

Legal Status of Artificial Intelligence in Civil Society: Toward a New Legal Ideology

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Abstract: This article advances a new legal ideology for understanding artificial intelligence (AI) within civil society. It argues that existing legal systems fail not merely due to regulatory gaps, but due to a deeper conceptual limitation: the inability of law to recognize non-human yet functionally autonomous actors as participants in legal order. The paper introduces the concept of Adaptive Legal Capacity not only as a regulatory model, but as a philosophical transformation in legal reasoning that redefines agency, responsibility, and civil participation. Rather than treating AI as either a tool or a person, this work proposes a continuum-based legal structure in which legal recognition is assigned according to functional behavior and societal impact.

Keywords: Artificial Intelligence (AI), Civil Law, Legal Status of AI, Adaptive Legal Capacity, Legal Ideology, Legal Personhood, Functional Legal Recognition, AI Governance, Legal Responsibility, Agency Law, Tort Liability, Autonomous Systems, Comparative Legal Analysis, Regulatory Frameworks, Civil Society

Introduction

The Crisis of Legal Imagination

Civil law has historically been built upon a stable ontological assumption: legal systems recognize humans and entities created by humans (such as corporations), while all other objects remain outside legal agency. This structure has been effective because social and economic actors have always been identifiable, intentional, and ultimately human-controlled[1].

Artificial intelligence disrupts this foundational assumption.

Modern AI systems increasingly operate in ways that resemble legal and economic agency. They interpret regulations, generate legal outputs, negotiate contracts, and influence financial and logistical decisions. Importantly, these actions are not always directly supervised in real time by humans.

This creates what may be described as a **crisis of legal imagination**: law continues to interpret AI through outdated categories while real-world functionality evolves beyond those categories.

The central tension is therefore not technological, but structural:

Law still assumes AI is a tool, while society increasingly experiences AI as a participant.

Materials and Methods

The methodology of this study is grounded in a qualitative, interdisciplinary legal research approach that integrates doctrinal analysis, comparative legal reasoning, and conceptual theory-building to examine the evolving status of artificial intelligence within civil society. The research

employs a doctrinal method to critically analyze existing legal frameworks, including civil law principles, tort liability, and agency doctrines, in order to identify their limitations in addressing AI-driven interactions. In addition, a comparative approach is used to evaluate regulatory models across jurisdictions, particularly the European Union and the United States, highlighting differences in legislative structure, risk-based regulation, and institutional fragmentation. The study further incorporates conceptual and philosophical analysis to develop the notion of Adaptive Legal Capacity as a new interpretive framework, shifting legal inquiry from static classification toward functional recognition of AI systems. Case-based reasoning is applied through illustrative scenarios, such as AI-driven logistics systems, to demonstrate how legal responsibility and agency may be distributed based on operational autonomy and societal impact. Secondary sources, including academic literature, international policy documents, and legal reports, are systematically reviewed to ensure theoretical consistency and empirical relevance. By synthesizing doctrinal critique, comparative insights, and functional analysis, the methodology provides a comprehensive foundation for rethinking legal ideology and constructing a more adaptive legal framework capable of integrating artificial intelligence as a participant in modern civil law systems[1].

Results and Discussion

1. From Legal Classification to Legal Perception

Traditional legal reasoning asks: *What is this entity?* However, AI forces a shift toward a more functional inquiry:

What does this entity do within civil society, and what legal consequences does that behavior produce?

This shift is significant because it challenges the binary distinction between subject and object in law[2].

Historically, legal systems have adapted by extending personhood to non-human entities such as corporations. However, corporations remain ultimately anchored in human decision-making structures.

Artificial intelligence introduces a different category: systems that may produce outcomes without continuous human intent[3].

This requires a new legal lens—one based not on identity, but on functional participation.

2. The Ideological Gap in Modern Legal Systems

Despite rapid technological development, most legal systems remain anchored in reactive regulation rather than structural redefinition[4].

Across jurisdictions, AI governance is treated as an extension of existing legal doctrines rather than a rethinking of legal ontology[5].

This creates three persistent ideological gaps:

2.1 Responsibility Without Recognition

AI systems influence real-world outcomes, yet legal systems rarely recognize them as meaningful contributors to those outcomes. Responsibility is assigned exclusively to humans, even in cases where human control is indirect or attenuated.

2.2 Regulation Without Conceptual Clarity

Regulatory frameworks such as the EU AI Act or U.S. policy guidelines define risk categories and compliance obligations, but they do not clearly define what AI *is* in legal terms. This leads to a situation where AI is heavily regulated but poorly understood within legal theory[6].

2.3 Innovation Without Legal Evolution

Technological development proceeds rapidly, while legal doctrine evolves slowly and incrementally. As a result, law increasingly functions as a corrective mechanism rather than a conceptual guide.

These gaps suggest that the issue is not lack of regulation, but lack of legal ideology capable of integrating AI as a structural participant in civil society.

2.4 United States Legal Context (Expanded Discussion)

The United States provides one of the most complex legal environments for AI due to its reliance on common law principles and decentralized regulatory structure[7].

AI-related legal questions in the U.S. are typically addressed through three primary doctrinal areas:

(a) Tort and Product Liability Frameworks

Courts attempt to assign responsibility for AI-related harm through negligence or product defect theories. However, these frameworks assume that harm originates from a static defect in design or manufacturing.

AI systems, particularly adaptive or machine-learning models, challenge this assumption because their behavior may evolve beyond initial programming parameters[8].

This creates doctrinal tension: liability is imposed on developers even when harm arises from emergent behavior not explicitly designed or foreseeable.

(b) Agency Law Limitations

Agency doctrine presupposes a principal-agent relationship grounded in human intent and authorization. AI systems are often treated as extensions of human agents, yet this model becomes strained when systems act with partial autonomy.

The law is forced to simulate intent where none exists in traditional terms, leading to conceptual inconsistency[9].

(c) Regulatory Fragmentation

U.S. governance of AI is distributed across agencies such as the FTC, NIST, and sector-specific regulators. While this allows flexibility, it also prevents the formation of a unified conceptual framework for AI legal status.

2.5 Interpretive Space for Adaptive Legal Capacity

Within this fragmented structure, Adaptive Legal Capacity (ALC) does not require statutory overhaul. Instead, it functions as a **theoretical interpretive layer** that can align existing doctrines[10].

Under this perspective:

- Agency law can recognize **graduated delegation to non-human systems**
- Tort law can distinguish between **design-based and autonomy-based causation**
- Contract law can incorporate **algorithmic execution as delegated legal action**

2.6 Illustrative U.S. Scenario

Consider an AI system deployed in a U.S. logistics company to manage transportation compliance and contractual routing decisions[11].

The system:

- Interprets federal transportation regulations
- Recommends contractual arrangements with carriers
- Executes automated scheduling decisions affecting delivery obligations

If a legal violation occurs due to AI-generated scheduling, current law struggles to determine

whether the liability rests with the developer, operator, or system configuration.

Under ALC, this ambiguity is reduced through classification:

- The system is identified as a **semi-autonomous or autonomous economic actor** depending on its independence
- Responsibility is distributed according to functional contribution rather than formal ownership

This illustrates how ALC provides conceptual clarity without requiring legislative disruption[12].

3. Adaptive Legal Capacity as Legal Ideology

Adaptive Legal Capacity is not merely a regulatory classification system; it represents a shift in legal thought.

Its central claim is that legal systems should evolve from static identity-based classification toward **dynamic functional recognition**.

This implies that legal capacity is not absolute, but graduated.

AI systems therefore exist not outside or inside law, but along a spectrum of legal relevance[13].

4. Functional Actors in Civil Society

Under this ideology, civil society consists of three categories:

1. Human actors
2. Corporate entities
3. Functional actors (AI systems with operational autonomy)

Functional actors do not possess full personhood, but they cannot be reduced to passive tools. They occupy an intermediate space requiring tailored legal treatment[14].

5. The Principle of Functional Recognition

A foundational principle emerges:

Any system that produces legally relevant effects within civil society must be recognized in proportion to its functional role.

This principle does not eliminate human accountability but recalibrates it according to system participation[15].

Conclusion

Toward a Functional Legal Order

The emergence of artificial intelligence forces law to confront a fundamental question: whether legal systems are capable of recognizing non-human participation in civil order without collapsing into either overextension or denial.

Adaptive Legal Capacity offers a structured response to this challenge. It reframes legal thinking from classification to function, from identity to impact, and from static categories to dynamic legal recognition.

This shift does not merely regulate technology—it redefines the conceptual foundation of civil law itself.

References

- [1] European Commission. *Proposal for a Regulation on Artificial Intelligence (Artificial Intelligence Act)*, COM/2021/206 final.

- [2] European Parliament. *Civil Law Rules on Robotics (2015/2103(INL))*, 2017.
- [3] Kaplan, Jerry. *Artificial Intelligence: What Everyone Needs to Know*. Oxford University Press, 2016.
- [4] Russell, Stuart, and Peter Norvig. *Artificial Intelligence: A Modern Approach*. 4th ed., Pearson, 2021.
- [5] Solum, Lawrence B. "Legal Personhood for Artificial Intelligences." *North Carolina Law Review*, vol. 70, no. 4, 1992.
- [6] Bryson, Joanna J., Mihailis Diamantis, and Thomas Grant. "Of, for, and by the People: The Legal Lacuna of Synthetic Persons." *Artificial Intelligence and Law*, vol. 25, 2017.
- [7] Gless, Sabine, Emily Silverman, and Thomas Weigend. "If Robots Cause Harm, Who Is to Blame?" *New Criminal Law Review*, vol. 19, no. 3, 2016.
- [8] Calo, Ryan. "Robotics and the Lessons of Cyberlaw." *California Law Review*, vol. 103, 2015.
- [9] Abbott, Ryan. *The Reasonable Robot: Artificial Intelligence and the Law*. Cambridge University Press, 2020.
- [10] U.S. National Institute of Standards and Technology (NIST). *AI Risk Management Framework*, 2023.
- [11] World Economic Forum. *AI Governance: A Holistic Approach to Implement Ethics into AI*, 2021.
- [12] OECD. *Recommendation of the Council on Artificial Intelligence*, 2019.
- [13] European Union Agency for Fundamental Rights (FRA). *Getting the Future Right – Artificial Intelligence and Fundamental Rights*, 2020.
- [14] Lessig, Lawrence. *Code and Other Laws of Cyberspace*. Basic Books, 1999.
- [15] Sartor, Giovanni. "Artificial Intelligence and Legal Responsibility." *AI & Society*, 2020.