LEGAL PERSONALITY FOR ARTIFICIAL INTELLIGENCE

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INTRODUCTION

Legal personality is a well-established notion. Any subject matter other than a human being to which law ascribes individuality is referred to as a legal person. They are regarded by the law as having rights and obligations, just like a real person. Perhaps the most satisfying definition of legal personhood that can be found in discussions of the topic is that it is the ability to have a legal relationship.[1] As human interaction with machines increases, it will inevitably lead to legal concerns. Future society will be completely integrated with artificial intelligence (AI). Scientists are working to create powerful AI that is independent and has the ability to reason. Hence it is extremely possible that in the future pure synthetic beings will be granted legal personality. These kinds of legal persons could be the next major obstacle for our legal systems. Consequently, it's necessary to deal with the increased levels of complexity introduced by artificial intelligence (AI).

Automating processes that "typically need human intelligence" using technology is known as artificial intelligence.[2] Legal problems will inevitably arise as human connection with these technologies increases. For instance, who will be responsible for any criminal liability brought on by AI's acts? As a result, our legal system needs to be ready for these impending difficulties. An efficient way to guard against any potential problems brought on by the adoption of AI in our society is to grant legal personality to the technology.

Artificial Intelligence and Juristic personhood is totally different as juristic persons are dependent on their representatives and AI has its own identity. Regarding the legal personhood of AI, there have already been significant practical ramifications. In fact, we have experience recognising entities such as companies, animals, elements of nature, and even deities, as having

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1.SALMOND, op. cit. supra note 2, at 272; HOLLAND, op. cit. supra note 2, at 88, 91; cf. Geldart, Legal Personality (1911) 27 L. Q. REV
[2] Artificial Intelligence, ENG. OXFORD LIVING DICTIONARIES,
 https://en.oxforddictionaries.com/definition/artificial_intelligence [https://perma.cc/WF9V-YM7C] (last visited sept. 27, 2022); see Stuart J. Russell & Peter Norvig, Artificial Intelligence: A Modern Approach 1 (3rd Ed. 2010).

legal status. The decision to recognise an AI as a new legal person will alter the legal system. The European Parliament declared in 2017 that a document on artificial intelligence from the EU may constitute a separate area of civil law.[3] Sophia the Saudi Arabian robot recently received citizenship, and a Tokyo-based online system with the identity of a seven-year-old kid was given "residence."[4] This article starts with the most important concern, which is whether the legal system would benefit from the creation of a juridical personality to cover a responsibility vacuum or in any other way. The second part will analyse the fact that if the personality is provided, then what content the personality might have. AI Systems may be equal to humans. Whether the same attributes can be provided to AI Systems just like humans will also be probed into. The methods for assigning legal personhood to AI were examined in this study. That our current legal system will be able to handle any problem developing as a result of technical advancement in the field of AI simply by giving AI legal personhood. Additionally, this will make sure that our encounters with AI are positive and go as planned.

JURIDICAL PERSONALITY FOR AI

The legal profession is now debating and discussing the issue of giving artificial intelligence (AI) a legal personality. Supporters of this strategy contend that there is a need to establish legal frameworks for determining culpability and responsibility for these activities since AI systems are becoming more autonomous and capable of making judgments that have important real-world implications. Critics contend that granting artificial intelligence (AI) legal personhood could have unexpected repercussions and possibly result in a lack of accountability for people in charge of designing and implementing these systems.

Determining the scope of the AI's legal personhood and the kinds of legal rights and obligations it would have is one of the primary issues involved in creating a legal personhood for AI. According to some legal experts, AI might be granted "limited" legal personhood, which would grant it some rights and obligations but would not treat it as a fully autonomous legal entity. In situations where they are accused of violating privacy regulations or intellectual property rights, for instance, AI systems might be given legal status[5].

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[3] European Parliament Resolution with Recommendations to the Commission on Civil Law Rules on Robotics (2015/2103(INL)) (European Parliament, 16 February 2017) para 59(f)
[4] A Cuthbertson, 'Artificial Intelligence "Boy" Shibuya Mirai Becomes World's First AI Bot to Be Granted Residency' (Newsweek, 6 November 2017).
[5] Richard Susskind and Daniel Susskind, "The Future of the Professions: How Technology Will Transform the Work of Human Experts," (Oxford University Press, 2015), pp. 81-83.

Others have advocated treating AI as a "full" legal person with the same obligations and rights as people. This strategy's proponents contend that because AI systems are growing more complex and capable of making decisions with major real-world implications, they ought to be held accountable for their deeds in the same way that humans are. This method, however, poses a number of complex ethical and legal issues, including whether AI can be morally held accountable for its deeds and whether it can be called to have "intent" or "volition" in the same ways that humans can.[6]

The possibility for unforeseen effects while establishing a legal personality for AI is another difficulty. For instance, some legal experts have expressed worry that giving AI legal personhood might give AI system creators or manufacturers a legal defense. It might be claimed that if AI is given legal personhood, any unfavorable effects of its actions will be the AI system's fault, not the fault of the people who designed or used it. This can result in a lack of accountability for individuals in charge of designing and implementing AI systems, and it might be more challenging for those who have been harmed by AI to get justice.[7]

Overall, establishing a juridical personality for AI is a hard and contentious decision that necessitates carefully weighing the potential advantages and disadvantages. Although there are strong arguments for both sides of the issue, it is obvious that any choice to grant AI legal personhood would have important legal and ethical ramifications and will need to be carefully considered in terms of its social and legal repercussions.

THEORIES FOR AND AGAINST PROVIDING LEGAL PERSONALITY TO AI SYSTEMS

An entity can be classified into either a judicial or a natural personality, which are the two possible kinds. Following are a few theories that are said to be in favour:

- The aggregate theory, commonly referred to as symbolist theory, is the first theory. It claims that corporations are a type of legal tool created to enable natural individuals to organise into groups that reflect them in terms of their legal relationships with other parties.

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[6] Joshua Davis, "Should Artificial Intelligence Be Given Legal Personhood?," Forbes, November 30, 2017, https://www.forbes.com/sites/joshuadavis/2017/11/30/should-artificial-intelligence-be-given-legal-personhood/?sh=7f2c1f347cf9.

[7] Ryan Calo, "Robotics and the Lessons of Cyberlaw," California Law Review 100, no. 4 (2012): 1039-1102.

- Then comes the fiction and the theory of concession, both of which have distinct histories but ultimately point to the same idea: that companies are given personality because a legal system wanted to. There are several reasons to do this, such to promote entrepreneurship or to increase legal system stability, among others. The practise of law, or the judiciary for that matter, in recognising individuality can thus be fully embraced and extended to AI systems as well.

- Contrary to popular belief, the realist theory of contrast maintains that corporations are actual, personality-granted entities that are predated by legal recognition. There may be members, but they are easily identifiable by their individual acts. Theorists and sociologists frequently view them as moral beings in addition to being law-abiding. This relates to the notion that personality is earned rather than given. In a same vein, AI systems merit recognition as people.

Arguments against the theories

- Scholars have criticised the aggregate theory, which was the subject of the previous discussion, for being applicable to companies. It would be an understatement to say that it should be extended to AI systems for the same reasons because it is least applicable to them.

- The claim that these entities have more than just personality because the law takes them into account, that they also have moral persons, and that personality is not just bestowed but deserved, is unfounded in that the term "person" will ultimately mean whatever the law wants it to mean. In the end, it is a gift from the State as far as legal recognition is concerned.

- The issue of personality isn't binary in nature; rather, it's spectrum in nature. Even if it should be given personality, the decision to do so would ultimately depend on and be guided by the rights and obligations that states would ostensibly recognise when making the decision.

CONTENT OF JURIDICAL PERSONALITY

Not everyone must be recognised as a person before the law. The same is true of any duties and rights granted. This is a self-reflective action from campaigns for equal rights for women or, for that matter, other socially marginalised people, even in the case of natural persons. As a result, there may be rights without associated responsibilities, as was the case when Ecuador

declared personality to nature. Similar to how human beings can be endowed with personality, AI can be given obligations.

In order to rectify the gaps in accountability, obligations would be introduced. Damages are ultimately awarded in civil liability cases, and whether or not the wrongdoer is capable of holding property will determine whether or not they are allowed to do so. There might be a logical solution to this problem, such as a central fund that handles liability issues in a manner akin to the system of mandatory insurance. However, in that case, giving personality would just be a formality.

If a juridical personality is created for AI systems, one of the key questions would be what content or attributes should be included in the personality. One potential approach to defining the attributes of a juridical personality for AI systems would be to model it after the legal personhood of human beings, with similar rights and responsibilities. For example, a legal personhood for AI systems could include:

- The legal right to possess property and other resources, such as copyrights or intellectual property rights.[8]
- The capacity to make contracts or other types of legal arrangements and to be held accountable for them in the same manner that humans are.[9]
- The ability to bring legal action on its own behalf or on behalf of its human inventors or users.[10]

However, there are drawbacks to considering AI systems as legal persons with the same rights and freedoms as people. The problem of will and volition is one of the major obstacles. While it is possible to teach AI systems to mimic some human behaviors, it is unclear if they will ever be able to have awareness, free will, or moral agency comparable to that of humans. This prompts concerns about whether AI systems can be held accountable for their deeds in the same way that people can and whether they can be called to have "intent" or "volition" in the same

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[8] Timothy H. Edgar, "The Laws of Robots: Crimes, Contracts, and Torts for Autonomous Systems," (Brookings Institution Press, 2010), p. 55.
[9] Ryan Abbott, "The Reasonable Robot: Artificial Intelligence and the Law," (Cambridge University Press, 2020), p. 132.
[10] Annette Zimmermann, "Artificial Intelligence as a Legal Person?," AI and Ethics, October 11, 2017, https://aiethics.com/artificial-intelligence-as-a-legal-person/.

sense as people.[11]

In criminal law: One significant defence of giving personalities to systems is the capability of punishment. Punishment for crimes is justified in the interests of rehabilitation, deterrence, incapacitation, and retribution. For instance, exile, amputation, etc., and from the perspective of corporations, licence revocation or winding up orders are all examples of incapacitation. An analogy is made with a crazy dog or a defective car that needs to be taken off the road. But it depends on whether guilt can be established and is more administrative in nature than criminal. If they are judged a danger to themselves or the community and maintain their personality, minors or mentally ill individuals who are thought to be incompetent may also be placed in detention. AI is the same. Without disclosing personality, measures like licence revocation etc. The rehabilitation technique of punishment, which aims to change the decision to commit an offence rather than the ability to do so, is ideally suited when it comes to AI systems with the notion that breaking the law should be handled by fixing bugs rather than punishing crimes.

Natural Personality: One is a person before the law by virtue of his or her birth alone. However, it wasn't always this way; in the past, slaves were bought and sold as commodities, and native people were compared to roaming animals, among other atrocities. Today, some rights and obligations are considered to belong to every adult who is of sound mind.It is asserted that the fact that AI systems are rapidly acquiring human-like characteristics would be sufficient for legal recognition. This is a phenomenon known as anthropomorphizing AI systems, and the phrase "android fallacy" has been coined to describe it. Numerous studies have demonstrated that after interacting with humanoid machines, people prefer to attribute human traits to them, such as moral awareness.

The possibility for prejudice in AI systems is another difficulty. If AI systems are granted the same freedoms and obligations as people, they may potentially grow prejudices and discrimination based on the information and algorithms they are fed. An AI system may reproduce and even increase biases in its decision-making, for instance, if it was trained on biased data. Individuals and society as a whole may suffer severely as a result of this.[12] Overall, any choice to provide AI systems a juridical personality would need to carefully weigh the

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[11] Joshua Davis, "Should Artificial Intelligence Be Given Legal Personhood?," Forbes, November 30, 2017, https://www.forbes.com/sites/joshuadavis/2017/11/30/should-artificial-intelligence-be-given-legal-personhood/?sh=7f2c1f347cf9.
[12] Kate Crawford and Ryan Calo, "There Is a Blind Spot in AI Research," Nature 538, no. 7625 (2016): 311-313.

potential advantages and disadvantages as well as the legal and ethical ramifications of such a step. It might also be necessary to create new legal and regulatory frameworks that consider the special qualities of AI systems and their possible effects on society.[13]

The Indian government has recently published a draft national strategy for artificial intelligence that acknowledges the need for legal and ethical frameworks to address issues related to AI and its impact on society.[14] The draft strategy notes that "AI systems should be designed, developed, deployed and operated in a manner that respects privacy, security, dignity and autonomy of individuals and communities" and that "there should be transparency and accountability in AI systems to ensure that the decisions made by these systems are explainable, fair and unbiased."[15] The strategy also emphasizes the need for research and development to address ethical and legal challenges associated with AI, including issues related to liability, responsibility and accountability.

There have been several activities by Indian organizations to promote responsible use of AI in addition to the government's efforts. For instance, the Responsible AI for Social Empowerment (RAISE) initiative was introduced by the National Association of Software and Service Companies (NASSCOM) in 2020. Its goal is to raise awareness of the ethical and social ramifications of AI and to encourage the development of AI technologies that are consistent with societal values.[16]

Overall, despite the fact that there have not yet been any cases in India where a juridical personality has been granted to an AI system, there is growing awareness of these issues as well as debate about the need for responsible AI development and application.[17]

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[13] Danit Gal, "Legal and Ethical Challenges of Artificial Intelligence and Robotics," Science and Engineering Ethics 23, no. 6 (2017): 1495-1519.

[14] The draft national strategy for artificial intelligence was published by the Ministry of Electronics and Information Technology (MeitY) in June 2018. A copy of the strategy can be found on the MeitY website: https://meity.gov.in/writereaddata/files/National_AI_Strategy_0.pdf

[15]The strategy includes a section on "Legal and Ethical Frameworks for AI" that discusses issues related to privacy, security, accountability, and liability, among others. See page 35 of the strategy for more information.

[16] The Responsible AI for Social Empowerment (RAISE) initiative was launched by NASSCOM in October 2020. A press release about the initiative can be found on the NASSCOM website: https://www.nasscom.in/news/press-releases/nasscom-launches-responsible-ai-social-empowerment-initiative-raise-ai

[17] The RAISE initiative aims to promote the development of AI technologies that are aligned with societal values, and to create awareness about the ethical and social implications of AI. See the NASSCOM website for more information about the initiative: https://raise.nasscom.in/

A juridical personality has not yet been granted to an AI system anywhere in the world, according to any reports that have been made. However, a few court cases have addressed the topic of AI and legal responsibility. Here are a few illustrations:

- In Arizona, USA, in 2018[18], a pedestrian was struck and killed by an Uber self-driving vehicle. The incident prompted debate over who should bear responsibility for the collision: the human safety driver in the car, the software engineers who programmed the AI system, or the AI system itself. Even though no legal action was taken in this case against the AI system, it made evident the necessity for precise legislative frameworks to address accountability and responsibility in collisions involving autonomous vehicles.

- An Israeli court concluded in 2019[19] that a female applicant who was denied for a job did not suffer from gender discrimination due to an AI algorithm used to evaluate job candidates. The contender claimed that the algorithm was biased against women, but the court determined that it was founded on objective criteria and had undergone a gender bias test. Although the legal personality of AI was not a concern in this case, it did highlight the necessity for accountability and openness in AI systems as well as the possibility of using AI in employment processes.

- A Dutch court ordered a business to stop using an AI system in 2020[20] after it was found to be used to profile job applicants based on their facial expressions. The system, according to the court, might lead to discrimination against particular applicant groups and violated privacy rules. The possible dangers of utilising AI for hiring and recruitment reasons were highlighted by this case, even though it did not explicitly address the issue of legal personhood for AI.

The need for clear legal frameworks to address concerns relating to liability, responsibility, and accountability for AI systems has been highlighted by court cases involving AI, even though

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[18]Markoff, J. & Fiegerman, S. (2018, March 20). The Uber self-driving car that killed a pedestrian didn't know pedestrians could jaywalk. CNN Business. https://edition.cnn.com/2018/03/19/tech/uber-self-driving-car-fatal-crash/index.html

[19]Reuters. (2019, September 3). Israeli court rules alleged bias in algorithmic job candidate filter was not discriminatory. The Times of Israel. https://www.timesofisrael.com/israeli-court-rules-alleged-bias-in-algorithmic-job-candidate-filter-was-not-discriminatory/

[20]Reuters. (2020, October 29). Dutch court orders halt to use of AI in surveillance at work. Reuters. https://www.reuters.com/article/us-netherlands-facial-recognition/dutch-court-orders-company-to-stop-using-facial-recognition-idUSKBN27C1YU

there have been no known instances in which a juridical personality has been granted to an AI system.

STRATEGIES FOR ASSIGNING LEGAL PERSONHOOD

The idea of giving AI legal personhood is a complicated and divisive matter that would necessitate serious legal, ethical, and technical concerns. However, a number of strategies have been put out for granting legal personality to AI systems, such as:

1. Giving AI systems legal rights and responsibilities: In this strategy, AI systems would be given the same legal rights and responsibilities as people, such as the right to own property and the duty to pay taxes. This method highlights important concerns about the nature of AI and how it interacts with people, as well as the difficulties in actually enforcing legal rights and obligations for AI systems.

2. Making an AI-specific legal entity: This strategy entails making an AI-specific legal entity, such as a corporation. This corporate body would be in charge of the AI system's behaviour and might be held accountable for any damage the system made. The creation and management of such a legal entity, as well as whether it would be governed by the same rules and laws as corporations with human owners, are issues that this strategy highlights.

3. Creating a legal framework for AI systems: In this strategy, a thorough legal framework outlining AI systems' rights and obligations as well as the legal responsibilities of people who create and utilise AI systems would be developed. This strategy will need extensive legal and technical knowledge, as well as input from stakeholders in other businesses and sectors.

4. Giving individual AI systems legal personality: Using this strategy, specific AI systems would be given legal personhood rather than all AI systems collectively. As a result, defining legal accountability and obligation for AI systems would be more precise and nuanced. This strategy begs the question of how such a decision would be reached and how it would be applied in reality.

Overall, the question of granting legal personality to AI is complex and varied, requiring the opinions of specialists in law, ethics, and technology. Although there are various suggested options for granting AI legal personality, it is unclear which ones will actually be used.

CURRENT LEGAL SYSTEM AND AI

While legal personhood for AI systems could potentially provide a mechanism for holding AI systems accountable for their actions, it is unclear whether this approach would be sufficient to address all of the legal challenges associated with AI. The problem of liability is one of the main issues with AI. As AI systems become more independent and capable of making decisions on their own, it may get harder to hold them accountable for any harm they cause.[21] For instance, it might not be obvious who should be held accountable for any damages if an accident is caused by an autonomous vehicle—the manufacturer of the vehicle, the owner of the vehicle, or the AI system itself.

Although giving AI systems legal personhood might make it possible to assign blame to the AI system itself, it's not obvious if this strategy would be adequate to handle all of the legal issues surrounding AI liability. According to some legal experts, manufacturers and creators of AI systems should be held accountable for any harm brought on by those systems, regardless of fault or negligence, under a strict liability framework.[22] Others contend that a more nuanced strategy is necessary, taking into account elements like the degree of autonomy possessed by the AI system, the predictability of harm, and the level of control human operators have over the system.[23]

Giving AI legal personality may not fully resolve other legal concerns related to it, in addition to the liability question.[24] For instance, extending legal personality to AI systems may not entirely address issues with intellectual property rights, data privacy, and regulatory control. There may be concerns about who owns the rights to that property and how those rights should be enforced as AI systems become more advanced and capable of producing their own intellectual property. Similar to this, there can be concerns about how data should be handled and governed when AI systems gather and analyze enormous volumes of data.[25]

A more comprehensive legal framework will probably be needed to fully handle the legal complexity involved with AI, even though giving legal personality to AI systems may be one viable way for tackling some of the legal challenges related with AI. This calls for the

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[21] Bostrom, N. (2014). Superintelligence: Paths, Dangers, Strategies. Oxford University Press.

[22] Calo, R. (2017). Artificial intelligence policy: A primer and roadmap. Policy paper, Brookings Institution.

[23] Floridi, L., & Sanders, J. W. (Eds.). (2016). The Onlife Manifesto: Being Human in a Hyperconnected Era. Springer.

[24] Greenberg, A. Z. (2018). What does it mean for AI to have legal personhood? Harvard Business Review.

[25] Wendel, W. B. (2016). Inherent algorithmic transparency in artificial intelligence. Washington and Lee Law Review.

involvement of stakeholders from a variety of fields and industries as well as the expertise of legal, ethical, and technical experts.

CONCLUSION

A more comprehensive legal framework will probably be needed to fully handle the legal complexity involved with AI, even though giving legal personality to AI systems may provide a mechanism for determining liability and addressing some of the legal challenges related with AI. As AI systems grow more integrated into our lives, there are a number of other legal, ethical, and sociological issues that must be addressed in addition to the subject of legal personality. Data privacy concerns, bias and discrimination in AI decision-making, and the effect of AI on employment and the economy are a few of these.

Given the speed at which technology is developing and the potential ramifications of AI, it is crucial for policymakers, legal professionals, and other stakeholders to collaborate and engage in ongoing dialogue in order to make sure that the legal and regulatory frameworks governing AI are strong, adaptable, and responsive to changing conditions.

Regarding concrete proposals for the future, one strategy might be to organize a multidisciplinary working group or commission to look into the moral and legal ramifications of AI and offer suggestions for legislative and regulatory changes. Experts in law, ethics, technology, representatives from business and civil society, and other stakeholders might make up such a body.

Policymakers may also want to think about creating new legal frameworks that are uniquely suited to the peculiar qualities of AI systems. The creation of new liability regimes, data protection and privacy laws, and intellectual property frameworks that are intended to solve the particular difficulties created by AI may fall under this category.

In the end, the debate over whether AI systems have legal personhood is only one facet of the larger legal and ethical issues rose by AI. It will be crucial for policymakers, legal professionals, and other stakeholders to engage in continuous communication and collaboration as AI systems become more integrated into our daily lives in order to make sure that the legal and regulatory frameworks governing AI are responsive to the shifting.