

ARTIFICIAL INTELLIGENCE AS A LEGAL SUBJECT: AN EXISTENTIALIST PHILOSOPHY PERSPECTIVE

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DOI: 10.53866/jimi.v5i2.712

Abstract

The increasing complexity of artificial intelligence (AI) has sparked debates regarding its legal status, particularly whether AI can be considered a legal subject. This study examines the issue through the lens of existentialist philosophy, which emphasizes freedom, consciousness, and responsibility as fundamental aspects of existence. A qualitative approach is employed, utilizing philosophical analysis of subjectivity and existence based on the thoughts of existentialist figures such as Jean-Paul Sartre and Martin Heidegger. The findings reveal that although AI can act autonomously and mimic human decision-making, it lacks self-awareness and existential freedom. Consequently, from an existentialist perspective, AI does not qualify as a legal subject, as it does not possess authentic existence and moral responsibility. This conclusion underscores that AI's legal status is more appropriately categorized as a legal object with specific regulations rather than an entity with legal rights and obligations.

Keywords: artificial intelligence, legal subject, existentialist

Abstrak

Perkembangan kecerdasan buatan (AI) yang semakin kompleks menimbulkan perdebatan mengenai status hukumnya, terutama dalam konteks apakah AI dapat dianggap sebagai subjek hukum. Studi ini menganalisis permasalahan tersebut melalui perspektif filsafat eksistensialisme, yang menekankan kebebasan, kesadaran, dan tanggung jawab sebagai ciri utama keberadaan. Penelitian ini menggunakan pendekatan kualitatif dengan metode analisis filosofis terhadap konsep subjektivitas dan eksistensi dalam pemikiran tokoh-tokoh eksistensialis, seperti Jean-Paul Sartre dan Martin Heidegger. Hasil penelitian menunjukkan bahwa AI, meskipun mampu bertindak secara otonom dan meniru pengambilan keputusan manusia, tidak memiliki kesadaran diri dan kebebasan eksistensial sebagaimana manusia. Dengan demikian, dari perspektif eksistensialisme, AI belum memenuhi syarat sebagai subjek hukum karena tidak memiliki eksistensi yang autentik dan tanggung jawab moral. Kesimpulan ini menegaskan bahwa status hukum AI lebih tepat dikategorikan sebagai objek hukum dengan pengaturan khusus, alih-alih sebagai entitas yang memiliki hak dan kewajiban hukum.

Kata Kunci: kecerdasan buatan, subjek hukum, eksistensialisme

1. Introduction

The development of information technology has transformed various aspects of life, especially with the emergence of the Fourth Industrial Revolution, which marks the integration of digital technology into industry. Industries are now adopting artificial intelligence, the Internet of Things (IoT), big data, and automation to enhance efficiency and productivity. This transformation enables real-time communication and data analysis, creating smarter and more adaptive production systems (Utomo, 2020). Information technology

has not only penetrated the industrial world but has also touched almost every aspect of human life, from education and healthcare to communication. With various innovations such as artificial intelligence, the internet, and smart devices, technology makes daily activities easier and more efficient. Its presence enables fast access to information, task automation, and seamless connectivity across various fields.

One of the most intriguing developments in information technology is artificial intelligence, which continues to evolve and become more advanced. AI is now widely used in everyday life, from virtual assistants and smart home devices to personalized recommendations and automated services. As its capabilities grow, more people are becoming familiar with AI and integrating it into their daily routines. This advancement is transforming various industries and reshaping the way humans interact with technology (Zein, 2021).

Human daily activities, which were once done conventionally, are now shifting to more modern methods with the help of AI. For example, Google Maps has replaced traditional maps for navigation, making travel more efficient and convenient. Chatbots are now commonly used to replace human admins in customer service, providing instant responses and support. AI-powered virtual assistants help manage schedules, control smart home devices, and even offer personalized recommendations. This technological shift is making everyday tasks faster, easier, and more efficient.

The development of artificial intelligence (AI) has brought fundamental changes to various aspects of human life, including the field of law. Advanced AI is not only capable of mimicking human cognitive abilities but also has the potential to make autonomous decisions. This raises a fundamental question in legal philosophy: can AI be considered a legal subject with rights and obligations? This debate has become increasingly relevant with the growing use of AI in smart contracts, judicial systems, and financial regulations. Some argue that AI should remain a legal object controlled by humans, while others highlight the possibility of AI acquiring a specific legal status if it reaches a higher level of autonomy. Therefore, an in-depth study of AI's legal status is becoming increasingly important in formulating fair and adaptive policies in response to technological advancements.

Traditionally, legal subjects consist of natural persons (humans) and legal entities, such as corporations or institutions. However, with the rapid advancement of AI, some jurisdictions have started considering the concept of "electronic personhood," granting a special legal status to non-human entities with a certain level of autonomy. The European Union, for example, once proposed giving legal status to AI systems capable of acting independently and being accountable for their actions. This idea raises significant legal and ethical questions regarding responsibility and liability in AI-driven decisions. As AI continues to evolve, the discussion around its legal recognition is likely to become even more critical in the future.

From an existentialist perspective, human existence is seen as something that possesses self-awareness and the freedom to determine its own existence. Thinkers like Jean-Paul Sartre emphasize that humans shape themselves through choices and actions based on free will. This freedom allows humans to take responsibility for their own existence, including the consequences of every decision they make. Meanwhile, AI remains a product of human programming and does not yet possess self-awareness or free will like humans, meaning its ability to act independently remains limited (Hermansyah, 2008). If the status of a legal subject is based on consciousness and freedom, then AI has not yet met these criteria. Therefore, whether AI can be considered a legal subject from an existentialist perspective remains a fascinating debate, especially in relation to the continuous advancement of AI.

This study aims to examine the legal status of AI through the lens of existentialism and explore its legal implications. With the increasing use of AI in decision-making, it is essential to establish clear legal boundaries regarding the role and responsibilities of AI in society. This research is expected to contribute to the development of a legal theory that is more adaptive to rapid technological changes.

2. Research Method

This study employs a normative legal research approach to analyze AI as a legal subject from the perspective of existentialist philosophy. The research focuses on examining legal norms, doctrines, and philosophical principles related to personhood and legal responsibility. A conceptual and statutory approach is used to explore the legal frameworks that define subjectivity in law, particularly concerning artificial intelligence. Additionally, a philosophical approach is applied to assess whether AI meets the existentialist

criteria of self-awareness and free will. Primary legal sources, such as national and international regulations, are analyzed alongside secondary sources, including legal literature and philosophical texts. The study also incorporates comparative analysis by reviewing legal perspectives on AI in different jurisdictions. A critical interpretation method is used to evaluate the coherence between legal definitions of subjecthood and existentialist thought. The findings aim to contribute to the ongoing debate on AI's legal status and its implications for future legal frameworks.

3. Result and Discussion

Artificial intelligence (AI) is a technological entity designed to mimic human intelligence in various aspects of life. AI operates based on algorithms that enable systems to learn from data, recognize patterns, and make automated decisions. Its presence has had a significant impact on various fields, such as healthcare, business, law, and transportation. AI does not possess consciousness or free will, but its ability to process information quickly and accurately makes it a highly effective tool (Susatyono, 2021) Therefore, AI remains a technological product that is entirely dependent on data, programming, and the objectives set by humans.

The working principles of AI rely on computational techniques such as machine learning, deep learning, and natural language processing. Machine learning enables AI to improve its performance through experience without explicit programming, while deep learning uses artificial neural networks to understand data more complexly. AI can also process human language through natural language processing, which is used in chatbots and virtual assistants. These working principles enable AI to analyze and interpret data more efficiently than humans in many cases (Pabubung, 2023) Nevertheless, human oversight and system updates are still necessary for AI to operate at its best.

Although AI can provide many benefits, the potential for errors still exists, especially in decision-making that affects humans. AI errors can occur due to various factors, such as bias in training data, programming errors, or failures in understanding context (Minaswati, 2023). For example, in AI systems for recruitment, bias in historical data can lead to discrimination against certain groups. In the legal field, the use of AI in legal case analysis has the potential to produce inaccurate recommendations if the database used is incomplete or has certain tendencies. Consequently, the implementation of rigorous monitoring systems is crucial to reduce the adverse effects of AI mistakes.

When AI makes mistakes, the primary question that arises is who is responsible for the resulting consequences. In current legal systems, responsibility is generally placed on the AI's developers, owners, or users, depending on the context of its use (Hukubun, 2018). However, as AI becomes increasingly autonomous in its operations, the debate about the possibility of granting AI a special legal status is growing. If AI is considered a legal subject, the question arises whether AI can be held accountable for its own actions or remain dependent on humans. Therefore, clear regulations are needed to establish the boundaries and accountability mechanisms for AI in the future.

To understand the form of AI accountability, this article will use a different approach, namely based on existentialist philosophy. Existentialism emphasizes the concepts of consciousness, freedom, and responsibility as the foundation of an entity's existence. In conventional law, responsibility is usually associated with a legal subject who has free will and awareness of their actions. AI, as a technological entity, does not possess consciousness and free will like humans. Therefore, the question that arises is whether AI can be considered responsible for its actions or decisions.

From an existentialist perspective, an individual is considered a responsible subject when they possess self-awareness and the ability to choose. Jean-Paul Sartre stated that humans are free beings who must be responsible for their choices. However, AI does not have the capacity to determine its own existence or act based on absolute freedom. All decisions made by AI depend on data and algorithms set by humans. Thus, it is difficult to equate AI with humans in terms of moral and legal responsibility.

Although AI can act autonomously, its existence remains bound to the programs created by its developers. AI works based on machine learning and deep learning algorithms that enable complex data processing. However, when AI makes incorrect or harmful decisions, legal liability cannot be automatically assigned to AI itself. In current applicable law, AI errors are usually attributed to the parties who developed it, use it, or benefit from its use. Therefore, in cases of AI errors, it is necessary to determine who is most responsible in the technology's usage chain.

The existentialist approach also highlights the concept of authenticity, where an entity must act based on its own originality, not just follow predetermined programs. AI, fundamentally, lacks the ability to act authentically because it does not have subjective experiences. In traditional legal systems, responsibility requires intent or awareness in action, while AI only performs programmed functions. If AI is considered a legal subject, it is necessary to consider whether AI has the capacity to understand the implications of its actions. Without consciousness and freedom, it is difficult to place AI as a fully responsible entity.

In various cases, AI errors can be caused by data bias, technical failures, or algorithmic decisions that do not align with social norms. For example, AI in recruitment systems can produce discriminatory decisions if the data used contains historical bias. When this occurs, responsibility must be traced to the parties who built, developed, or supervised the AI system. The existentialist approach in this case asserts that responsibility cannot be transferred to AI, but remains with the humans who created and use it. Thus, humans retain the primary role in ensuring AI functions according to applicable ethical and legal values.

The increasingly sophisticated development of AI demands more specific regulations to determine responsibility for errors that occur. If AI is given legal status as a subject, there must be clear boundaries regarding its capacity to be responsible. One possible solution is to implement the concept of electronic personhood, where AI has limited responsibilities within certain scopes. However, this remains a debate because AI does not have consciousness like humans or legal entities. Therefore, the regulations to be implemented must consider technological, legal, and philosophical aspects holistically.

Overall, the existentialist approach in viewing AI as a legal subject shows that AI does not yet meet the main criteria as a fully responsible entity. Consciousness, freedom, and authenticity, which are the basis of existentialism, are not found in AI. Therefore, AI is still more appropriately considered a tool under human control, not an independent legal subject. In the legal context, humans retain responsibility for every action taken by AI, both in its development and use. Thus, clear regulations and strong accountability mechanisms remain necessary to control the impact of AI usage in society.

From an existentialist perspective, AI is more suitable as a legal object rather than a legal subject. Existentialist thinkers such as Jean-Paul Sartre emphasize that true subjectivity requires self-awareness, free will, and responsibility. AI, despite its advanced capabilities, does not possess self-awareness or the ability to make autonomous decisions beyond its programming. It operates solely based on algorithms, data processing, and machine learning, making it fundamentally different from human consciousness. Therefore, AI lacks the essential characteristics that would qualify it as a full legal subject.

However, in certain limited contexts, AI could be considered a subject of law under specific regulations. Some legal scholars have proposed the concept of electronic personhood, granting AI limited responsibilities in predefined situations. This would allow AI to function as a legal entity for contractual obligations or liability cases in highly automated environments. Nevertheless, even in these cases, AI's decision-making would still be traced back to human developers or operators. Thus, any form of AI legal subjectivity would require strict oversight and predefined legal boundaries.

Existentialism argues that true responsibility stems from authentic existence, which means an entity must be able to define itself through its actions. AI, on the other hand, does not possess existential awareness and cannot shape its own identity beyond human intervention. It does not make choices in the way humans do but follows predetermined paths set by programming and data inputs. Since AI lacks the ability to reflect on its existence or make moral decisions, it cannot bear legal and ethical responsibility independently. Therefore, AI remains fundamentally an object of law, even if certain legal systems grant it limited subjectivity.

The question of AI's legal responsibility becomes more complex when considering its errors or biases in decision-making. AI can produce flawed or harmful outcomes due to data bias, algorithmic mistakes, or lack of contextual understanding. When AI malfunctions, responsibility should lie with its creators, operators, or regulators rather than the AI itself. Any move toward granting AI legal subject status must address how accountability would be managed. Without clear human oversight, recognizing AI as a subject of law could lead to ethical and legal dilemmas.

In conclusion, from an existentialist viewpoint, AI is fundamentally an object of law rather than a full legal subject. Its lack of self-awareness and free will prevents it from being fully responsible for its actions. However, in specialized cases, AI could be granted limited legal subjectivity under strict regulations and

human supervision. Legal systems must establish clear frameworks to determine where AI's legal status applies and how responsibility is assigned. Ultimately, AI should remain under human control, ensuring that legal and ethical standards are upheld.

4. Conclusion

From an existentialist perspective, AI is fundamentally more suited to be a legal object rather than a full legal subject. The core principles of existentialism—self-awareness, free will, and responsibility—are absent in AI, making it incapable of independent accountability. Despite its ability to function autonomously, AI operates entirely within the framework of human-created algorithms and data sets. Since it lacks the capacity for introspection or authentic decision-making, holding AI legally responsible like a human or corporation would be problematic. Therefore, legal responsibility for AI should remain with the humans who create, program, and oversee its use.

However, there are certain limited contexts where AI could be granted a degree of legal subjectivity. Some legal scholars suggest electronic personhood, which would allow AI to be recognized as a legal entity with restricted responsibilities. This could apply in highly automated sectors where AI plays a crucial role in contractual or operational functions. Nevertheless, even under such frameworks, the ultimate responsibility must be traced back to human actors. AI cannot be granted full legal autonomy because it does not possess the existential qualities required for true moral and legal accountability.

The risks associated with AI errors highlight the necessity of clear legal regulations and oversight mechanisms. Bias in data, algorithmic failures, and unintended consequences in AI decision-making can have serious societal impacts. Without strong legal frameworks, allowing AI to function without direct human accountability could lead to legal and ethical dilemmas. Governments and institutions must develop specific AI governance policies to clarify liability and prevent misuse. Thus, ensuring AI operates within ethical and legal boundaries is crucial to its responsible integration into society.

In conclusion, while AI is an advanced technological entity, it remains an extension of human intelligence rather than an independent subject. Its legal status should reflect its nature as a dependent tool, not a self-aware agent capable of bearing full responsibility. However, for practical reasons, AI may be granted limited subjectivity in specific cases, provided that human oversight is strictly maintained. The existentialist approach reinforces that true responsibility and accountability lie with humans, not AI itself. Therefore, legal frameworks should focus on ensuring human control over AI while establishing clear accountability mechanisms for its actions.

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