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ARTIFICIAL INTELLIGENCE: THE PROBLEM OF LEGAL PERSONALITY IN CIVIL LAW RELATIONS

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Abstract. *The article addresses the problem of determining the civil law status of artificial intelligence systems. The study analyses the four principal approaches developed in international legal doctrine on this issue: recognition of artificial intelligence as an object of civil law, the electronic agent model, the concept of limited legal personality (quasi-subject), and the idea of electronic personhood. The article reveals the normative origins of the electronic agent construction, its attributive function in contractual relations, and its limitations in the field of tort law; the quasi-subject model is assessed on the basis of the theory of divisible legal capacity and the criteria of legitimacy. It is further demonstrated that the concept of electronic personhood cannot be justified under the interest criterion, since it does not give rise to any new interest requiring protection but, on the contrary, creates the risk of establishing a liability shield. As a result of the study, the article examines the applicability of the institutions of representation, transactions, and torts under the Civil Code of the Republic of Uzbekistan to relations involving autonomous systems, and puts forward proposals for introducing a special regime for artificial intelligence while retaining its status as an object of law.*

Keywords: *artificial intelligence, civil law status, object of law, subject of law, electronic agent, electronic personhood, quasi-subject, legal capacity, civil liability*

Introduction

The participation of artificial intelligence (hereinafter, AI) systems in civil-law relations has, in recent years, moved from theoretical debate to a qualitatively different stage. According to a forecast by the research firm Gartner, by the end of 2026 some 40 per cent of enterprise applications will incorporate task-specific AI agents, compared with less than 5 per cent in 2025 (First Page Sage, 2026). A survey conducted by McKinsey, in turn, indicates that 23 per cent of organisations are scaling their use of AI agents in at least one business function, with a further 39 per cent experimenting with them — meaning that more than 60 per cent of the organisations surveyed are exploring or expanding their

use of AI agents (SQ Magazine, 2026). In certain sectors, this process appears to be unfolding considerably more rapidly: in financial services, for instance, the reported rate of AI agent adoption has reached 91 per cent, compared with 68 per cent in healthcare (AI Stratagems, 2026).

These figures indicate that the use of AI agents in activities relevant to civil-law relations is becoming a practical reality rather than merely a hypothesis about the future. For this reason, the question of whether AI may be accorded the status of a subject of law is becoming a pressing issue of practical and legal significance.

Methods

The present study is directed towards a comprehensive theoretical and practical examination of the civil-law status of artificial intelligence systems, and in particular of the doctrinal balance between the conceptions of recognising such systems as objects of law and of conferring legal subjectivity upon them. To this end, the study employs the methods of systemic analysis, the comparative-legal approach, legal-dogmatic analysis, and the analysis of normative legal sources.

Results

It should be emphasised that these statistical indicators raise important legal questions, since the growing use of AI challenges a system built upon legal capacity and capacity to act — concepts that are among the most fundamental in civil law. These questions have already become the subject of disputes in actual court proceedings. By way of illustration, the decision handed down on 14 February 2024 by the Civil Resolution Tribunal of the Canadian province of British Columbia in *Moffatt v. Air Canada* demonstrated this vividly: in that case, seeking to avoid liability after its chatbot had provided incorrect information, Air Canada argued before the tribunal that the chatbot was a separate legal entity responsible for its own actions. The tribunal rejected this argument, treating the chatbot as a component of the company's website and holding Air Canada liable for the misleading information (*Moffatt v. Air Canada*, 2024).

The *Amazon v. Perplexity AI* case presents a related question from a different perspective. Perplexity's "Comet" AI browser enabled users to access Amazon.com and perform shopping tasks with the assistance of an AI agent. Amazon, treating this as unauthorised access, brought proceedings, and a federal district court in California granted a preliminary injunction in March 2026. On 4 August 2026, however, the Court of Appeals for the Ninth Circuit vacated the injunction, concluding that, on the facts before it, the Comet user, rather than Perplexity, had accessed Amazon's servers for the purposes of the Computer Fraud and Abuse Act (*Amazon.com Services LLC v. Perplexity AI, Inc.*, 2026). The court limited its holding to the issue of access under that Act and did not determine liability in other contexts, including tort claims. This case illustrates the difficulties of attributing conduct involving AI agents, without resolving the broader question of their legal personality.

In recent years, a number of countries around the world, including Uzbekistan, have undertaken various measures aimed at the legal regulation of AI, and legal instruments are being developed to establish the foundations for such regulation. One such instrument is Regulation (EU) 2024/1689 laying down harmonised rules on artificial intelligence, adopted on 13 June 2024, which establishes a risk-based regulatory framework and provides a definition of AI systems. In the Republic of Kazakhstan, a Law "On Artificial Intelligence" was signed on 17 November 2025, likewise adopting a risk-based approach to AI regulation. Under that Law, "artificial intelligence" and "artificial intelligence system" are treated as distinct concepts, and AI systems are classified according to their level of risk. The People's Republic of China has also adopted the Interim Measures for the

Management of Generative Artificial Intelligence Services, which establish differentiated regulatory requirements while seeking to support innovation. Providers of services capable of influencing public opinion or facilitating social mobilisation are required to conduct security assessments and complete algorithm filing procedures in accordance with the applicable rules. These examples indicate that States are developing rules that take account of AI-related risks while seeking to avoid unnecessary legal barriers to technological development.

Efforts towards the systematic regulation of AI have likewise commenced in Uzbekistan. In particular, Presidential Resolution No. PQ-358 of 14 October 2024, “On Approval of the Strategy for the Development of Artificial Intelligence Technologies until 2030”, identifies tasks relating to the development of a regulatory framework and the improvement of standards in this field. Furthermore, Cabinet of Ministers Resolution No. 717 of 29 November 2021 approved the rules governing the organisation and operation of a special regime supporting artificial intelligence technologies. This regime was designed to create organisational and legal conditions for legal entities and scientific organisations engaged in experimental and pilot activities, software development, and the provision of AI-based services. Subsequently, Law No. O’RQ-1115 of 21 January 2026 introduced amendments to the Law “On Informatisation” and the Code of Administrative Liability. These amendments introduced a statutory definition of artificial intelligence, provisions governing its use, and administrative liability for unlawful processing and dissemination of personal data using AI technologies.

These measures do not, in themselves, constitute a comprehensive, standalone framework governing AI systems. The development of such a framework should therefore be informed by a thorough analysis of foreign legislation and experience. To this end, it is first necessary to clarify the legal status of AI in light of the existing legal framework and the current level of technological development.

In discussing the legal subjectivity of AI systems, we must examine the theoretical and legal foundations of participation in civil-law relations. Roman law provides an important starting point, reflected in the maxim *hominum causa omne jus constitutum est* — all law is established for the sake of human beings. This did not, however, mean that every human being enjoyed equal legal capacity. At certain stages in its development, Roman law also recognised collective entities capable of participating in legal relations. These developments contributed to the later distinction between natural persons (*personae physicae*) and legal persons (*personae morales* or *personae juridicae*) (Yusuvalieva, 2008).

I. B. Zokirov argues that civil-law subjectivity comprises two elements: civil legal capacity and capacity to act (Zokirov, 2017).

J. I. Yuldashev likewise maintains that a subject of civil law must possess both legal capacity and capacity to act in order to participate independently in civil-law dealings (Yuldashev, 2004).

In the legal literature, civil legal capacity is frequently regarded as a legally recognised attribute of the individual. It consists in the ability to hold particular rights and duties in accordance with the law. This ability represents a legal possibility: a person possessing legal capacity can hold legally recognised rights and obligations. Inasmuch as this possibility is provided for and secured by law, it constitutes a specific subjective right of each individual (Sukhanov, 2004). As S. N. Bratus observes, legal capacity consists in the right to be a subject of rights and obligations (Bratus’, 1950).

On the basis of the sources analysed above, civil-law subjectivity may be understood as a complex construct comprising two distinct legal elements: legal capacity, meaning the

ability to hold rights and obligations, and capacity to act, meaning the ability to exercise rights, assume obligations, and create legal consequences through one's own conduct. Capacity to act, in turn, encompasses transactional capacity and delictual capacity, or the capacity to bear liability. The ability to conclude transactions independently and the capacity to bear liability for unlawful conduct are therefore legally distinguishable. Their scope may differ according to the applicable rules, including those governing minors.

Discussion

A number of models — that is, approaches — to the legal status of AI have emerged, and States are addressing these approaches in their legislation on AI regulation. AI systems are generally treated as objects rather than subjects of legal relations. This is related to the current stage of technological development; as AI systems become more sophisticated, States may reconsider aspects of their legal status.

A range of views exists as to the legal status of AI systems, including approaches treating them as objects of legal relations, full subjects of law, or subjects with limited legal capacity. S. A. Somenkov argues that AI systems, irrespective of whether they take a cyber-physical (robotic) or a virtual form, should, under existing legislation, be classified as objects of civil law, whether as property, other proprietary rights, or results of intellectual activity (Somenkov, 2019). I. A. Filipova and V. D. Koroteev take the view that AI systems do not currently possess legal personality, emphasising that their legal nature does not extend beyond the status of an object (Filipova & Koroteev, 2023). J. Bryson, M. Diamantis, and T. Grant advance a related argument, warning that conferring legal personality upon synthetic entities may create gaps in accountability and undermine existing mechanisms of liability (Bryson et al., 2017).

The views of these scholars indicate that conferring the status of a subject of legal relations upon AI systems could create significant difficulties in allocating liability. Their current lack of independently recognised legal capacity and capacity to act also presents obstacles to their participation as legal subjects, although this does not, in itself, resolve whether such capacities should be conferred by law.

An approach that seeks to resolve the problem without according artificial intelligence the status of a subject of law — by attributing the legal consequences of its “independent” conduct to another party — is the “electronic agent” approach. The Uniform Electronic Transactions Act defines an electronic agent as a computer program or an electronic or other automated means used independently to initiate an action or respond to electronic records or performances without review or action by an individual at the time of the action or response (National Conference of Commissioners on Uniform State Laws, 1999).

This approach admits of two distinct legal interpretations. The first is the instrumentality theory, according to which the program is a means of expressing the will of the person deploying it — much like a facsimile machine or a vending machine — with the resulting rights and obligations attributed to that person. The second is the agency analogy, whereby scholars such as Chopra and White (2011), Sartor (2009), and Karnow (1996) explore the application of concepts drawn from the law of agency, including the scope of authority and actions exceeding that authority, to autonomous systems. However, applying this analogy requires attention to differences between human agents and automated systems. Unlike a human agent, an AI system does not currently possess independently recognised legal capacity or legally attributable intent. Other scholars, including Morkhat (2018) and Arkhipov and Naumov (2017), examine approaches involving legal personality for AI or autonomous devices. Bryson, Diamantis, and Grant warn that synthetic personhood could transfer the consequences of wrongdoing away from responsible persons and onto an artificial entity lacking adequate assets; their analysis highlights the

importance of accountability and control when considering such arrangements (Bryson et al., 2017).

N. Inoyatov does not favour equating artificial intelligence with natural or legal persons. He proposes recognising electronic agents as subjects with limited legal capacity and clearly delimited rights and obligations, enabling them to participate in contracts, manage certain assets, and bear liability for damage arising from their activity (Inoyatov, 2025). S. Bozarov places greater emphasis on attributing the consequences of an AI system's conduct to the person who operated the system or benefited from it (Bozarov, n.d.).

Proceeding from the foregoing, two principal issues must be distinguished. The first concerns the limits of authority under the Civil Code of the Republic of Uzbekistan: whether Articles 126 and 132 may be applied by analogy to a transaction concluded outside the parameters set for an AI system, or whether the transaction should bind the operator, with the relevant risk borne by the person who deployed the system. These provisions address different situations: restrictions on authority and unauthorised representation, respectively. The second concerns defects of will: how rules governing mistake are to be applied to transactions involving automated systems.

On this basis, it is proposed that, rather than according legal subjectivity to artificial intelligence, a special provision be introduced into the section of the Civil Code governing transactions. This provision would establish that a declaration of will generated through an automated system is attributable to the person who deployed and controls that system in their own interest, subject to clearly defined exceptions. Any residual liability gap could be addressed through compulsory insurance and compensation funds rather than through the conferral of legal personality. Such a solution would preserve the practical potential of the model while maintaining the internal coherence of national civil law.

An approach occupying an intermediate position between the electronic-agent and electronic-person conceptions is quasi-subjectivity, or legal subjectivity of limited scope. Its central idea is that legal subjectivity need not be a binary category but may consist of separable legal positions. Accordingly, the proposal is to accord AI systems a narrow, purpose-bound legal capacity within a strictly defined range of relations rather than the status of a full legal person. Existing law distinguishes legal capacity from capacity to act and recognises differences in the scope of the latter, including in the case of minors and persons whose capacity to act has been restricted. These distinctions provide an analogy, although they do not establish that AI should receive legal capacity. In German legal scholarship, the concept of *Teilrechtsfähigkeit* (partial legal capacity) offers a framework for understanding legal capacity as recognised in relation to particular types of legal relations (Kersten, 2017).

This idea is developed by V. Kurki, who proposes a “bundle theory” rather than a binary understanding of legal personhood. In his view, legal personhood comprises distinct legal positions, including protection of bodily integrity, property rights, powers to conclude transactions, and procedural standing. He distinguishes between passive and active aspects of legal personhood and treats personhood as a configuration of legal positions rather than a natural quality (Kurki, 2019). Ngaire Naffine similarly shows that the concept of the legal “person” has been understood in different ways and has served different legal functions (Naffine, 2003).

A historical analogy relevant to the quasi-subjectivity model is drawn from Roman law. U. Pagallo discusses how a slave, despite lacking independent legal personhood, could conduct transactions involving property allocated by the master — the *peculium* — with certain claims against the master limited by reference to that fund. Drawing on this

arrangement, Pagallo explores the “digital peculium” as a model for allocating assets to autonomous agents to address liabilities arising from their operations (Pagallo, 2013). Such a model would require clear rules governing the fund, claims against it, and any additional liability of the person deploying the system.

Several objections to this approach must also be considered. The first concerns the criteria for recognising legal personality. S. M. Solaiman questions whether robots can meaningfully exercise rights, perform duties, and participate in legal proceedings, and argues that conferring legal personality upon them lacks sufficient justification (Solaiman, 2017). Secondly, legal personality without adequate assets may fail to provide effective compensation. If insurance or a compensation fund performs that function, the additional benefits of recognising the system as a legal subject must be demonstrated. Thirdly, although legal persons can serve human interests, it is not clear that recognising AI as a separate subject would protect interests that cannot already be addressed through the rights and obligations of operators, users, and other affected persons. The creation of a new legal category therefore requires a clearly identified purpose and demonstrable practical benefits.

Conclusion

The scholarly analysis set out above reveals limitations in each of the models considered and does not establish a sufficient theoretical or practical basis for recognising artificial intelligence as a full subject of law at the present stage of technological and legal development.

At the same time, regarding AI merely as an ordinary, passive object fails to reflect the full complexity of modern autonomous systems. The most appropriate course is therefore to retain artificial intelligence as an object of civil law while introducing mechanisms of oversight and liability differentiated according to its degree of autonomy and the risks associated with its use: a simplified regime for lower-risk systems and enhanced oversight, compulsory insurance, and a clearly defined allocation of liability for higher-risk systems. Civil-law liability should remain with the relevant natural or legal person — whether the manufacturer, the owner, or the user — according to the applicable legal rules and the circumstances of the harm.

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