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LEGAL PERSONALITY OF ARTIFICIAL INTELLIGENCE AND AUTONOMOUS SYSTEMS IN CIVIL LAW

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Abstract: This article examines the legal personality of artificial intelligence and autonomous systems in civil law. It analyzes AI's status as a legal subject, including its rights, obligations, and liability issues. The study explores existing legal approaches and international experience. Recommendations are provided for determining AI's role and significance within the civil law system. The article addresses emerging challenges in establishing AI's legal status and proposes solutions.

Keywords: artificial intelligence, autonomous systems, legal personality, civil law, legal subject, liability, ethics.

Introduction

The rapid development of artificial intelligence (AI) and autonomous systems presents new challenges for civil law. As these technologies integrate into various aspects of life, it becomes necessary to determine their legal status, define rights and obligations, and resolve liability issues. The recognition of artificial intelligence as a civil law subject has become one of the most debated topics in modern jurisprudence. This issue has both theoretical and practical significance, as AI systems' autonomous decision-making and actions raise questions about liability for their legal consequences. This article aims to comprehensively examine the legal personality of AI and autonomous systems in civil law, analyze existing approaches, identify emerging challenges, and propose solutions .

Methodology

A. Literature Review Existing scientific literature, articles, and legal documents on the topic were examined. This method identified various theoretical approaches and practical experiences regarding AI's legal status.

B. Comparative Legal Analysis The experience of different countries in legally regulating AI and autonomous systems was compared. This method identified the most effective approaches and practices.

C. Systematic Analysis AI's role and significance in the civil law system were comprehensively studied. This method identified AI's unique characteristics as a legal subject.

D. Forecasting Method Future trends in AI technology development and their legal regulation were predicted .

III. Results

A. AI's Status as a Legal Subject Legal scholars hold varying views on recognizing AI as a legal subject. Some researchers argue for granting full legal subjectivity to AI, while others oppose this idea. For example, Solum (1992) suggests that AI could be granted constitutional rights . He argues that AI systems' ability to make independent decisions and self-develop necessitates granting them certain legal status. Conversely, Bryson (2018) emphasizes the dangers of recognizing AI as a full legal subject, arguing it could undermine human legal status . A third group of scholars suggests that AI could be granted limited legal subjectivity without equating it to human rights. For instance, Čerka et al. (2017)

propose that AI could be given a status similar to legal entities while maintaining distinctions from human rights .

B. Rights and Obligations of AI Recognition of AI as a legal subject implies granting certain rights and obligations, though their scope and content remain undefined. Some researchers suggest AI could be granted property rights, including intellectual property rights. For example, Yanisky-Ravid and Liu (2017) raise the question of granting patent rights for AI-created inventions . The issue of AI's obligations is also under discussion, particularly regarding liability for actions and compensation for third-party damages. Turner (2019) proposes a new approach to AI liability, suggesting viewing AI systems as "electronic agents" and distributing liability between manufacturers and users .

C. The Issue of AI Liability AI liability represents one of the most complex issues in civil law. Who should be responsible for damage caused by an AI system? Answering this question requires considering AI's degree of autonomous decision-making, the possibility of controlling its actions, and other factors. Kingston (2018) links AI systems' liability to their "black box" operating principle and emphasizes strengthening manufacturer liability . Alternatively, Vladeck (2014) proposes making AI systems themselves liable and suggests implementing a special insurance system . The European Parliament's 2017 resolution proposed introducing the concept of "electronic personhood" and granting robots certain legal status, implying their responsibility for their actions .

Discussion

A. Challenges in Establishing AI's Legal Status The main challenge in establishing AI's legal status lies in accounting for its differences from humans and unique characteristics. AI systems' ability to learn independently, make decisions, and act distinguishes them from traditional legal subjects. However, we must remember that AI remains a system created and controlled by humans. The extent of legal subjectivity to be granted to AI remains debated among legal scholars. For instance, Grapsholt (2020) suggests that AI could be granted limited legal subjectivity while maintaining distinctions from human rights .

B. Solutions for AI Liability Issues Several approaches are proposed for resolving AI liability issues. The first approach involves recognizing AI systems as "electronic persons" with distinct legal status. The second approach distributes

liability between AI system manufacturers and users. The third approach implements a special insurance system. We suggest that an optimal solution would combine these approaches: implementing certain independent liability for AI systems while maintaining manufacturer and user liability, alongside a special insurance system .

C. Ethical Considerations in Establishing AI's Legal Status Ethical considerations play a crucial role in establishing AI's legal status. How will granting certain rights to AI systems affect their relationships with humans? How can we ensure AI decision-making processes adhere to moral norms? Dignum (2019) emphasizes the necessity of adhering to ethical norms in developing and implementing AI systems . We believe ethical norms and human values should be central in establishing AI's legal status.

Conclusion The legal personality of AI and autonomous systems in civil law represents one of modern jurisprudence's most pressing and complex issues. Addressing this issue requires a comprehensive approach. First, AI's status as a legal subject must be clearly defined, granting limited legal subjectivity that considers AI systems' unique characteristics. Second, AI liability issues should be resolved through a combined approach incorporating electronic personhood recognition, manufacturer and user liability, and special insurance systems. Third, ethical and moral criteria must be considered in establishing AI's legal status. AI systems' activities should align with human rights and interests and society's values.

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