nation.

Based on the work of Rothenberg, a weak AI can be granted the status of a legal person, capable of owning property like other non-human entities recognized under law. The human owner/ programmer will be an essential element to such ownership and exercising of rights and fixing liability. However, a strong AI on the other hand, does not depend on its humans to work, should ideally not be granted the status of legal personality. (Schuster, 2019) Autonomous nature of the strong AI would not only pose risk to the legal system, but it would also be contrary to the morality of the nation. Moreover, making an autonomous machine, owner of a right, would lead to serious legal challenges in enforcing the rights and fixing liabilities and obligations. (Dyschkant, 2015)

Electronic Personality: A Possible Solution?

Due to the ongoing dilemma and approach followed by the European Parliament through its resolutions, an alternate solution to legal personality seems a plausible solution. Granting AI an electronic or alternative personality rather than legal personhood under the existing legal regime was suggested by European Parliament Resolution in 2017, which was subsequently dropped in 2021. (Bertolini, 2020) Creating a separate identity for AI would not only specify the general legal approach, including rights, liability and duties, towards them, it would also determine the relationship between AI and its programmer and users.

Bertolini, in the report states that electronic personality can be considered yet another type of legal entity which can be held liable for its actions and is capable of entering into legal agreements. This type of personality will be associated with entities which are capable of carrying out their activities independently and therefore would impose responsibility on the

natural persons like programmers or users under different circumstances. (Ziemianin, 2021) Given the above analysis and the potential legal complications, it seems plausible to create a separate category to address rights, liability and IP issues of AI. Since AI does not seem to fit in either of the existing personalities: natural and juristic, recognising and incorporating the uniqueness of AI within the existing legal framework becomes all the more necessary and creation of electronic personality seems to be the solution. Another reason why electronic personality can be considered as a good alternative is that it would define the risk and responsibilities of AI with its programmer and users. This legal clarity would not only make people invest more in this field, it would also provide them with clear rights and liabilities. This system resembles the system developed for corporations where the investors and shareholders are liable for the actions of the corporation within a set of defined rules and regulations. (Chesterman, 2020)

This proposal of electronic personality was revoked by the European Parliament in its Resolution on civil liability regime, 2020 and Proposal for the Artificial Intelligence Act, 2021. Amidst challenges posed by evolving technologies we cannot deny the fact that this decision might be reconsidered. If no liability or responsibility can be fixed for the actions of AI, why should the benefits arising from AI generated output be received?

Conclusion & Suggestions

As artificial intelligence (AI) advances rapidly, the urgent need for comprehensive legal regulations becomes increasingly clear. We must confront a critical question: Should AI be recognized as a legal person? The traditional understanding of personhood, which includes both natural individuals and juristic entities, is being fundamentally challenged by AI's capacity for autonomous decision-making—capabilities that can greatly influence rights and responsibilities. This research paper systematically investigates the legal landscape surrounding personhood, leveraging John Grey's insights to assert that AI merits consideration as a legal entity. According to Grey, a legal person is an entity endowed with specific legal rights and obligations, a crucial distinction that sets it apart from mere human beings. The absence of a universally accepted definition of personhood poses a barrier that must be overcome; without it, we cannot properly evaluate AI's status within the legal framework. To determine whether AI qualifies as a legal person, we must rigorously analyze the concept of legal subjectivity. Legal subjectivity refers to the way the law acknowledges entities, granting them defined rights and responsibilities. Consider a corporation, which possesses juristic personality characterized by distinct rights and obligations; this is fundamentally different from the rights attributed to inanimate objects such as rivers or deities. Both legal subjectivity and legal personality require the capacity to hold rights and undertake legal actions.

Artificial intelligence (AI) is an expansive and rapidly evolving discipline that, notably, lacks a universally accepted definition. Various scholars characterize AI as the simulation of human cognitive functions through software systems. This technology has permeated everyday life, manifesting in ubiquitous applications such as voice-activated assistants like Alexa and Siri, as well as advanced interfaces like mind-controlled Google glasses. Despite this pervasive presence, AI has yet to attain recognition as a legal entity. This raises a critical question: if society acknowledges agents as legal subjects, why should AI be excluded from this framework? AI exhibits several attributes traditionally associated with legal personhood, including intelligence, autonomous decision-making capabilities, and the ability to interact

with complex systems. These characteristics suggest that AI could fulfill criteria necessary to be recognized as a legal subject. The recognition of AI as a legal entity is imperative for formulating regulatory frameworks that clarify its interactions with existing legal entities and ensure the protection of rights and interests in these engagements. At present, there are no comprehensive national or international legal structures that uniformly establish AI as a legal person, which complicates its treatment under the law. Given AI's autonomous nature, it is crucial to delineate the boundaries between the AI systems themselves and the individuals or organizations that develop, operate, or own them. Facilitating a clear legal framework governing the interactions between individuals and AI could simplify the current complexities of these relationships. Currently, AI is often categorized as property due to its lack of legal personhood. However, its capacity for continual adaptation based on data inputs introduces challenges in predictability and accountability. Should attempts be made to ascribe liability to AI for its autonomous actions, it could lead to scenarios where individuals evade responsibility. One of the potential pitfalls of granting legal personhood to AI lies in the possibility of its misuse by humans who might exploit this status to absolve themselves of accountability, turning AI into a convenient scapegoat for their actions. This complexity necessitates careful consideration as we navigate the implications of integrating AI into our legal systems.

The view against granting legal personality to AI is not only misguided but fails to recognize the profound implications of such a decision. Critics often claim that despite AI's sophisticated decision-making abilities, it lacks sentience and the capacity to express its own will. However, this argument overlooks the significant shift that recognizing AI as a legal person would represent. Embracing this perspective would reshape our understanding of personhood and establish critical precedents that could transform society. This debate is more than an academic exercise; it is an essential step toward defining the future of law in a world increasingly shaped by intelligent machines and automation.

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