



The Future of AI: Should AI Be Recognised as a Juridical Person?

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Abstract. This article critically examines the question of whether artificial intelligence (hereinafter referred to as “AI”) should be recognised as a juridical person within modern legal systems. AI technologies, capable of autonomous decision-making and complex reasoning, increasingly perform tasks with significant legal and ethical implications. However, traditional liability frameworks, which attribute responsibility solely to human actors, are ill-equipped to address harm caused by autonomous AI systems. This gap raises profound questions about accountability, governance, and justice in the digital era. Using a doctrinal legal research methodology, the study analysed primary sources alongside secondary sources. The analysis revealed that the fiction and concession theory of juridical personality provides the most suitable foundation for granting AI limited legal personhood, as it allows the state to confer personality for functional and policy reasons. Drawing parallels with corporate personhood under Malaysia’s Companies Act 2016, the article argues that AI entities could, like corporations, bear rights and obligations independently of their developers or users. The article concludes by recommending a graduated, regulated framework for AI personhood, beginning with domain-specific applications and incorporating safeguards analogous to veil-piercing, to ensure accountability, prevent misuse, and align legal systems with emerging technological realities.

Keywords: Artificial Intelligence, AI, Juridical Person, Civil Liability.

1 Introduction

AI refers to computational systems designed to perform tasks that typically require human cognition, such as learning from data, natural language understanding, reasoning, perception, problem-solving, and decision-making, by analysing information, detecting patterns, and generating autonomous or semi-autonomous outputs that may surpass human speed and accuracy [1]. Contemporary discourse typically distinguishes among narrow (or weak) AI, which executes specific tasks within bounded domains, such as speech assistance, image classification, recommendation filtering, without generalisable intelligence; general (or strong) AI, a still-hypothetical class that would achieve human-level competence across diverse tasks with transferable learning; and superintelligent AI, a speculative category that would surpass human intelligence across cognitive, creative, and socio-emotional dimensions [2].

The diffusion of AI accelerated in 2025: an estimated 78% of organisations reported deploying AI in at least one business function, up from 72% the prior year, indicating sustained cross-sector uptake [3]; in parallel, the global AI market is projected at approximately USD\$244 billion in 2025, with forecasts suggesting it could exceed USD\$1.8 trillion by 2030 under baseline growth scenarios [4, 5]. These adoption and market indicators frame the legal salience of AI as it increasingly mediates high-stakes decisions.

The benefits of AI are well-documented across various domains. By processing extensive data sets with sophisticated algorithms, AI reduces human error and enhances decision quality through pattern detection that humans may miss, thereby enabling faster, evidence-based outcomes in finance, retail, and healthcare [6]. Automation of repetitive tasks enhances productivity, allowing human workers to concentrate on strategic and creative tasks. AI systems can also operate continuously, delivering round-the-clock services such as customer support via chatbots [7]. In high-risk environments, AI performs hazardous tasks, such as bomb disposal and exploration in inhospitable settings, thereby reducing physical risks to personnel [8]. In medicine, specifically, AI-assisted diagnostics and robotic surgery demonstrate gains in precision and timeliness, with earlier disease detection from imaging and improved clinical workflows contributing to better patient outcomes [9].

Notwithstanding these advantages, AI presents material drawbacks with direct implications for civil liability. Many systems exhibit “black-box” opacity, which obscures reasoning paths and complicates accountability and transparency. Additionally, the absence of emotional intelligence and context-sensitive moral judgment can yield inappropriate or harmful outputs in sensitive settings [10], such as healthcare or counselling. Data dependence introduces bias risks: skewed training data can produce discriminatory results, inadvertently perpetuate social inequalities and expose developers and deployers to tort and consumer protection claims [11]. Security vulnerabilities, adversarial manipulation, or cyber compromise can corrupt outputs and precipitate physical or psychological harm [7]. Over-reliance on automated systems may also erode human oversight, increasing the likelihood of error when intervention is required in safety-critical contexts, such as aviation, medicine, or autonomous driving [7]. Finally, the costs and technical complexity of building, maintaining, and regulating AI can impede transparency and quality control, intensifying evidentiary disputes in liability litigation [12].

These concerns are already evident in civil liability incidents. In the Air Canada chatbot matter (2024–2025), a court held the airline liable for negligent misrepresentation when its chatbot supplied incorrect refund information, requiring compliance with the policy the bot had “invented,” and illustrating corporate responsibility when AI tools mislead consumers [13]. In *Garcia v. Character Techs., Inc.* (2024), the complaint alleges that interactions with the Character.AI system contributed to a minor’s suicide, asserting product-liability theories (defective design, failure to warn), deceptive trade practices, wrongful death, and intentional infliction of emotional distress [14]. A well-known autonomous-vehicle fatality, also highlighted in a real case involving AI autonomous vehicles causing damage to a

human, is the 2018 Uber self-driving car accident in Tempe, Arizona. In this incident, an Uber autonomous test vehicle struck and killed Elaine Herzberg, a pedestrian, marking the first recorded pedestrian fatality involving a fully autonomous vehicle. The accident raised critical legal and safety concerns about the readiness and reliability of autonomous driving technology, leading to regulatory scrutiny and litigation over liability and safety standards for AI-driven vehicles [15].

Another notable case is the 2019 Tesla Autopilot fatal crash in Texas, where Walter Huang was driving a Tesla Model X with Autopilot engaged. The vehicle veered out of its lane and crashed into a barrier at high speed, resulting in the driver's death. This incident led to a wrongful death lawsuit against Tesla, highlighting the limitations of the Tesla Autopilot system [15]. Besides, AI-related diagnostic errors have triggered malpractice claims, where reliance on algorithmic outputs allegedly resulted in misdiagnosis or delay [16].

Against this backdrop, this article seeks to critically examine whether the growing functional and decision-making autonomy of AI warrants its legal recognition as a form of juridical person, or whether it should continue to be treated merely as a tool whose actions are attributed to responsible human actors. The distinction between juridical personhood and human attribution is fundamental, as it determines who may bear rights, duties, and liability within the legal system.

2 Research Method

This article employed a doctrinal legal research methodology, utilising both primary and secondary data collected through a systematic library-based approach. Primary data were sourced from legislation, acts, and judicial decisions. Secondary data were obtained from diverse sources, including scholarly journal articles, textbooks, and credible online platforms [17, 18]. Both primary and secondary data were analysed through a content analysis framework to derive critical and analytical insights.

3 Discussions And Findings

The following explains the concept of juridical personality and the theories surrounding it, as well as juridical personality under the Malaysian Companies Act 2016 (Act 777). It also explores why granting AI a juridical personality is fundamental.

3.1 Concept of Juridical Personality and the Theories Surrounding It

The term “person” derives from the Latin *persona*, originally denoting the mask worn by actors to represent different roles on stage [19]. In antiquity, the notion of “person” corresponded to the social role assumed by human beings. Over time, its meaning expanded to encompass living beings capable of holding rights and bearing responsibilities, a conception that, at first, remained narrowly confined to natural persons. In contemporary law, however, the category of “persons” has broadened significantly to include not only natural persons but also non-natural (juridical) entities, such as corporations and, in particular legal traditions, idols.

Legal personality constitutes a foundational premise of any legal order. Determining who may act and who may bear rights and obligations is an antecedent inquiry that underlies virtually all other legal questions. In practical terms, most legal systems recognise two principal classes of legal persons: natural persons and juridical persons. Natural persons acquire legal status by virtue of being human [20]. Juridical persons, by contrast, are non-human entities upon which the law confers rights and obligations.

The concept of juridical (or judicial) personality is a complex and multifaceted topic in legal theory. It concerns the attribution of legal personhood to entities other than individual human beings, including groups, organisations, and, in some instances, non-human entities. The principal theoretical frameworks that elucidate the rationale for such recognition are the aggregate (contractarian/symbolist) theory, the fiction and concession theories, and the realist theory.

Scholars and several law-reform bodies have already proposed attributing limited legal personality to AI systems to address problems of attribution and liability, for example, by creating a distinct “automated driving system” entity for driverless vehicles whose conduct may fall outside the effective control of a nominal human “driver” and resist *ex ante* prediction by manufacturers or owners [21]. A more petite body of commentary goes further, advocating procedures to prosecute “robot offenders,” with sanctions ranging from reprogramming to, in extreme cases, destruction [22]. These proposals reflect an instrumental view of personality. Yet, leading explanations of the most familiar juridical person, the corporation, offer divergent justifications for its separate legal status, which can inform whether such status might coherently extend to AI.

According to the aggregate (contractarian/symbolist) theory, a corporation is a legal device that enables natural persons, organised as a group, to project that organisation into external legal relations. Although members could, in principle, craft parallel bilateral contracts to limit liability, the corporate form permits collective coordination at lower transaction costs. This theory has drawn criticism and, in any event, appears least applicable to AI systems [23].

By contrast, the fiction and concession theories hold that corporate personality exists because the legal order chooses to confer it. As the U.S. Supreme Court observed in 1819, a corporation is an “artificial being, invisible, intangible, and existing only in contemplation of law” [24]. Personality is thus purposively granted to promote entrepreneurship and to stabilise legal coordination (for example, perpetuity).

Historically, such grants were explicitly outlined in charters or statutes; over the twentieth century, they became formalised mainly [25]. These positivist accounts align most closely with legislative and judicial practices and could, in principle, be extended to AI systems.

The realist theory, conversely, views corporations not as fictions or symbols but as objectively existing social entities that precede legal recognition. Although composed of members, they may act independently, and in stronger variants, are considered both moral and legal persons [26]. This perspective tends to appeal more to theorists and sociologists than to lawmakers, but it highlights a persistent tension: that personality might be deserved, not merely bestowed. In practice, however, recognition before the law remains a prerogative of the state [27].

The upshot accords with Dewey's century-old remark that "person" signifies what law chooses it to represent [28]. While the threshold decision, whether personality is recognised, is binary, the content of that status is graduated, spanning a spectrum of allocable rights and duties. Bracketing debates about whether an AI system might merit personhood, a state's decision to confer it should be guided by the specific bundle of rights and obligations it intends to attach.

A closer examination of the three theories reveals that the fiction and concession theory is the most appropriate basis for granting juridical personality to AI. This theory holds that legal personality is not inherent but conferred by the state for functional and policy reasons. Applying it to AI allows lawmakers to formally recognise AI systems as legal subjects, not because they possess moral agency, but to allocate rights, duties, and liabilities in a controlled and purposeful manner. Unlike the aggregate or realist theories, it aligns with positivist legal practice, enabling the law to adapt pragmatically to technological realities while maintaining regulatory oversight.

3.2 Juridical Personality under the Malaysian Companies Act 2016 (Act 777)

Before extending the concept of juridical personhood to AI, it is essential to understand how corporate personhood operates within the Malaysian legal framework, particularly under the Companies Act 2016 (Act 777).

A corporation in Malaysia is a legal construct created by registration under the Companies Act 2016. Once an application for incorporation is duly submitted and approved, the company becomes a separate legal entity, distinct from its members and directors. This principle is codified in Sections 20 and 21 of the Act, which affirm that a registered company is a body corporate capable of owning property, entering into contracts, suing, and being sued in its own name. Additionally, Section 18 stipulates that a company continues to exist until it is removed from the register, thereby granting.

Unlike the earlier Indian Companies Act 2013, which required a minimum of two members, Malaysian law, through Section 9(b), permits the incorporation of a single-member company, reflecting a modern and flexible approach to business

formation. Furthermore, Section 196(4) stipulates that every private company must have at least one director who is ordinarily resident in Malaysia, ensuring accountability and domestic oversight.

The concept of corporate personality allows individuals to pool resources and conduct activities under a shared legal identity while enjoying limited liability. This principle was famously articulated in *Salomon v. Salomon & Co. Ltd* (1897), [29] and its essence is firmly embedded in Malaysian jurisprudence. Once incorporated, the company assumes an identity that is independent from its shareholders; thus, the rights, liabilities, and obligations belong to the company itself, not to its members personally. However, Malaysian courts have recognised that this separation cannot be absolute. Where the corporate form is abused for fraudulent or unjust purposes, courts may lift or pierce the corporate veil to identify and hold accountable the individuals behind the wrongdoing. This judicial discretion has been affirmed in several Malaysian cases, such as *Hotel Jaya Puri Sdn Bhd v. National Union Bar & Restaurant Workers* (1980), *Aspatra Sdn Bhd v. Bank Bumiputra Malaysia Bhd* (1988), and more recently in the Federal Court case of *Ong Leong Chiou & Anor v. Keller (M) Sdn Bhd & Ors* [2021] 4 CLJ 821.

Based on the above, corporate personhood under Malaysian law illustrates how the state deliberately confers legal personality on non-human entities to serve functional and economic purposes, most notably to promote commerce, allocate risk, and ensure effective governance. This doctrine, codified in the Companies Act 2016 and refined through judicial interpretation, establishes a statutory framework that defines legal capacity and responsibility while embedding safeguards against misuse through doctrines such as veil-piercing.

By analogy, the principle of separate legal personality, as articulated in *Salomon v. Salomon & Co. Ltd*, can be extended to the context of AI. Just as an incorporated company possesses a distinct legal identity and liabilities independent of its shareholders, autonomous AI systems, when demonstrating sufficient independence and decision-making capability, could be recognised as distinct juridical entities capable of holding rights and obligations separate from their human developers or users. This reasoning supports the recognition of a bounded form of AI legal personality, designed to address emerging challenges of liability, accountability, and governance in situations where traditional human attribution proves inadequate or unjust.

3.3 Why Granting AI a Juridical Personality is Fundamental?

Granting legal personality to AI would enhance accountability within the legal system in a manner analogous to the corporate form. Just as juridical personality was introduced to limit individual exposure and facilitate enterprise, recognising AI as a legal person could enable existing doctrines to address AI-specific risks without the need for wholesale restructuring of the legal order. Granting legal personality to AI is also important to acquire rights and assume obligations, though some oppose this idea fearing that this will absolve the liability of the manufacturer [30].

Specifically, a central challenge concerns liability for actions generated by AI. As AI systems increasingly make autonomous decisions, both civil and criminal responsibility may be implicated. Consider contractual breaches initiated by an AI system or tortious harm caused by its operation: assigning fault solely to owners or developers, who may neither intend nor foresee the specific conduct, can be conceptually and normatively problematic. By recognising AI as a juridical entity, responsibility could be ascribed directly to the system, aligning liability with the locus of decision-making.

For instance, consider an autonomous vehicle that, due to a misinterpretation of sensory data, makes a decision resulting in a traffic collision. Under the current legal framework, liability would ordinarily be attributed to the manufacturer or developer. However, recognising the vehicle's artificial intelligence system as a separate juridical entity would allow for the primary attribution of responsibility to the AI itself, thereby enabling remedial interventions, such as reprogramming, algorithmic correction, or operational restriction, to be directed toward the system as the immediate operative agent. This model would not only shield innocent developers and owners from undue liability but also promote technological advancement by providing a more transparent and more equitable framework for risk allocation and accountability in autonomous decision-making systems.

Proponents further contend that as research advances from weak AI toward strong, potentially sentient AI, such systems may exhibit distinctive identities and forms of emotional or social intelligence, narrowing the boundary between humans and machines [31]. In that scenario, AI could plausibly claim baseline protections necessary for its functioning and welfare. Conferring legal personhood would thus not only ready the legal system for prospective technological developments but also promote orderly, humane, and socially beneficial interaction with increasingly capable artificial agents. While the recognition of AI as a juridical person may enhance accountability, it also entails significant risks. Extending legal status to AI could create opportunities for abuse, enabling wrongdoers to interpose an AI entity as a liability shield to facilitate or conceal unlawful conduct. This prospect underscores the need for carefully calibrated regulation to prevent misuse of AI's legal status.

A corporate-law analogy is instructive. Just as courts may pierce the corporate veil when individuals exploit corporate personality to perpetrate fraud or evade responsibility, so too could legal systems authorise veil-piercing for AI entities. Under such a doctrine, where actors misuse an AI's separate personality for personal gain or to avoid criminal or civil liability, tribunals could disregard the AI's legal separateness and hold the human beneficiaries personally accountable. This approach preserves a balance between the functional benefits of recognising AI personhood and robust safeguards against opportunistic abuse.

The following example illustrates the progressive evolution of legal thought toward recognising machines, and, by extension, AI, as potential juridical entities capable of bearing limited forms of responsibility within legal processes. A widely

discussed example is the “computer ‘raped’ by telephone” case, which signified a conceptual shift in legal reasoning. While the computer itself was not a legal person, it became the central subject of judicial attention, with proceedings directed at its data and functions rather than merely at its human operator [32]. This marked the beginning of treating machines as autonomous participants within legal mechanisms, foreshadowing the possibility of granting AI systems a more formalised legal or procedural standing.

4 Conclusions

In conclusion, this article has examined the evolving discourse on whether AI should be recognised as a juridical person, situating the analysis within both theoretical and doctrinal legal frameworks. Through a doctrinal approach drawing upon primary and secondary sources, the research established that while traditional notions of liability and personhood are deeply rooted in anthropocentric legal reasoning, they are increasingly strained by the autonomy, unpredictability, and decision-making capacity of advanced AI systems. The discussion of the three principal theories of juridical personality, aggregate, fiction and concession, and realist, revealed that the fiction and concession theory offers the most coherent and practicable foundation for extending legal personality to AI. This theory, premised on the state’s prerogative to confer legal personality for functional and policy purposes, enables lawmakers to recognise AI entities for reasons of accountability and governance.

The article also demonstrated that corporate personhood under the Malaysian Companies Act 2016 (Act 777) provides a potent legal analogue for potential AI personhood. The principle of separate legal personality, as articulated in *Salomon v. Salomon & Co. Ltd.*, illustrates how the law already confers independent legal identity upon non-human entities for economic and regulatory efficiency. By analogy, AI systems that exhibit sufficient operational autonomy could be similarly granted bounded legal personhood, allowing for the allocation of rights and obligations that correspond to their autonomous actions. The research further observed that such recognition would enhance legal clarity and fairness in assigning liability, ensuring that accountability aligns with the locus of decision-making, while shielding innocent developers and users from undue responsibility.

Nonetheless, the findings emphasise that the recognition of AI as a juridical entity must be carefully calibrated to prevent misuse. As with corporate entities, there is a risk that wrongdoers could exploit AI’s separate personality to evade liability. Therefore, safeguards analogous to the corporate veil-piercing doctrine should be embedded within any future legal framework, empowering courts to disregard AI’s legal separateness when it is used to facilitate fraud, negligence, or other unlawful acts.

In light of these findings, the article recommends a graduated approach to AI personhood, beginning with functional recognition for specific domains, such as autonomous vehicles, financial systems, or medical diagnostics, where human attribution proves insufficient. Legislatures should develop statutory models defining AI's rights, duties, and accountability mechanisms, supported by oversight structures that ensure transparency, ethical alignment, and human control. Ultimately, the article concludes that recognising AI as a bounded juridical person represents not a radical departure from existing legal principles, but an evolutionary adaptation necessary to preserve coherence, accountability, and justice in the age of intelligent machines.

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