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Article

Aligning Legal Legislation with the Requirements for Recognizing the Legal Personality of Artificial Intelligence

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Abstract

This study addressed the extent to which legal legislation aligns with the requirements of artificial intelligence (AI). The study concluded that AI contributes to increasing the efficiency of legal and administrative work, despite the existence of legal gaps due to the weakness of the legal framework regulating AI. The study plan was divided into two main sections. The first section explored the nature of AI, while the second examined the possibility of granting AI legal personality. The study concluded with a recommendation urging the Jordanian legislator to draft legislation that fully recognizes the legal personality of AI, aiming to achieve justice in the application of AI technologies.

Keywords: *Artificial Intelligence, Legal Nature, Legal Personality*

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Introduction

The term "Artificial Intelligence" has recently become increasingly widespread across all fields. It is no longer merely a concept of imagination. However, it has become a tangible reality that is indispensable in many scientific, human, and other domains, necessitating understanding how to interact with it and continually learning about developments in this field.

The rapid advancement in modern technology has led to the development of AI-related applications that play a significant role in developed societies. It has accelerated the qualitative transformation in individuals' ability to accomplish professional and social tasks assigned to them. Consequently, there was a need to create an environment conducive to such development, particularly in technical and legal aspects. With the widespread use of AI in various fields, new challenges have emerged that were previously unknown, including legal issues concerning the protection of personal property, intellectual property rights, and other matters. Many AI experts have urged legislators to establish new legal frameworks to keep pace with AI advancements.

Problem Statement and Research Questions

The study problem is determining the feasibility of recognizing AI's legal personality to align legal legislation with AI requirements. How can legal systems keep up with these developments without recognizing AI's legal personality?

Research Questions

1. What is the feasibility of recognizing the legal personality of AI to align legal legislation with AI requirements?
2. What are the legal challenges associated with granting AI legal personality?
3. Can data privacy be maintained in the legal domain if AI is granted legal personality?

Study Objectives

The study aims to:

1. Analyze the feasibility of recognizing AI's legal personality to align legal legislation with AI requirements.
2. Identify the legal challenges associated with recognizing AI's legal personality.

3. Propose legislative solutions to ensure recognition of AI's legal personality.

Methodology

The study employed an analytical inductive method based on analysis and comparison. Legal texts were analyzed to assess their applicability to recognizing AI's legal personality and aligning legislation with AI requirements.

Study Plan

The Nature of Artificial Intelligence

The use of artificial intelligence (AI) has spread significantly, becoming prevalent across all fields. Countries now compete to develop AI tools, making integrating AI technologies into various sectors a primary goal for many nations. To clarify the nature of AI, it is essential to define it first.

Definition of Artificial Intelligence

Artificial intelligence is a relatively modern term. The rapid development of modern technologies has led scholars to provide numerous definitions of AI, each reflecting their perspective (Al-Atrah & Al-Zahra, 2021, p. 10). *"John McCarthy,"* through his work on AI, not only attempted to define this modern concept but is also credited with coining the term *"Artificial Intelligence"* (Hamad, 2021, p. 5). Other scholars have offered a more detailed definition, describing AI as: *"machines designed by humans to achieve a complex goal, functioning within a virtual environment."*

Another definition describes AI as: *"the process of simulating human intelligence through computer systems. It attempts to imitate human behavior, conduct experiments on human actions, place them in specific situations, observe their reactions, thought patterns, and interactions, and then replicate human thinking through complex computer systems"* (Al-Asadi, 2015, p. 186).

Researchers argue that AI can also be defined as the science of equipping machines with intelligence to interact with humans (Al-Qadi, 2010, p. 25). In essence, artificial intelligence is human-made, granting machines the ability to perform any task for which they are programmed using electronic technologies.

Importance of Artificial Intelligence

Although there are relatively few judicial rulings or governing legislations addressing AI technology so far, the rapid advancements in AI have impacted

virtually all aspects of life. It has raised several legal and judicial questions. For instance, the judiciary has been influenced by AI systems concerning alternative dispute resolution methods (Wahbah, 2015, p. 15) and litigation, as AI can sometimes help predict judicial decisions (Ibrahim, 2015, p. 15).

This section highlights the role of AI in several legal areas relevant to various aspects of life:

1. Use of AI in Traditional Contract Formation
2. AI relies on software and algorithms (Saudi Data Dictionary, p. 40) to review contracts between parties. It is due to its accuracy and speed in analyzing contracts. AI technology has even evolved to compare contracts with judicial precedents using algorithms that analyze previous rulings (Ibrahim, 2015, p. 16).
3. Use of AI in Electronic Contracts

   Traditional contracts and electronic contracts generally produce the same legal outcomes. The difference lies in the use of electronic technologies in the formation and execution of contracts. The general rules of civil law govern electronic contracts, and due to their reliance on electronic means, they are subject to regulatory frameworks while maintaining their status as civil contracts (Ibrahim, 2015, p. 16). Electronic contracts are not in conventional formats; instead, they consist of digital code organized sequentially to express parties' commitments. These codes are executed and processed using AI technologies.
4. Use of AI in Electronic Journalism
5. Most print journalism has transitioned to digital formats, driven by the speed and accuracy of news transmission enabled by AI technologies. Many newspapers have adopted electronic journalism to cater to individual preferences, using AI to deliver news and reports that audiences wish to follow. AI also allows news, political, economic, or otherwise, to be drafted, edited, and presented in ways that align with the interests of both the media institution and the audience.
6. Use of AI in the Medical Field

The global spread of the COVID-19 pandemic in the early part of the century created a broad field for AI technologies. Individuals can now use mobile devices to diagnose infection with the virus and take necessary precautions, illustrating AI's practical applications in health monitoring and preventive care.

Characteristics of Artificial Intelligence

Artificial intelligence (AI) is distinguished by several characteristics, such as the ability to handle large volumes of data, learn through modern technologies, and make appropriate decisions. These capabilities have significantly enhanced efficiency and productivity (Saraya, 2023, p. 12). It has facilitated the creation of organized databases that are easily accessible anytime, providing a structured repository of vast amounts of information. Data is arranged according to specific rules, such as classifications, indexes, and secure storage methods. Encrypted databases are an example of this, integrated with AI to enable accurate and organized access to stored information while protecting data against potential breaches.

Another key characteristic of AI is its ability to analyze complex problems to understand them and find solutions after collecting the necessary data, using advanced software programs (Al-Najjar, 2010, p. 170).

Furthermore, AI can assimilate facts through a method known as knowledge representation, organizing information within extensive databases that can be referenced at any time to answer queries related to the subject under investigation (Abdelhamid, 2020, p. 14).

The Possibility of Legal Recognition of Artificial Intelligence

Various legislations are essential tools for protecting human rights, such as enacting laws designed to safeguard these rights. The Jordanian Constitution, for instance, outlines individual rights and freedoms in its second chapter (Chapter Two, Constitution of the Hashemite Kingdom of Jordan). These provisions facilitate the use of modern technologies in the legal field while ensuring that constitutionally guaranteed individual rights and freedoms are respected.

To understand the impact of legal systems on AI, this chapter is divided into two sections: the legal nature of AI and the use of AI in the legal field.

The Legal Nature of Artificial Intelligence

The need to examine the legal nature of AI arises from its ability to execute transactions swiftly, make decisions, and perform rapid and accurate data analysis, especially regarding the concept of AI's legal personality.

Two jurisprudential approaches have emerged regarding the recognition of legal personality:

The Rejection Approach

The first approach rejects granting AI legal personality, citing adherence to civil law provisions in many countries. Civil law recognizes two types of legal personality:

the legal personality of natural persons, which requires certain conditions to be fulfilled, and the legal personality of juridical persons, which is acquired upon satisfying prescribed legal requirements (Fatima, 2020, p. 218). According to Article 30/1 of the Jordanian Civil Code, *"The legal personality of a human begins at birth and ends at death"* (Jordanian Civil Code).

AI cannot be classified as a natural person, nor can it fit within the category of juridical persons due to the distinct nature of each. Legal rules do not adequately address virtual entities, which are entirely novel and unfamiliar to lawmakers (Nsakh, 2020, p. 219). This approach argues that granting AI legal personality would require AI entities to possess will and intent, something impossible, as AI technologies are not yet capable of self-programming without human intervention, nor can they bear responsibility for errors in task execution.

Proponents of this approach further assert that granting AI juridical personality would entail recognizing rights inherent to legal people, such as capacity, employment, marriage, and financial rights, which are difficult to apply to AI (Aqwari, 2024, p. 469). Legal challenges include difficulties in holding AI criminally or civilly liable without implicating designers or operators. Some obligations, such as performing or refraining from specific actions, are hard to enforce against AI (Hamdi, 2021, p. 250). Granting legal personality to AI may also be used to avoid liability by AI developers (Al-Qousi, 2018, p. 77). Nevertheless, rejecting legal personality does not negate AI's distinctive capabilities, which may justify functional or technical capacities to perform tasks and conclude transactions.

The Jordanian legislator has not recognized AI as a legal person, meaning it cannot acquire rights or bear obligations like natural or juridical persons (Al-Matarneh, 2023, p. 32). Despite ongoing international discussions on regulating AI and granting it legal personality, no country has formally done so in the same way that legal personality is granted to humans or juridical entities (Al-Daajeh, 2014, p. 955).

The Acceptance Approach

The second approach advocates granting AI legal personality as a response to the limitations highlighted by the rejectionist view. Some scholars argue that AI should acquire legal personality to hold rights and obligations. They contend that legal personality is not exclusive to natural people. Legally, juridical persons, entities that are not human, are granted legal personality, demonstrating that the notion of a *"person"* is abstract and should not be conflated with the term *"human"* (Jaafar, 2011, p. 283). Legal personality extends beyond cognition, will, or humanity, encompassing social values (Nsakh, p. 222).

Historically, legal personality was not granted to humans in cases of slavery; it is conferred upon individuals capable of acquiring rights and assuming obligations (Al-Khatib, 2020, p. 213).

Practically, the European Parliament has recognized independent legal personality for AI, including assigning a name and title to robots, issuing insurance certificates, establishing insurance funds for potential future damages, and compensating for damages arising from their use (Al-Shukri, 2023, p. 70).

Legal personality provides a mechanism for legislators to grant rights and duties to natural or juridical persons (Jordanian Civil Code, Article 51). AI, offering solutions and producing results of practical significance, deserves similar consideration (Jordanian Ministry of Digital Economy and Entrepreneurship). However, existing laws and judicial rulings are insufficient to regulate AI liability, preventing traditional legal frameworks from effectively holding AI systems accountable due to the nature of legal personality (Saad, 2001, p. 137).

Modern jurisprudence increasingly supports applying legal theories and regulations to hold AI, especially AI-driven robots, accountable. Although legal personality traditionally derives from human traits for natural persons and legal recognition for juridical persons, AI, comprising algorithms, systems, and intelligent software, exhibits behavior and reasoning patterns like humans.

AI could be granted legal personality by analogy to the recognition of legal personality for natural persons, and despite significant differences between natural and juridical persons (Jordanian Civil Code, Article 257/1). However, there is currently no dedicated legislative framework for AI. Unlike juridical people, which are regulated according to their purpose, intelligent algorithms' novelty has prevented the legislator from enacting independent regulations. It is partly due to resistance to granting AI a fully independent legal personality through existing legal structures.

Opinions Supporting Granting Legal Personality to Regulate Artificial Intelligence

The European Union's decision on February 17, 2017, can be considered a legal basis for granting AI systems a form of legal recognition, approaching that of a juridical person (Muharriz, 2004, p. 207). The EU recommended granting intelligent robots' legal personality (Al-Badawi, 1962, p. 669) by establishing a legal framework to regulate civil liability for damages caused by robots independently of the operators of AI systems driven by intelligent algorithms. This framework allows the issuance of necessary documentation, including mandatory insurance linked to a fund covering AI-operated robots capable of acting independently and making unpredictable decisions that may cause harm to others, apart from the operators of the AI systems.

Opinions Opposing Granting Legal Personality to Regulate Artificial Intelligence

Several opinions oppose the independent legal recognition of AI systems apart from their algorithm operators. This opposition is based on ethical concerns (Muwafi, 1987, p. 15), given that AI systems are physical models that may resemble humans externally or exhibit human-like behavior designed by humans (Saraya, 2023, p. 12). Granting legal personality is challenging because AI lacks the independent cognition and reasoning that fully competent humans possess. AI performs tasks based on algorithms created by natural people, so responsibility should rest with the human creators of these algorithms rather than the AI system itself. Consequently, legislative texts must regulate AI's legal status before considering granting it legal personality, analogous to the legal personality conferred upon juridical people.

Conclusion

The study achieved the following results and recommendations:

Results:

1. Recognizing the legal personality of AI has become essential due to rapid technological advancements.
2. Integrating AI into daily life positively impacts the facilitation of transactions in both private and public sectors.
3. Recognizing AI's legal personality provides a framework for compensation for damage caused by AI systems.

Recommendations:

Based on the study's findings, the following recommendations are proposed:

1. Establish AI-managed research centers to advance knowledge and applications in this field.
2. Develop ethical legal regulations to control the adverse effects that may arise from AI usage.
3. Include provisions in laws and legislative texts recognizing the legal personality of AI.
4. Explicitly define the legal basis for compensating individuals for damage caused to others due to AI technologies.

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