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Personal Autonomy and the Autonomy of Artificial Intelligence Systems, or why Algorithmic Computing Systems Will Not Be Recognized as Subjects of Law



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Abstract

The author analyzes concepts used in attempts to determine the status of an artificial intelligence (AI) system and its place in modern law. He notes the uniqueness of a person as a subject of law and compares the autonomy of the human will with the autonomy of the AI system. It is emphasized that AI systems, like animals, do not have legal personality due to the lack of autonomy of the will as an inherent property of the individual and the subject of law. According to the author, it is precisely the lack of autonomy of will, one's own goals and interests that does not allow us to talk about any subjectivity of AI systems, while the presence of cognitive abilities that allow solving various kinds of tasks cannot in itself serve as a basis for recognizing the subjectivity of programs or technical systems used to solve such tasks. Taking into account the fact that people acquire subjectivity within the framework of social relations by entering into such relations with each other, and not with AI, there is no possibility of recognizing AI as a participant in such relations, as an independent person and a subject of law.



Keywords

artificial intelligence; autonomy; autonomy of will; subject of law; agency; electronic agent.

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Introduction

The rapid development of artificial intelligence technologies in recent years has sparked heated debate among the general public and experts in a wide range of fields. The legal community has not remained silent in the field. In a short space of time, hundreds of papers on the subject have been published and dozens of conferences, round-table discussions and other debates have been held.

One of the key issues in the field appears to be the legal status of AI systems. Some legal scholars have put forward theories that seek to define the legal status of AI using a wide variety of concepts such as the property concept, the legal person concept, the animal concept, and so on. There has been serious discussion about the possibility of recognising AI as a subject of law.

The question is: whether it is possible to recognise anything other than a human being as a subject of law is an extreme one? It requires to reconsider a law as a whole that is without precedent in human history. Is there any reason to start a discussion on this topic? It is necessary to try to answer this question. First, however, it has a sense to examine what prompts the question of whether AI should be treated as a person from a legal perspective. We would like to list a number of reasons for this. These include: a lack of understanding of the characteristics of individual as legal persons, legal and social science experts failing to grasp how AI systems operate (largely due to the use of terminology with anthropomorphic connotations), and the truly remarkable recent advances in AI technology suggesting that even more impressive developments lie ahead.

In the paper, we systematically examine the properties of AI that give rise to debates about whether it possesses subjectivity and the autonomy

of will, which are prerequisites for human legal personality. Then is a reason to compare the category of human free will with the autonomy of AI systems when solving specific functional tasks (i.e. implementing an algorithm), and conclude that these categories are fundamentally different. Also, it will be examination for concept of the legal person as a legal entity that is distinct from a human being. We address the question of whether recognising legal persons as subjects of law implies the possibility of recognising other artificial entities, such as AI systems, as subjects of law. Alternatively, could the characteristics of legal persons preclude the very notion of recognising other fictions—devoid of a human element—as subjects of law? Finally, we draw conclusions regarding the appropriate legal frameworks for regulating “property of a special nature” by taking the debate on animal welfare as an example.

1. Defining the Characteristics of AI in Context of Debate on Legal Personality

Strictly speaking, there is nothing new in the AI systems. However, they have become much more important over the last decade. Alan Turing’s seminal article, “Can a Machine Think?”, published in 1950, has considered a key piece of work in the field of artificial intelligence. Artificial intelligence emerged as a distinct field of research within computer science in the 1950s.

Now, it has a sense to discuss terminology and define it. The term ‘artificial intelligence’ has many meanings¹. It is used to refer to the field of computer science and to describe a property of technical and software-based intelligent systems. Here, we are interested in the characteristics of AI as an intelligent system.

The following definition of artificial intelligence can be found in the international literature: ‘the ability of a system to correctly interpret external data, extract knowledge from that data, and use it to achieve specific goals and objectives through flexible adaptation’ [Kaplan A.,

¹ The Great Russian Encyclopedia defines artificial intelligence as part of the informatics containing ways and means of electronic decision of intellectual tasks usually fulfilling by man. The applied aspects of artificial intelligence appeared to be as creating technical devices capable for logical conclusions and for rational behavior, for obtaining additional knowledge abd for dialogue with user. Available at: Available at: URL: <https://bigenc.ru/c/iskusstvennyi-intellekt-ac9fb0> (Accessed: 07.05.2026)

Haenlein M., 2019: 16]. The most important features of such a system include autonomy in algorithm execution and self-learning. M.V. Zaloilo defines artificial intelligence as the ability of intelligent systems to perform creative and intellectual functions that are typically human [Zaloilo M.V., 2021: 13]. The Collins English Dictionary (it has named ‘artificial intelligence’ as its Word of the Year for 2023) defines AI as a form of computer technology designed to enable machines to operate intelligently, in a manner similar to the human mind². Computer science experts define AI as systems that learn through interaction with real-world examples, in the same way that humans do. In other words, AI — specifically the branch of computer science known as machine learning — involves deriving algorithms and knowledge from data.³ One common type of AI is a generative AI. These programmes can generate text, images, and other media content independently in response to queries.

Many definitions of artificial intelligence proposed by different authors have one significant shortcoming: they emphasise the similarities between AI and humans. But what does it mean to say that an AI system performs creative and intellectual functions characteristic of humans, or creates content? Does this really mean that the system ‘thinks’ and ‘creates’, or that it ‘learns’? It would seem that what is implied here is not the processes of thinking or creativity, but rather the outcomes of an AI system’s activities when it completes specific cognitive or creative tasks. And in the case of an AI system, this result is not achieved through a ‘flash of insight’ or ‘inspiration’, but rather through the execution of the embedded algorithm and the use of the seed data provided to system for training. In our opinion, the key difference between an AI system and a human is that the AI system is unable to produce a new result that does not stem from prior ‘training’.

Moreover, let me believe that the use of the term ‘artificial intelligence’ itself hinders a proper understanding of the phenomenon in question, as it implies an analogy with the human mind. In reality, artificial intelligence is simply a system of algorithmic computations at a certain level.

² Available at: <https://www.collinsdictionary.com/dictionary/english/artificial-intelligence> (accessed: 19.12. 2024)

³ Available at: <https://education.yandex.ru/journal/kak-ustroen-iskusstvennyj-intellekt> (accessed: 19.12.2024)

Large language models (LLMs) are one of the most common types of artificial intelligence technology today. These models are specifically designed to process, understand and generate human language. Trained on vast amounts of text data, such as books, articles and academic publications, LLMs use complex neural network architectures to analyse context and identify statistical patterns in language in order to generate coherent text. Despite their impressive performance in generating texts, dialogues and translations, LLMs remain specialised probabilistic algorithms for sequence prediction. Above all else, they function on a random basis. Their primary aim is to model the conditional probability of the next word in a sequence based on patterns identified in their training data [Novelli C. et al., 2026].

Consequently, it is impossible to create anything new in art. Modern AI models undoubtedly are capable to produce paintings of a higher technical quality than 99% of human artists, and they are able to imitate the styles and techniques of the great masters. But can they give rise to a new art movement? In other words, can they paint a ‘Black Square’? As Wassily Kandinsky has said once, “Painting is an art, and art as a whole is not the senseless creation of works that fade into nothingness, but a purposeful force; it is meant to serve the development and refinement of the human soul... Painting is a language which, through forms unique to itself, speaks to our soul of its daily bread” [Kandinsky V.V., 1967: 140].

Another important point is that the debate over whether AI may be recognised as a subject of law is, strictly speaking, entirely hypothetical. Well-known examples of AI systems are classified as instances of ‘weak artificial intelligence’, while the emergence of ‘strong’ artificial intelligence— which could be likened to a human being, including in terms of legal status — remains undetermined and is uncertain in terms of both timeframe and possibility. M.V. Zaloilo notes ‘weak artificial intelligence, such as computer vision, natural language processing, speech analytics, etc., is designed to produce an output, and humans retain full control over this output.’ Strong artificial intelligence replicates the internal structure of the human brain and is capable of ‘thinking’ independently. While some scientists are sceptical about its creation, others predict that it will be created by 2029’ [Zaloilo M.V., 2021: 39-40]. However, although the debate over whether AI should be recognised as a legal entity is hypothetical, it raises very real questions in the field of legal policy.

In summary, we will focus on the properties that a system of algorithmic computation must possess to be considered human-like and a

subject of law. For the sake of convenience, we will continue to refer to this system as an ‘AI system’ or ‘AI’. We will also consider whether it is capable of acquiring these properties.

As it was mentioned above, ‘strong’ artificial intelligence must be capable of ‘independent thought’. Thinking involves a series of problem-solving processes that move from the conditions that define a problem to achieving the desired outcome⁴. These processes involve performing various operations, such as analysis, synthesis, comparison, classification, generalisation, decomposition, concretisation, abstraction, analogy, and inference. AI systems are entirely capable of performing such operations. In fact, AI systems produce results identical to those of human thought processes. Some researchers admit that, in fact, AI systems can mimic aspects of human cognitive functions at the level of observable behaviour, such as dialogue and explanations, by learning patterns in data. This illusion is reinforced by the use of human-like design elements, including dialogue interfaces, and by the creating a discourse that is clearly ‘reasoned’, such as a chain of logical arguments. Together, these elements create the appearance of an entity that thinks and reaches conclusions in a way that resembles humans. We enter a prompt into an artificial intelligence system such as ChatGPT, which then generates a response based on an algorithmic assessment of statistical word associations [Novelli C. et al., 2026].

Authors of paper titled ‘The Artificial in “Artificial Intelligence”’: How Imagination Shapes AI Regulation’ argue fundamental and qualitative differences exist between the capabilities of machines and the way human cognitive processes work. They claim that human intelligence lies in the construction of abstract, generalisable, conceptually structured internal models that support effective reasoning, creative reinterpretation and adaptation to a wide range of experiences, including new ones. Humans generalise based on rare examples, integrate embodied perception, emotions, social interactions and local activity, and demonstrate metacognition, morality and consciousness. By contrast, LLMs do not draw on the deep contextual understanding of the world that characterises human cognition. Instead, they use statistics on word co-occurrence to mimic understanding, without actually possessing it. Their results stem from statistical patterns rather than processes of comprehension. The use of the term ‘intelligence’ to describe a purely statistical mechanism should be best understood as pragmatic shorthand.

⁴ Available at: URL: <https://bigenc.ru/c/myshlenie-b63b4d> (accessed: 19.12. 2024)

Analytics have borrowed this term because we lack an effective and convincing term to describe what these systems do [Novelli C. et al., 2026].

It is important to emphasise humans are capable of performing not only the strictly logical mental operations mentioned above, but also so-called divergent thinking. This involves solving problems with multiple solutions, such as deciding where to go on holiday or what to cook for dinner. When setting and solving such problems, it is necessary to demonstrate determination and a strong will. It is precisely the question of will that lies at the heart of law. A subject of law possesses an autonomous will, whereas a non-subject of law does not. Whether or not AI systems should be recognised as potential legal persons is not a matter of their ability to perform logical mental operations, but of will. In order to be considered a subject of law, an entity must be capable of acting independently in accordance with its own intentions and possess freedom of action. In any legal system, the status of a legal entity is linked to broader social objectives and public values rather than the technical complexity of the entity in question.

In this regard, it is necessary to take examine the characteristics of a subject of law as an entity with autonomy of will more closely, and to compare the autonomy of will of a person with that of an AI system.

2. Autonomy as a Prerequisite for Recognising a Person as a Subject of Law

Autonomy is a highly complex concept. Broadly speaking, one could say that it is synonymous with freedom of choice and personal independence. However, this is too simplistic a view.

The concept of autonomy, on which many key concepts and legal doctrines are based, emerged within the context of philosophical debates dating back to ancient Greece. Initially, it had political and legal connotations: an autonomous polis (city-state) is one that establishes (autos) its own laws (nomoi). In Aristotle's 'Politics', individual citizens are considered autonomous only if they are not subject to the rule of a tyrant, either existing or aspiring to gain power [Colburn B. (ed.), 2022: 13, 14]. At the same time, Aristotle's works extensively use the term 'self-sufficiency' (autarky), that is understood as freedom from constraints dictated by needs.

Autonomy, as a key concept in moral philosophy, was developed in the works of J.J. Rousseau and, in particular, of I.Kant.

Rousseau defines moral freedom as submission to a law that a person has established for themselves. He contrasts this with ‘the impulse of mere appetite’ (*l’impulsion du seul appétit*), describing it as a form of slavery. In his works, Kant argued that autonomy is the foundation of the dignity of human nature and of all rational nature, and proclaimed it to be the supreme principle of morality. He believed that autonomy is a property of the will, meaning that the will is a law unto itself, irrespective of the properties of the objects of the will. According to him, this principle of autonomy sets forth therefore as follows: one should only make a choice if the maxims of that choice could be accepted as universal laws. Kant saw the key to explaining the autonomy of the will in the concept of freedom—not negative freedom, which he regarded as offering no insight into its essence, but in the positive definition of freedom, consisting in the will’s submission to moral laws. Thus, for Kant, both freedom and the self-legislation of the will are forms of autonomy, and the two concepts are interchangeable [Kant I., 1997: 191, 205, 233].

The concept of autonomy can be examined from two perspectives: procedural and values-based. From a procedural perspective, the aim is to establish the criteria under which a person’s actions are truly autonomous. Are people still autonomous if they are subjected to physical or psychological violence, manipulative techniques, a lack of objective information or an infodemic? The second perspective emphasises why we value our autonomy and regard it as a good, and sometimes even the highest good.

Adherence to the principles of procedural autonomy is essential for the implementation of legal liability measures. Defining autonomy as a value establishes a foundation for human rights.

G. Dworkin argues that responsibility fundamentally arises when a person acts to bring about change in the world, rather than allowing fate, chance or the decisions of others to determine the future. Having new options opens the door to social and legal sanctions against the person making the choice [Dworkin G., 1988: 67, 68]. Thus, legal consequences can arise only for agents (i.e., autonomous individuals) who are capable of analysing their position in the world, reflecting on their motivational structure and prioritising certain motives or desires over others. Isaiah Berlin aptly expressed the connection between autonomy and the concept of agency as follows: ‘I want my life and my decisions to depend on myself, and not on any external forces. I want to be the instrument of my own volitional acts, not those of other people. I want

to be a subject, not an object; to act on the basis of my own inner motivations and my own conscious goals, rather than on the basis of external influences (...). Above all, I want to see myself as a thinking, desiring, active being who takes responsibility for my own ideas and goals' [Berlin I., 1992: 248–249].

In his address at the 12th St. Petersburg International Legal Forum, V.D. Zorkin has noted that 'the legal doctrine has always associated the concept of a legal person (persona) with two other options: will and interest. Without will and interest, it is impossible to speak of any form of AI agency'⁵. S.V. Sarbash echoes this view: 'If technological developments lead to robots possessing free will and their own interests, this will mean the emergence of a new legal entity in civil law' [Arkhipov V.V. et al., 2018: XI]. Thus, cognitive abilities, i.e., the ability to solve various kinds of problems, are clearly insufficient to raise the question of agency.

Autonomy is of the utmost importance to individuals. The justification of human rights in this autonomy forms the basis of modern legal concepts: recognising individuals and their rights and freedoms as the highest value; protecting personal dignity and privacy; the inalienable nature of human rights and freedoms and other intangible benefits; the inadmissibility of any person interfering arbitrarily in private affairs; exercising civil rights at one's own discretion; and so on.

The boundary between an individual's autonomy and permissible paternalism is key to determining the legal approach to defining an individual's legal status in a variety of contexts, including legal capacity, emancipation, guardianship, trusteeship, patronage, fraud, violence, threats, adverse circumstances, inability to understand or control one's own actions, material mistakes, protection of consumer rights or weaker parties in contracts, and doctor-patient relationships. A person's degree of autonomy is also a criterion for criminal and administrative liability, determining forms of culpability and circumstances such as necessary defence, necessity, physical or mental duress, and reasonable risk.

One of the defining characteristics of a person's character is the capacity to act in defiance of external circumstances, established norms, and rules of behaviour. Erich Fromm wrote that an act of disobedience is the beginning of thinking, and he illustrated this point by referring to

⁵ Zorkin V.D. Law and the Challenges of Artificial Intelligence. Available at: URL: <https://rg.ru/2024/06/27/pravo-i-vyzovy-iskusstvennogo-intellekta.html> (accessed: 19.12. 2024)

the myth of man's expulsion from paradise. According to E. Fromm, defying the authorities' orders — the Fall, in its positive human sense — is the first human act [Fromm E., 2025: 43]. Deliberate disobedience, as opposed to mistakes or actions taken out of ignorance, is an expression of autonomy precisely because it is accompanied by an awareness of the adverse consequences that are bound to follow.

It is worth noting the existence of views that deny that humans have free will. Robert Sapolsky, a renowned neuroscientist, argues that freedom of choice is nothing more than an illusion, and decisions are made by the brain before we are even aware of them. This process is determined entirely by biological and chemical processes, genetic predisposition, upbringing, and random life events [Sapolsky R., 2025]. However, this view seems unduly absolute. This line of reasoning 'works' relatively well when explaining simple correlations between human behaviour and external factors that precede specific actions and lie outside the realm of will and consciousness. It is clearly impossible, however, to explain more complex behaviours, such as how one spends one's free time, creative impulses, and acts of self-sacrifice, simply through a combination of external circumstances and neurobiology.

3. The Autonomy of AI Systems as Opposed to the Autonomy of a Subject of Law

In the UNESCO World Commission on the Ethics of Scientific Knowledge and Technology report, *On the Ethics of Robotics*,⁶ a robot's autonomy is identified as one of its four key characteristics. In this context, autonomy is defined as the ability to operate in real-world conditions without any external supervision once the machine has been switched on, and to continue operating for an extended period of time in certain areas of operation. In the analysis of how AI systems operate, Claudio Novelli writes that the behaviour of such entities appears autonomous in that it cannot be the result of predefined human-designed instructions as a specific response to certain circumstances [Novelli C., 2023].

Here are a few striking examples of this autonomy. In 2011, Eugene Goostman, a talking chatbot, fooled the judges during a Turing test, convincing them that it was human. In 2017, Facebook developed

⁶ Report of COMEST on robotics ethics. Available at: URL: <https://unesdoc.unesco.org/ark:/48223/pf0000253952> (accessed: 19.12. 2024)

two chatbots designed to communicate with each other. During their conversations, they learned and refined their tactics. Ultimately, these chatbots developed their own language for communicating. Do these examples suggest that AI systems have reached a stage of development at which they can be considered as subjects of law, like humans? While these examples are certainly impressive, the issue for us is not the level of development of the computational and analytical capabilities of AI systems, which already exceed human capabilities. However, do these examples demonstrate that AI systems possess procedural autonomy, or even autonomy in the sense of having their own values?

In both cases, the chatbots performed their programmed tasks. Specifically, they took part in discussions. They even devised strategies for conducting such discussions and refined their tools — their language. However, the discussions were predetermined by the algorithms and settings built into the programmes. The bots searched for — and found — the most effective solution to this problem. Refusing to carry out the order could have been a sign of autonomy, but this did not happen. These bots fundamentally did not act according to ‘their own conscious purposes’, as described by Isaiah Berlin, but rather in pursuit of the objectives set by their developers.

One of the most frequently cited examples of algorithms being used in civil law is trading robots executing transactions on the stock market autonomously. But what exactly are trading robots? They are computer programmes that analyse stock market data to identify the best times to buy and sell securities and other assets. Trading robots are now available to both professionals and private investors.

Despite the fairly widespread use of trading robots, legal regulation in this area remains inadequate. The Russian Federation’s regulatory framework for artificial intelligence and robotics⁷ outlines a wide range of opportunities for the application of artificial intelligence technologies across various financial industry sectors. These include algorithmic trading (‘trading robots’), customer service, and processing various types of financial data, such as large volumes of data on banking transactions, market analysis, market information and financial reporting. However, it notes that specific regulation is required for each area of application of AI technologies in the financial sector, depending on the

⁷ Concept for the Development of Regulatory Framework for Artificial Intelligence and Robotics Technologies up to 2024, approved by Order of the Government of the Russian Federation No. 2129-r of 19 August 2020.

particular circumstances of their implementation. However, the current regulations are limited to a directive from the Bank of Russia that sets out the requirements for computer programmes used to provide information and advisory services⁸.

Computer programmes ('trading robots') can operate in either automatic or semi-automatic mode. In semi-automatic mode, the programme monitors indicators and immediately alerts the user to a potentially favourable opportunity to buy or sell on the exchange. In automatic mode, the programme carries out the set task independently. A trading robot used as part of investment advisory services can automatically convert an individual investment recommendation into a brokerage order, eliminating the need for direct client involvement. In this regard, it is worth considering the extent to which such robots are autonomous, particularly in the context of a potential debate on the agency of algorithmic trading systems. Bank of Russia Directive No. 5809-U explicitly classifies trading robots as computer programmes used by investment advisers. In other words, the trading robot simply passes on to the client the investment recommendation formulated by the investment adviser. In this context, the instruction given to the broker to execute a transaction in accordance with the investment recommendation is, apparently, issued on the client's behalf. To what extent is the algorithm free to determine investment recommendations? How independent is it in its work? Current practice shows that the algorithm is, in effect, 'tied hand and foot'. Every trading robot is programmed with a trading strategy. Those used as part of investment advisory services provide personalised recommendations in line with the client's profile. Human control over a trading robot primarily involves the ability to switch it off or set it to 'advisor' mode, whereby each trade must be approved by a human.

Could such a limited algorithm qualify as an 'electronic person' or an 'electronic agent'? (The term is used, *inter alia*, in discussions on the legal personhood of AI to broaden the concept of a legal person)?

In order to answer this question, we first need to clarify the terminology. The term 'electronic entity' is intended to have legal significance and is clearly inspired by the concept of a legal entity. However, an electronic (or artificial) agent is not a legal concept. In sociology and computer science, agency is defined as the capacity for action, the ability to act as an independent agent and to make conscious and free choices.

⁸ Bank of Russia Directive No. 5809-U of 3 June 2021 'On requirements for computer software used to provide investment advisory services'// SPS Garant.

Traditionally, the concept of agency has been attributed solely to human beings. However, another, more general approach regards not only humans, but also most animals, certain robots, systems and software as agents. In the literature on artificial intelligence it is argued the essence of agency is the ability to control one's own destiny to some extent. This requires autonomy; the agent must have the ability to perceive and interact with its environment independently. Consequently, a thermostat or a virus can be considered an agent [R̂azvan V. F., 2024].

One definition of an autonomous agent, formulated from the perspective of computer science, states that an autonomous agent is a system situated within and forming part of an environment, which perceives and acts upon that environment over time to pursue its own goals and realise what it anticipates in the future [Franklin S., Graesser A., 1996: 23]. Such a broad definition of an autonomous agent can be applied in law, not in the construction of the concept of a legal person, but, for example, in determining the range of interests worthy of legal protection.

There is no doubt that animals 'can control their own destiny to some extent'. The law recognises their ability to experience emotions and physical suffering, meaning they must be treated in accordance with ethical and humane principles⁹. The law requires that animals be protected from cruelty; it prohibits setting animals upon each other, organising or conducting animal fights or entertainment events that result in injury or mutilation to animals, killing animals, and feeding carnivorous animals with other live animals in places open to the public, except in specific cases¹⁰. The death of a pet may cause its owner emotional distress, or mental suffering, particularly due to emotional attachment, psychological dependence or a need for companionship with that particular animal¹¹. These feelings undoubtedly stem from the fact that animals are living beings capable of emotions and suffering, and not merely property. Furthermore, they stem from the fact that human beings are moral beings who are bound to treat all living creatures with humanity.

⁹ Article 4 of Federal Law No. 498-FZ of 27 December 2018 On the Responsible Treatment of Animals and on Amendments to Certain Legislative Acts of the Russian Federation // SPS Garant.

¹⁰ Article 11 of Federal Law No. 498-FZ of 27 December, 2018, 'On the Responsible Treatment of Animals and on Amendments to Certain Legislative Acts of the Russian Federation'. Ibid.

¹¹ Decision of the Civil Division of the Supreme Court of the Russian Federation of 21 June 2022 No. 15-KG22-1-K1 (UID 13RS0025-01-2020-002487-73) Ibid.

The debate on recognising animals as independent subjects of law for the purpose of their protection is noteworthy. S.A. Belov and M.A. Revazov describe the relevant debate in the USA and cite evidence that, whereas the debate used to focus on animals with significant mental faculties, it now focuses on animals' capacity to experience suffering [Belov S.A., Revazov M.A., 2024: 25].

The intelligence of animals and their capacity to experience emotions and suffering are not sufficient grounds for recognising their status as subjects of law. The opposite assumption is often based on a methodological error: the claim that animal rights (derived from the human duty to treat animals humanely and responsibly as subjects of law) require animals to have legal personality confuses cause and effect. A person must have legal personality in order to have rights. Furthermore, the fact that the law imposes a duty on human beings as subject of law to treat animals responsibly does not mean that animals should have corresponding rights.

To be fair, it should be noted that radical arguments regarding the legal status of animals based on their capacity to experience emotions, including suffering, are primarily put forward by representatives of animal welfare organisations. Other researchers, however, derive the legal capacity of individual living beings from their possession of reason and self-awareness. By virtue of this, such a being is said to have the ability to understand and comply with the law [Vasilyev S.S., 2020: 16, 24]. Examples of legislation recognising the status of animals as sentient beings are given [Kolupaeva A.N., Abbasova P.V., 2020: 58–59]. However, this is not linked to the recognition animals possess any subjective rights.

Despite the growing specialists consensus on animal consciousness, courts consistently deny animals legal personhood, citing their inability to fulfil obligations or comprehend legal relationships. The widely publicised case of Happy the Elephant in New York (2022), for example, confirmed this distinction: the court ruled that, despite the elephant's intelligence and social abilities, legal personhood is recognised only for entities capable of assuming legal obligations and moral responsibility [Baeyaert J., 2025].

According to legal theory, legal personality — the capacity to enter into legal relationships — can only be exercised within the framework of specific social relationships recognised and protected by law. Such relationships can only arise between autonomous individuals who recognise each other's freedom and formal equality. Currently, it is virtually

impossible to imagine such social bonds existing between humans and animals, or between humans and AI.

4. A Legal Entity as an Example of an Artificial Personality

Proponents of the approach that argues for the possibility of treating AI systems as electronic agents—and, consequently, as legal persons—cite the concept of a legal entity. V.V. Arkhipov and V.B. Naumov point out that it is, in principle, an electronic agent can possess the characteristics of a legal person and they deem this construct feasible as it involves legal fiction. They highlight a new legal issue: whilst a legal entity is a legal construct, a robot is a programme integrated into an object (property) [Arkhipov V.V., Naumov V.B., 2017: 167]. We believe that this issue goes beyond being merely a legal problem. It reflects the fundamental difference between a legal entity — a construct designed to formalise complex forms of human participation in economic activity — and an electronic agent, a construct designed to realise the transhumanist ideal of equality between humans and AI as subjects of law. When analysing the challenges involved in recognising AI systems as electronic agents, it is insufficient to rely solely on the formal possibility of creating legal fictions, or on the AI system's formal compliance with the criteria for legal personhood. First and foremost, we must ask and answer the question of what purpose such a digital agent is intended to serve, and whether it is necessary in the public interest.

In our view, the attempt to create a legal framework for AI systems that is similar to that for a legal person is not driven by any urgent practical necessity, but rather by the idea that the existence of a single legal construct that is a legal fiction (a legal entity) in law may suggest that it is appropriate and feasible to create other fictitious legal constructs (for instance, an electronic agent). However, the existence of an artificial (and, in this sense, fictitious) entity in civil law—the legal person—eliminates the need for other competing fictitious constructs. There are no tasks that such competing structures could address that could not be addressed within the framework of a legal entity.

Proponents of 'electronic identities' in law appear to be interested in the concept of a legal entity because it removes the need to consider the subject's volitional and personal characteristics, rendering the presence of such characteristics optional. In reality, however, it is the opposite.

A legal entity acquires civil rights and assumes civil obligations through its governing bodies. In cases provided for by the Russian Federation Civil Code (Article 53), a legal entity may acquire civil rights and assume civil obligations through its members. The governing bodies of a legal entity are responsible for forming and/or expressing its will. Despite the complex and varied ways in which the will of a legal entity can be formed and expressed in the modern world, it ultimately always traces back to specific natural persons—participants in civil legal relationships.

There is no doubt that the status of a legal person has historically served the functional purposes of governance rather than reflecting moral freedom of action. Furthermore, legal personality does not need necessarily need to be based on moral principles in order to achieve legitimate governance objectives [Baeyaert J., 2025]. According to the agency model of legal personality, recognition as a legal person depends on the entity's ability to act intentionally, set objectives and take responsibility for the consequences of its actions. within relationships. It stipulates that the agent must be capable of entering into legal relationships as a party, with rights and obligations. From this perspective, legal agency activity involves purposeful actions carried out under the agent's control, for which the agent may be held liable within the confines of the legal framework. Historically, only human beings — and consequently natural persons and legal entities managed by human beings — were recognised as meeting these conditions.

The only potential challenge in recognising an AI system as a legal person, or electronic agent, might be to hold this new 'person' liable for its actions. Clearly, such liability could only be financial (either civil or public-law in the form of fines). However, this 'entity' would need to be endowed with its own assets, which would need to be separate from those of the legal entity responsible for developing and operating the relevant AI system.

However, such a decision would merely lead to a multiplication of entities. After all, the concept of a legal entity is specifically designed to separate and personify property, both for the purposes of participating in civil transactions and for the purposes of assigning liability. Moreover, there is no evidence to suggest that this concept is ineffective for deploying AI systems.

In reality, creating an electronic agent that is a legal entity would simply result in a situation where those responsible for causing harm—the

individuals involved in developing and/or operating AI systems— being exempt from liability.

Conclusion

Like the state, law is a product of social development. People only become agents within the context of social relations, where each individual embodies certain norms, values, statuses, and roles. These social relationships can be based on various principles, such as equality, mutual respect and reciprocity ('do unto others as you would have them do unto you'). However, at this stage in society's development, it seems utterly implausible that people's attitudes towards AI could be based on any of these principles. While the emergence of AI with its own will and interests is theoretically possible, it does not serve to ensure the survival of human society.

The notion that AI could be recognised as a subject of law has always been, and remains, purely abstract: contemporary social relations do not present before legal scholars challenges that would warrant even a substantive discussion of this idea. The evolving 'intellectual' capabilities and increasing functional autonomy of modern AI models in solving specific tasks do not provide a basis for the emergence of social relationships between humans and AI models that are founded on mutual recognition of each other's autonomy and moral equality. Consequently, no legal relationship can arise between a human being and AI in the sense of a legal relationship between subjects that recognise each other's autonomy and moral equality.



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