

Author: Katarzyna Pałka

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Discussions on granting legal personality to artificial intelligence

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Publication order reference: Jagiellonian University Cracow [katarzyna.palka@uj.edu.pl]

Abstract:

The issue of the legal personality of artificial intelligence has received a lot of attention in the literature. The discussion on this topic is conducted in a broad context. The article only considers the pragmatic (functional) perspective, i.e. whether such a solution would be effective in practice. This is in fact of fundamental importance in the question of granting legal personality to artificial creations. The article is based on the thesis that legal subjectivity in this case is only a matter of a legislative decision. For this decision to be taken by the legislator, however, it is necessary to answer the question of what are the implications connected with endowing artificial intelligence with at least partial legal personality.

The following arguments are challenged. Firstly, it is said that granting legal personhood to AI will solve problems related to the attribution of liability for damages as it could prevent the so-called liability gaps. Secondly, it is argued that it will enable the attribution to a human being the legal effects of declarations made by an artificial intelligence. Lastly, the proponents of acknowledging the AI's legal personality say that it will enable AI to acquire intellectual rights (i.a. copyright) for its “creations”.

The article is based on the assumption that only granting of partial legal subjectivity could possibly be considered. The artificial intelligence would then be endowed with predetermined rights and obligations by the legislator. However, it is not easy to precisely define the content of partial legal personhood.

The conclusion drawn from the considerations made in the article is as follows: the objectives that would be served by granting artificial intelligence a legal personality either do not merit realisation or can be achieved in a simpler, more direct) and proven way.