

Artificial Intelligence Legal Subjects? A Critical Analysis of the Limitations of Modern Legal Personification

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Abstract: The development of increasingly autonomous artificial intelligence has challenged the conceptual foundations of modern law, particularly related to the concept of legal subjects and legal accountability mechanisms. The Indonesian legal system until now does not have a specific regulation that explicitly regulates the legal status of artificial intelligence, so the regulation still depends on Law Number 1 of 2024 concerning Electronic Information and Transactions which places artificial intelligence as part of the electronic system. This approach departs from the assumption of human control that is increasingly difficult to maintain as adaptive capabilities and independent decision-making by technology increases. This condition creates a legal vacuum that has an impact on the uncertainty of responsibility attribution when artificial intelligence causes legal consequences. This study aims to critically analyze the position of artificial intelligence in the Indonesian legal system, relevant legal accountability models, and the limitations of modern legal personification. The research method used is normative juridical with a legislative, conceptual, and analytical-critical approach. The results of the study show that granting the status of legal subjects to artificial intelligence has the potential to cause normative distortions and weaken the principle of human accountability. Therefore, legal reform should be directed at strengthening risk-based regulations by affirming human responsibility as the main normative actor, in order to maintain legal certainty and substantive justice.

Keywords : Artificial Intelligence; Personification of the Law; Legal Liability

INTRODUCTION

The development of artificial intelligence in the last two decades shows a significant acceleration that affects almost all sectors of life, including the legal system. Artificial intelligence systems no longer function as passive aids, but are able to make decisions autonomously based on machine learning. This phenomenon shifts the traditional relationship between humans as controllers and technology as instruments. Modern law based on the assumption of human rationality faces serious challenges when dealing with non-human entities that exhibit agent-like patterns of action. The lack of legal preparedness in anticipating these developments shows that there is a gap between technological reality and normative



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construction.¹ Until now, there has been no specific law that comprehensively regulates artificial intelligence. This condition is an early indication of a legal vacuum that has the potential to cause uncertainty.

This legal vacuum is even more evident when artificial intelligence actions cause legal consequences that harm individuals and society. The positive legal system still associates accountability with legal subjects who have will and awareness. When artificial intelligence produces decisions that negatively impact them, the mechanism of attribution of responsibility becomes problematic.² The developers, owners, and users of the system are often in a juridically ambiguous position. The absence of specific norms governing artificial intelligence causes law enforcement to rely on analogous legal constructions. This kind of approach is prone to inconsistency in interpretation. Therefore, the regulatory vacuum is a structural problem that cannot be ignored.

In practice, these legal vacancies are often filled through the application of the Electronic Information and Transaction Law. The ITE Law is used as a legal basis to regulate acts involving electronic systems, including artificial intelligence-based technology. However, the scope of the ITE Law is basically still oriented towards human activities in electronic systems. Artificial intelligence is positioned as a means or medium, not as an entity that has autonomy of action. This approach poses limitations when artificial intelligence acts independently of direct human intervention. The ITE Law does not provide an explanation regarding the legal status of artificial intelligence as a potential perpetrator. As a result, there is a discrepancy between the character of the developing technology and the legal norms applied.

The reliance on the ITE Law to address the problem of artificial intelligence shows the limitations of modern law in responding to technological disruption. The ITE Law is designed in the context of information technology developments that still place humans as the main actors. When artificial intelligence operates adaptively and autonomously, those basic assumptions become less relevant. The extensive use of the ITE Law risks imposing old norms on new phenomena.³ This can obscure the principle of legal accountability that should be clear and measurable. The absence of special laws on artificial intelligence increases the reliance on judicial interpretation. This condition has the potential to weaken legal certainty in the long term.

In the midst of this regulatory vacuum, there is a discourse to make artificial intelligence a legal subject. This idea is seen as an alternative solution to overcome the problem of accountability that is not accommodated by the ITE Law. The practice of legal personification that has long been applied to legal entities is often used as an argumentative foundation, but the extension of the legal subject to artificial intelligence cannot be separated from conceptual problems.⁴ Legal entities still act through human

¹ Chesterman, S. (2020). Artificial intelligence and the limits of legal personality. *International & Comparative Law Quarterly*, 69(4), 819-844.

² Novelli, C., Floridi, L., Sartor, G., & Teubner, G. (2025). AI as legal persons: Past, patterns, and prospects. *Journal of Law and Society*.

³ Azis, M. A., Rahman, N., & Putri, R. A. K. (2025). Between The Future Or Just Utopia: A Critical Analysis Of The Legal Personhood Of Artificial Intelligence On The Claim As A Patent Inventor. *Critical Legal Review*, 2(1), 58-83.

⁴ Bublitz, J. C. (2024). Might artificial intelligence become part of the person, and what are the key ethical and legal implications?. *AI & SOCIETY*, 39(3), 1095-1106.

representations, whereas artificial intelligence operates through algorithmic systems. This fundamental difference raises questions about the legitimacy of legal personification. Therefore, the discourse requires a more in-depth critical analysis.

Legal personification is essentially a legal fiction built to meet specific social and economic needs. Legal subjects are understood as entities that are able to assume rights and obligations normatively.⁵ Artificial intelligence does not have the moral awareness or ethical capacity of humans. Granting legal subject status to these entities has the potential to shift responsibilities from humans to technology. This risk becomes even greater when the law does not have a clear regulatory framework. The vacuum of artificial intelligence-specific legislation weakens normative controls over the use of technology. Therefore, the personification of law cannot be separated from the problem of existing legal emptiness.

In addition to the philosophical aspect, the juridical implications of the artificial intelligence law vacuum are also practical. The absence of special rules causes legal protection for victims to be not optimal. Law enforcement officials are forced to use the ITE Law or other regulations whose relevance is limited. The approach is reactive and unsystematic, and the unclear legal status of artificial intelligence opens up space for uncertainty in judicial practice⁶. This situation shows that positive law is not yet fully prepared for the complexity of autonomous technologies. Therefore, legal reform is an inevitable necessity.

Based on the overall description, a critical analysis of the limitations of modern legal personification becomes particularly relevant in the conditions of regulatory vacuum. The absence of a special law on artificial intelligence and the limitations of the ITE Law indicate the need for in-depth theoretical reflection. The law is required to adapt without sacrificing the basic principles of accountability and justice. The placement of artificial intelligence in the legal system must be based on a clear and coherent normative framework. A critical approach allows the identification of conceptual risks arising from premature personification of the law. Thus, this study is expected to contribute to the development of a more responsive and equitable law.

METHOD

This research uses a normative juridical method, which views law as a norm or rule that applies in the system of laws and regulations. This approach was chosen because the focus of the research lies in the conceptual and normative analysis of the possible placement of artificial intelligence as a legal subject as well as the limitations of legal personification in the modern legal system. The study is carried out by examining legal principles, doctrines, and theories related to legal subjects, legal liability, and legal fiction. This approach is relevant to test the consistency and adequacy of positive legal norms in response to the development of artificial intelligence. Thus, this study does not aim to assess empirical effectiveness, but rather to evaluate the normative structure of the applicable law.

⁵ Wojtczak, S. (2022). Endowing Artificial Intelligence with legal subjectivity. *AI & SOCIETY*, 37(1), 205-213.

⁶ Jumantoro, T. R. P. (2024). Menilik Pro dan Kontra Pemanfaatan dan Penetapan Status Hukum Artificial Intelligence (AI) dalam Hukum Positif Indonesia. *Journal of Analytical Research, Statistics and Computation*, 3(1).

The statute approach is used to review laws and regulations relevant to the regulation of electronic systems and digital technology. The main focus is directed to Law Number 1 of 2024 concerning Information and Electronic Transactions as the legal basis that is currently closest to the regulation of artificial intelligence in Indonesia. The analysis was carried out on the provisions of the ITE Law that govern the implementation of electronic systems, legal responsibilities, and acts that cause legal consequences. This study aims to assess the extent to which the ITE Law is able to accommodate the character of artificial intelligence that is autonomous. In addition, this study identifies the normative limitations of the ITE Law in answering the issue of the legal status of artificial intelligence. With this approach, legal vacancies can be systematically mapped.

In addition to the legislative approach, this study also uses a conceptual approach. This approach is used to examine the concepts of legal subjects, legal personifications, and legal accountability in the perspective of classical and modern legal theory. Legal doctrines that discuss legal fiction and legal entities are analyzed as a comparative basis for the discourse on the personification of artificial intelligence. Through a conceptual approach, this study assesses the suitability of the character of artificial intelligence with the criteria of the legal subject. This analysis is important considering that the ITE Law has not explicitly regulated the legal status of artificial intelligence. The conceptual approach allows for normative testing without being bound by the limitations of the legal text alone.

An analytical-critical approach is used to evaluate the relationship between the norms of the ITE Law and the phenomenon of artificial intelligence. The analysis was carried out by examining the structure of norms, legal principles, and juridical implications of the application of the ITE Law to actions involving artificial intelligence. This study examines whether the use of the ITE Law as a legal basis is adequate or actually causes normative distortions. In this way, potential inconsistencies can be identified between technological developments and existing legal designs. This approach is also used to test the risk of transferring legal responsibility from humans to technology. The results of the analysis are expected to be able to show the need for more comprehensive legal reform.

The legal materials used in this study consist of primary, secondary, and tertiary legal materials. Primary legal materials include laws and regulations, especially Law No. 1 of 2024 concerning Electronic Information and Transactions, as well as other related regulations. Secondary legal materials are in the form of legal literature, scientific journals, expert opinions, and legal doctrines that discuss artificial intelligence, legal subjects, and legal accountability. Tertiary legal materials include legal dictionaries and legal encyclopedias to clarify terms and concepts. All legal materials are studied systematically and critically to obtain a comprehensive understanding. The technique of collecting legal materials is carried out through literature studies.

The analysis of legal materials is carried out in a qualitative normative manner, with deductive and interpretive reasoning methods. Legal interpretation is carried out through a systematic and conceptual interpretation of the provisions of the ITE Law. The analysis is directed at identifying legal gaps and normative limitations in the regulation of artificial intelligence. The results of the analysis were then used to draw conclusions about the position of artificial intelligence in the Indonesian legal system. This research also develops normative arguments regarding the limits of modern legal personification. With this method, the research is expected to be able to provide theoretical recommendations for the development of national law.

DISCUSSION

The Position of Artificial Intelligence in the Indonesian Legal System: Between Legal Objects and Legal Subjects

Artificial intelligence in the Indonesian legal system is still implicitly positioned as a legal object that is in the category of electronic systems. Law No. 1 of 2024 concerning Electronic Information and Transactions adopts a technocratic approach that focuses on the function of technology, not its ontological character. This approach departs from the assumption that the entire electronic system is under human control as the main actor. This assumption becomes problematic when artificial intelligence demonstrates the ability to learn independently and make adaptive decisions. Positive law seems to ignore the transformation of the power relationship between humans and digital technology. As a result, legal norms fail to represent the factual realities that develop in Society, this inconsistency creates a tension between legal certainty and substantive justice.⁷ These tensions are sharpened when technology operates without direct human intervention. This condition shows that the normative position of artificial intelligence has not been adequately articulated.

The concept of the subject of law in modern legal theory is not only formal, but also normative and philosophical. Legal subjects are assumed to have the capacity to act that can be morally and juridically accountable. Artificial intelligence does not meet these prerequisites because it lacks consciousness and will. However, the law still imposes a binary classification between legal subjects and objects. This classification ignores the existence of hybrid entities that are autonomous but immoral. The law's failure to anticipate this new category shows serious conceptual limitations. The ITE Law does not offer a normative instrument to bridge the gap.⁸ This conceptual vacuum creates uncertainty in the application of the law. As a result, artificial intelligence is trapped in a perpetual normative ambiguity.

The use of legal entity analogies to justify the possible personification of artificial intelligence is often not critically tested within the framework of legal theory. Legal entities acquire the status of legal subjects due to the need for representation of human interests. The construction is rooted in social relations and clear normative legitimacy. Artificial intelligence is not born from the same social relations, this technology is developed as a tool of efficiency and optimization based on economic interests.⁹ Equalizing the two risks simplifying fundamental ontological differences. Weak analogues can result in normative distortions. This distortion has the potential to undermine the theoretical coherence of legal subjects. As a result, the law loses conceptual precision in classifying new legal entities.

The ITE Law shows a strong tendency to maintain an anthropocentric paradigm in the regulation of technology. All legal responsibilities are constructed as if technology is always in the full control of humans.

⁷ Ramli, T. S., Ramli, A. M., Mayana, R. F., Ramadayanti, E., & Fauzi, R. (2023). Artificial intelligence as object of intellectual property in Indonesian law. *The Journal of World Intellectual Property*, 26(2), 142-154.

⁸ Maskanah, U. (2025). Artificial Intelligence in Civil Justice: Comparative Legal Analysis and Practical Frameworks for Indonesia. *Jambura Law Review*, 7(1), 225-242.

⁹ Amboro, F. Y. P., & Komarhana, K. (2021). Prospek Kecerdasan Buatan Sebagai Subjek Hukum Perdata Di Indonesia [Prospects of Artificial Intelligence As a Subject of Civil Law in Indonesia]. *Law Review*, 145-172.

This approach avoids acknowledging the factual evolving autonomy of technology. Such implicit rejection is not without normative consequences. The law loses the ability to regulate phenomena that develop exponentially. Law enforcement has become reactive and casuistic. Judges are forced to fill the void of norms through extensive interpretation, this practice threatens the principle of legal certainty.¹⁰ In the long run, these conditions can weaken the legitimacy of the legal system.

The discourse of making artificial intelligence a legal subject often emerges as a pragmatic response to regulatory impasse.¹¹ Such pragmatic approaches tend to sacrifice normative consistency for the sake of technical efficiency. The subject of law is treated as a technical instrument, not a construction of value. The main risk of this approach is the transfer of responsibility from humans to technology.¹² Technology can serve as a juridical shield for economic actors. This condition is contrary to the principle of distributive justice. The law lost its ethical orientation as a controller of power. The role of law has shifted to a tool of risk legitimization. Therefore, normative prudence is a non-negotiable imperative.

The position of artificial intelligence in the Indonesian legal system shows the crisis of modern legal categorization. The law is not yet ready to confront non-human entities that are autonomous and adaptive. The ITE Law only offers a partial solution that is procedural. The solution does not touch the root of the conceptual problem regarding the subject of law. Without conceptual reform, the law will continue to lag behind technological realities. Critical reflection on the concept of legal subjects is an urgent agenda. Legal reform must start from a theoretical foundation. Without this foundation, regulations will only be patchwork. This situation underscores the urgency of a more radical normative study.

Legal Accountability for Artificial Intelligence Actions in the Perspective of the ITE Law

Legal accountability is a key pillar of the legitimacy of the modern legal system. This principle associates the act with the perpetrator who can be held accountable. The ITE Law establishes an accountability scheme based on the assumption of human control. Any electronic system action is associated with the organizer or user. That assumption collapses when artificial intelligence acts adaptively. Causal relationships become blurry and non-linear. The law loses the fulcrum of responsibility attribution. This condition creates a void of protection for victims. This void creates structural injustices in law enforcement.

The error model in criminal law is not compatible with the character of artificial intelligence. The elements of intentionality and negligence require the existence of a will. Artificial intelligence has no will in the normative sense. When losses occur, law enforcement officials face an attribution dilemma.¹³ Developers are often positioned as the most responsible parties, this approach is not always fair because it does not take into account the complexity of the system as the risk of over-criminalization becomes real.¹⁴ The ITE Law

¹⁰ Respati, A. A. (2024). Reformulasi UU ITE terhadap artificial intelligence dibandingkan dengan Uni Eropa dan China AI Act Regulation. *Jurnal USM Law Review*, 7(3), 1737-1758.

¹¹ Ardania, V. D., & Damayanti, S. (2025). Kedudukan Artificial Intelligence sebagai Subjek Hukum dalam Sistem Kontrak Indonesia.

¹² Kurniawan, I. (2023). Analisis Terhadap Artificial Intelligence Sebagai Subjek Hukum Pidana. *Mutiara: Jurnal Ilmiah Multidisiplin Indonesia*, 1(1), 35-44.

¹³ Boch, A., Hohma, E., & Trauth, R. (2022). Towards an accountability framework for AI: Ethical and legal considerations. *Institute for Ethics in AI, Technical University of Munich: Munich, Germany*.

¹⁴ Kharitonova, Y. S. (2023). Legal Means of Providing the Principle of Transparency of the Artificial Intelligence. *Journal of Digital Technologies and Law*, 1(2).

does not provide a proportionate differentiation of responsibilities mechanism, as a result, the principle of substantive justice is threatened to be reduced.¹⁵

Civil liability is also not immune to similar structural problems. The legal relationship between the parties involved is often contractual and non-transparent. The ITE Law does not formulate a specific compensation scheme for artificial intelligence. Judges are forced to use the general principle of unlawful acts. This approach results in inconsistent verdicts. Legal uncertainty is a direct consequence. Business actors and consumers are in a vulnerable position. The legal system fails to provide predictability. This condition reflects the weak normative design of accountability.

The discourse of personification of artificial intelligence is often proposed as a normative solution to the impasse of responsibility. This approach is considered to be able to simplify the attribution of responsibilities. However, the simplification masks deeper structural problems. Personification has the potential to obscure the human actors who are actually responsible. Technology is made a pseudo-subject to bear legal risks. This practice undermines the principle of accountability. The law shifted from a control mechanism to a risk legitimacy mechanism. These consequences are very dangerous for social justice. The legal system has lost its corrective function.

A normative juridical approach demands a critical evaluation of the applicable responsibility structure. Liability is not just the distribution of legal burden. This principle is related to the legitimacy of power and justice. The ITE Law fails to anticipate the complexity of autonomous technology. This void cannot be overcome by the expansion of the legal subject alone. A multi-layered responsibility design based on human roles is needed. Risk-based approaches are more relevant. Without normative reformulation, the law will continue to lag behind. This lag has the potential to damage public trust.¹⁶

Accountability for artificial intelligence must remain human-oriented as the main normative actor. Technology should not be a substitute for responsibility. The ITE Law needs to be criticized for maintaining outdated assumptions. Legal reform must affirm that technological autonomy does not remove human responsibility. The principle of prudence must be the basis for regulation. Without this principle, the law has the potential to serve economic interests alone. Critical analysis paves the way for normative reform. This reform is important to maintain the integrity of the law. This integrity is the foundation of sustainable justice.

The Limitations of Modern Legal Personification on Artificial Intelligence and Its Implications for Legal Reform

The personification of law is a product of modern legal history that is constructive. This concept was developed to meet the needs of collective interest representation. Legal entities acquire the status of legal subjects through normative legitimacy. This legitimacy is not technical, but political and social. Artificial intelligence does not have a similar basis of legitimacy. This technology is developed through the logic of efficiency and profit. The equalization of the two ignores the normative dimension of personification. This

¹⁵ Haris, M. T. A. R., & Tantimin, T. (2022). Analisis Pertanggungjawaban Hukum Pidana Terhadap Pemanfaatan Artificial Intelligence Di Indonesia. *Jurnal Komunikasi Hukum (JKH)*, 8(1), 307-316.

¹⁶ Wahyudi, B. R. (2025). Tantangan Penegakan Hukum terhadap Kejahatan Berbasis Teknologi AI. *INNOVATIVE: Journal Of Social Science Research*, 5(1), 3436-3450.

has the potential to damage the meaning of the subject of law. This meaning is the foundation of modern legal theory.¹⁷

Legal subjects do not only hold formal rights and obligations. This concept contains inherent moral and social dimensions. Artificial intelligence is incapable of understanding norms or values.¹⁸ The granting of legal subject status creates the illusion of responsibility. This illusion can be used to avoid accountability. Human actors take refuge behind technological entities. This practice creates power imbalances. The law has the potential to be a tool for legitimizing technological dominance. This risk must be seriously anticipated through critical studies.

The ITE Act does not provide a normative basis for the personification of artificial intelligence. The application of personification without the legitimacy of the law violates the principle of legality. This principle is the foundation of the state of law. Without a clear legal basis, the status of the subject of the law becomes arbitrary, and law enforcement officials lose interpretive certainty. The court's decision became inconsistent. This uncertainty undermines public trust. Therefore, personification cannot be done haphazardly. Normative prudence is the main requirement.¹⁹

The critical approach places law as a value system, not just a technical instrument of risk management. Legal adaptation to technology must maintain fundamental principles. The personification of artificial intelligence risks reducing the law to a managerial tool. The principles of justice and accountability are in danger of being marginalized. The law loses its corrective function against power. Technology has actually gained normative legitimacy. This condition creates a structural imbalance. Theoretical reflection is an urgent need. Without reflection, the law will lose its normative direction.

Legal reform is not synonymous with the expansion of legal subjects. Normative alternatives are available in the form of risk-based and human responsibility-based regulations. This approach emphasizes the role of the system controller. The ITE Law can be a starting point, but it is inadequate.²⁰ A special law on artificial intelligence is needed. The regulation must be based on the principles of prudence and justice. Personification is not the only solution. A more complex normative approach is more relevant. This complexity reflects the reality of modern technology.

The limitations of modern legal personification indicate a crisis of legal adaptation to autonomous technologies.²¹ Artificial intelligence challenges laws to transform reflectively. The transformation must maintain the normative integrity of the legal system. The ITE Law shows the limitations of the national legal response. Legal vacancies should not be filled pragmatically. Critical analysis helps avoid structural

¹⁷ Luzan, T., & Kurki, V. A. (2020). Legal personhood of artificial intelligence. *Univ Helsinki*.

¹⁸ Ravizki, E. N., & Yudhantaka, L. (2022). Artificial Intelligence Sebagai Subjek Hukum: Tinjauan Konseptual dan Tantangan Pengaturan di Indonesia. *Notaire*, 5(3).

¹⁹ Respati, A. A. (2024). Reformulasi UU ITE terhadap artificial intelligence dibandingkan dengan Uni Eropa dan China AI Act Regulation. *Jurnal USM Law Review*, 7(3), 1737-1758.

²⁰ Atiyah, A., Fitriani, N. C., & Yamani, A. Z. (2025). Digitalisasi Legal Drafting Melalui Artificial Intelligence: Peluang Dan Tantangan Masa Depan Dokumen Hukum Di Indonesia. *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory*, 3(2), 1283-1299.

²¹ Wibowo, A. (2023). Penyelesaian Sengketa Hukum dan Teknologi. *Penerbit Yayasan Prima Agus Teknik*, 1-168.

errors. The law must remain on the side of the value of justice. Thus, legal reform can be carried out responsibly. This responsibility is a requirement for the sustainability of modern law..

CONCLUSIONS

The conclusion of this study confirms that the development of artificial intelligence has posed serious challenges to the construction of modern legal foundations, especially regarding the concept of legal subjects and legal accountability. The Indonesian legal system through Law No. 1 of 2024 concerning Electronic Information and Transactions still maintains an anthropocentric approach that places artificial intelligence as a legal object in the category of electronic systems. The approach is not fully able to represent the reality of technology that shows the character of autonomy and adaptive decision-making capabilities. The legal vacuum arises due to the absence of a specific regulation that explicitly governs the legal status of artificial intelligence. This condition has an impact on the unclear attribution of responsibility when artificial intelligence causes legal consequences. Attempts to make artificial intelligence a legal subject through the personification of modern law carry a significant risk of normative distortion. Personification has the potential to obscure human accountability as the main normative actor. The law can lose its ethical and corrective function if technology is made to be the pseudo-responsible. Normative juridical analysis shows that the solution to this problem does not lie in the pragmatic expansion of the legal subject. Legal reform must depart from a theoretical reflection on the concept of legal responsibility and legitimacy. Risk-based regulation with the affirmation of human responsibility offers a more coherent alternative. Thus, the reform of artificial intelligence laws in Indonesia must be carried out carefully in order to maintain legal certainty, substantive justice, and the integrity of the national legal system.

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