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RECOGNIZING THE LEGAL PERSONALITY OF ARTIFICIAL INTELLIGENCE: A COMPARATIVE ANALYTICAL STUDY BETWEEN INTERNATIONAL TRENDS AND THE SAUDI LAW

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ABSTRACT

The rapid advancement of artificial intelligence technologies has raised fundamental legal questions about the possibility of granting AI entities legal personality. This research aims to analyze the legal and jurisprudential foundations of legal personality and assess whether such status can be extended to artificial entities, especially AI systems. The study reviews various jurisprudential perspectives and conducts a comparative analysis of several legal systems, with a particular focus on the Saudi legal framework. It also examines the legislative and judicial challenges posed by AI's technical nature and its implications for civil and criminal liability, as well as rights and obligations. The research concludes that recognizing AI as a legal person requires a rethinking of traditional concepts and the establishment of clear legal frameworks that balance innovation with legal protection.

KEYWORDS: Recognition, Legal Personality, Non-Human Entities.

INTRODUCTION AND DIVISION

In recent decades, the world has witnessed a radical transformation in the structure of the knowledge and technical society, due to the rapid progress in the fields of artificial intelligence (AI), which today has become one of the most important features of the Fourth Industrial Revolution [(1)]

Artificial intelligence has gone beyond being a mere technical support tool, to perform roles that were until recently exclusive to humans, such as decision-making, autonomous interaction, and self-learning .[(2)]

This transformation has created unprecedented legal challenges, perhaps the most prominent of which is the question of whether AI should be recognized as an independent legal personality, similar to what was previously recognized for companies and other legal entities[(3)]

The legal system, in its essence, is based on the principle of regulating relations, rights and duties between persons, whether natural or legal. In this sense, the question arises as to the extent to which traditional legal systems, including the Saudi system, are ready to deal with this new phenomenon, and the extent to which it can accommodate a non-human entity - such as artificial intelligence - within the circle of legal persons.[(4)]

This issue is doubly important in the Kingdom of Saudi Arabia, in light of its ambitious directions towards digital transformation within Vision 2030, and its embrace of many projects that rely on artificial intelligence, which makes it necessary to examine the legal frameworks governing this advanced technology, especially the issue of recognizing its legal personality.

Accordingly, this research seeks to study the possibility of recognizing the legal personality of artificial intelligence in the Saudi legal system, by analyzing the theoretical basis of legal personality, discussing the position of the Saudi system in light of Islamic law, and reviewing the most prominent comparative models in this regard, with the aim of providing an integrated vision that supports the Saudi legislator in formulating a legal framework in line with contemporary technological challenges.

Second: Research Objectives

- Describe the theoretical framework of the concept of legal personality.
- Analyze the extent to which the Saudi system can recognize AI as a legal person.
- Drawing comparative best practices.
- Provide recommendations for the development of the legal system in Saudi Arabia.

Third: Importance of the research

- Scientific importance: It contributes to the development of legal thought related to modern technologies.
- Practical importance: Supports policymakers, judges, and legislators in developing or amending AI-related legislation.

Fourth: Research Problem.

To what extent is it possible to recognize artificial intelligence as a legal person in the Saudi legal system, and to what extent is this compatible with comparative trends in other legal systems? This leads to several questions, including but not limited to.

- What is the concept of legal personality and its forms in law?
- Can artificial intelligence acquire legal personality according to the Saudi system?
- What are the comparative positions in recognizing the legal personality of AI (EU, US, Japan...)?
- What are the legal aspects (civil, criminal, commercial) affected by this recognition?
- What are the legal implications of recognizing or not recognizing this personality in Saudi Arabia?

V: Research Methodology

- Analytical approach: To analyze legal texts and general principles.
- Comparative approach: To compare the Saudi system with other systems (e.g. EU, US, Japan).
- Inductive approach: To draw conclusions by analyzing different models and situations.

VI: Research Limitations

Substantive Limitations: Limited to the study of the recognition of the legal personality of artificial intelligence.

Spatial Limitations: Focuses on the Kingdom of Saudi Arabia with selected comparisons to other legal systems of some countries.

Temporal boundaries: Developments of legal systems until 2025.

(1)Aditi Bharti & Gagandeep Kaur ،"Exploring the Legal Personality of Artificial Intelligence…" (2025)
(2)Bakhit Moh'd Al Dajeh ،"Recognition of the Legal Personality of Artificial Intelligence" (2025)
(3) Francis Rhys Ward ،"Towards a Theory of AI Personhood" 2025.
(4)Miszairi Sitiris & Saheed Abdullahi Busari, "The Legal Capacity (Al-Ahliyyah) of Artificial Intelligence from an Islamic Jurisprudential Perspective" (2024)

VII: Research plan:

The study of the recognition of the legal personality of artificial intelligence requires a comparative analytical study between international trends and the Saudi system as follows:

- The first requirement: The nature of recognizing the legal personality of artificial intelligence.
- The second requirement: The legal implications of granting artificial intelligence legal personality and its application.
- The third requirement: Methods of legal treatment of artificial intelligence technologies.

FIRST REQUIREMENT

The nature of recognizing the legal personality of artificial intelligence

The rapid technological progress, especially in the fields of artificial intelligence and machine learning, has led to the emergence of deep legal questions, the most important of which is related to the status of artificial intelligence in legal terms [5], so the question arises whether artificial intelligence, which has become independent decisions and performs tasks of a legal nature, can enjoy a legal personality? If the answer is yes, what is the type of this personality, and the extent of its legal effects?

Section I: The definition of legal personality and the evolution of its concept.

Section II: Jurisprudential bases for recognizing the legal personality of artificial intelligence.

Section I.

Definition of legal personality and the evolution of its concept

First: The concept of legal personality.

Legal personality is the attribute that the law creates on an entity, giving it the ability to acquire rights and assume obligations [6] ((In another sense, it is the legal capacity that makes a person a party to a legal relationship, whether he is a natural person (human being) or a legal person (company, association, institution...)[7] .

Jurists have defined legal personality as: "The attribute by which the law entitles a person to acquire rights and assume obligations." (Some believe that it is based on the criterion of "benefit" or "function", [8]meaning that the purpose of granting legal personality is to facilitate the exercise of rights and duties, and not necessarily that the beneficiary entity is a human being.

The concept of legal personality has undergone major transformations in legal thought, as legal personalities were not recognized in Roman law except within narrow limits, then the concept later evolved in modern laws to include various non-human entities, for practical and organizational purposes [9]

Types of legal personality:

- The natural person: a human being from the moment he is born alive until his death, and enjoys all the rights and duties prescribed by law, and constitutes the traditional basis for the idea of legal personality.

- Legal (moral) person: These are non-human entities granted legal personality by the law, such as: "commercial companies, civil associations, governmental institutions, and the state itself." This legal person is granted rights and obligations independent of its constituent individuals [10]

Section II

Jurisprudential bases for recognizing the legal personality of artificial intelligence

The last decade has witnessed an amazing development in artificial intelligence technologies, which prompted deep legal questions about whether it is possible or obligatory to recognize artificial intelligence with an independent legal personality, and for this matter, the jurisprudential trend was divided into supporters and rejectors of this matter, then we review the position of the Saudi regulator also with regard to the extent of recognizing the legal personality at the time.

First: The favorable trend:

Some jurists believe that it is possible to grant artificial intelligence a special type of legal personality known as "electronic personality", similar to moral personality, and this opinion is based on the following:

- AI systems are capable of making independent decisions.

- They can interact with the environment and perform tasks in an autonomous manner.

This trend was based on the applications of the proposed 2017 European project that discussed the possibility of granting "intelligent robots" a form of

(5) Russell, Stuart & Norvig, Peter. Artificial Intelligence: A Modern Approach. Pearson, 2021.
(6) Solum, Lawrence B. "Legal Personhood for Artificial Intelligences." North Carolina Law Review, Vol. 70, 1992.
(7) Calo, Ryan. "Robotics and the Lessons of Cyberlaw." California Law Review, Vol. 103, 2015
(8)R. Calo, "Robotics and the Lessons of Cyberlaw", California Law Review, Vol. 103, 2015 .
(9) Roberts, H., Cowls, J., Morley, J., Taddeo, M., Wang, V., & Floridi, L. (2021). The Chinese Approach to Artificial Intelligence: An Analysis of Policy and Regulation. AI & Society, 36(1), 59–77.
(10)European Parliament, "Civil Law Rules on Robotics", 2017/2103(INL).

"legal electronic identity."[11]

II: The opposing trend:

The majority of traditional jurists believe that legal personality should remain the monopoly of a human being or an entity associated with a human being, and that granting AI this personality is dangerous in terms of responsibility and escape from legal oversight:

- AI has no will, no feeling, and no moral responsibility.
- It cannot be held criminally or civilly accountable except through its owner or programmer.[12]

The position of Islamic law and the Saudi system in terms of recognizing the legal personality of artificial intelligence.

The Saudi system is based on Islamic law as the main source, but it also relies on modern regulations in regulating legal relations. The Saudi system has recognized legal personalities in several regulations, including: "The Companies Law,"[13] "The Law of Civil Associations and Institutions," [14]"The Law of Foreign Investment." [15]This means that the Saudi system can expand the concept of legal personality, if there is a regulatory or practical need for it.

In terms of the extent to which Sharia accepts the concept of "electronic person", there is no Sharia text that prevents the establishment of a legal personality for artificial intelligence if the interest requires it, but this must be restricted by controls:" It must not conflict with the principles of Sharia, be for a legitimate purpose, and the responsibility must be specific and clear.

In terms of the extent to which legal personality can be applied to AI in Saudi Arabia, we see the following:

1- Absence of explicit texts: To date, there is no explicit provision in Saudi regulations that recognizes AI as a legal person, whether natural or legal. Nor has legislation been issued to directly regulate the liability of AI, although there is a growing regulatory and technical interest in the Kingdom.

2- Current regulatory efforts in the Kingdom, which included:" The establishment of the Saudi Data and Artificial Intelligence Authority (SDAIA), as well as the launch of the National Strategy for Data and Artificial Intelligence within Vision 2030, as well as the organization of international conferences in Riyadh on AI (such as the World AI Summit), but these efforts remain within the framework of public policies and are not binding legislation regulating the legal personality of AI.

In terms of future recognizability, given the nature of the Saudi system based on flexibility and jurisprudence on emerging issues, and based on the precedents of recognizing non-human legal persons, it is theoretically possible to

- Granting AI a "restricted" legal personality.
- Limit recognition to special cases (e.g., robots with legally effective autonomous functions).
- Link this personality to a specific insurance or financial liability.

SECOND REQUIREMENT

The implications of granting artificial intelligence the status of legal personality in countries and its applications

Artificial intelligence has become an integral part of our daily lives and the global economy, and with the increasing capabilities of intelligent systems to make decisions independently [16] legal questions arose about the need to grant artificial personalities an independent legal personality, and whether the current laws are sufficient to regulate this new reality, so this research is divided into two subsections:

Section I: Legal implications resulting from the acceptance or refusal to recognize

Section II: Global applications of AI legal personality.

Section I

The legal effects resulting from the acceptance or refusal to recognize the legal personality of artificial intelligence

First: In the case of not granting artificial intelligence the status of legal personality.

- Assigning civil liability directly to the AI, without placing all the burden on the user or developer.
- In addition to enabling it to contract in some cases, such as automated transactions

(11) European Parliament resolution of 16 February 2017 with recommendations to the Commission on Civil Law Rules on Robotics (2015/2103(INL)).

(12)R. Calo, "Robotics and the Lessons of Cyberlaw", California Law Review, Vol. 103, 2015 .

(13)See: Saudi Companies Law by Royal Decree No. (M/132) dated 12/1/1443 AH, effective as of 01/19/1444 AH (August 17, 2022 AD)

(14)See: The Saudi Civil Society Associations and Institutions System issued by Royal Decree No. (M/8) dated 2/19/1437 AH

(15)See: The Foreign Investment System in Saudi Arabia issued by Royal Decree No. (M/1) dated 1/5/1421 AH (April 10, 2000 AD) and in effect to date, with successive amendments in light of the Kingdom's Vision 2030.

(16) Gless, S., Silverman, E., & Weigend, T. (2016). If Robots Cause Harm, Who Is to Blame? Self-driving Cars and Criminal Liability. New Criminal Law Review, 19(3), 412–436

- Establishing insurance and guarantee systems in favor of injured third parties.
- Recognizing limited rights, such as financial liability, without personal or human rights .[17]

Second: If the AI is not granted legal personality.

- Liability is always placed on the human (owner, programmer, user).
- Potentially complicating issues of liability for accidents or damages resulting from AI's autonomous behavior.
- Loss of regulatory cover for some complex applications, such as autonomous vehicles or autonomous digital agents .[18]

Section II

Global applications of AI legal personality

I: The European Union's Position on the "Electronic Person"

The European Union (EU) is one of the most prominent entities to have paid early legal attention to the issue of AI. In 2017, the European Parliament issued a recommendation to study granting advanced robots a form of "electronic personality," especially those with a high degree of autonomy and self-learning [19]

- Features of the European proposal: It included "designating certain types of robots as "limited liability entities", proposing the creation of a special registry for advanced intelligent robots, requiring mandatory insurance to cover damages resulting from robots' decisions, and concluding that AI should not be granted full legal personality, but rather a restricted functional form."[20]

- European critical stance: "The proposal was met with jurisprudential criticism from some researchers, as it opens the door to reduce the responsibility of manufacturers, and the European Commission emphasized in its 2021 strategy the need to keep the legal responsibility on humans, but with technical and legal regulation that controls artificial intelligence" [21]

The position of the United States of America

1- Absence of unified federal legislation There is still no US federal law that recognizes AI as a legal person, but some states are working to regulate its use in specific areas (such as self-driving cars, financial systems, and healthcare)[22] .

2- Focusing on liability rather than personal responsibility, the US system favors:

- Hold the user or manufacturer responsible for the resulting damages.
- Adapting AI as a legal tool rather than an independent legal party.
- Developing the theory of "product liability" to include AI systems [23]

Japan, a world leader in robotics, has viewed AI from a flexible cultural and technical angle, and in terms of legal regulation, Japanese law does not yet recognize AI as a legal person. [24] (However, there are laws regulating its use in industry, medicine, and transportation, and Japanese policies focus on regulating the contractual relationship and liability through the humans involved.

IV: Future directions.

Some Japanese researchers are exploring the idea of granting AI the status of "automated legal agent" in some areas.

Japan is more open to the idea of gradually integrating AI into the legal fabric[25]

- Not granting AI full personhood.
- Holding humans or entities responsible for it legally liable.
- Seeking compromises such as insurance or registration.

Differences in regulatory approach, in terms of the legal personality of AI, the EU has proposed a partial cyber persona - with wide criticism, the US, focusing on liability without recognizing personality, and Japan a flexible regulation - with the idea of an intelligent agent being explored.

V: Lessons for Saudi Arabia.

The Kingdom can benefit from the European proposal regarding restricted electronic personality, which is achieved by adopting clear legislation in civil and criminal liability, as well as building a national registry of smart systems with legal effect, and linking them to insurance measures.

(17) European Commission. (2021). Proposal for a Regulation laying down harmonised rules on artificial intelligence (Artificial Intelligence Act). Brussels.
(18) Roberts, H., Cowls, J., Morley, J., Taddeo, M., Wang, V., & Floridi, L. (2021). The Chinese Approach to Artificial Intelligence: An Analysis of Policy and Regulation. AI & Society, 36(1), 59–77
(19)European Parliament. (2017). Report with recommendations to the Commission on Civil Law Rules on Robotics.
(20)Russell, S., & Norvig, P. (2021). Artificial Intelligence: A Modern Approach. Pearson
(21) European Commission. (2021). Proposal for a Regulation laying down harmonised rules on artificial intelligence (Artificial Intelligence Act). Brussels.
(22)Calo, R. (2015). Robotics and the Lessons of Cyberlaw. California Law Review.
(23) Nakajima, Y. (2020). Legal Personality for Artificial Intelligence: Japanese Perspective.
(24) Nakajima, Y. (2020). Legal Personality for Artificial Intelligence: Japanese Perspective.
(25)Nakajima, Y. (2020). Legal Personality for Artificial Intelligence: Japanese Perspective

We believe it is better not to rush to grant full legal personality to AI, while opening the door to development based on practical experience.

The third requirement

Methods of legal treatment of artificial intelligence technologies

Artificial intelligence technologies have fundamentally transformed the structure of contemporary societies, as they have become used in multiple fields, including health, education, justice, security and government services, which prompted many countries to reassess their legal and regulatory frameworks to keep pace with this rapid progress [(26)].

Section I: Issuing legislation and regulations governing the use of artificial intelligence.

Section II: The importance of legal and technical training in regulating the use of artificial intelligence

Section I

Legislation and regulations governing the use of artificial intelligence.

Intelligent systems that rely on analyzing big data and making semi-autonomous decisions have raised fundamental legal issues, especially with regard to legal liability, protecting personal data, combating algorithmic bias, and ensuring transparency and interpretability in decision-making [(27)]

In front of these transformations, the need to establish an integrated legal system dealing with artificial intelligence as a technical entity capable of affecting the legal and social reality, which requires going beyond traditional legal rules and developing new frameworks capable of accommodating the unique characteristics of artificial intelligence .[(28)]

In this context, several legal systems have started to develop legislative and regulatory models, most notably the European Commission's proposed Regulation on Artificial Intelligence, which is the first comprehensive legislative initiative at the international level that aims to regulate the use of AI based on a risk classification .[(29)]

In contrast to this strict European regulatory approach, the United States has adopted a more flexible approach based on voluntary guidelines, such as the "Guiding Document for Digital Rights in the Age of Artificial Intelligence" .[(30)]

China, on the other hand, has opted for a model based on centralized oversight, with strict regulatory restrictions on the use of algorithms .[(31)]

In the Arab context, Saudi Arabia has adopted strategic steps in this field, by establishing the Data and Artificial Intelligence Authority (SDAIA) and launching the National Strategy for Data and Artificial Intelligence, but the binding legislative structure is still under development, and a special legal system that directly regulates AI has not yet been issued.

The Kingdom of Saudi Arabia has achieved an unprecedented digital achievement by advancing 25 places in the United Nations e-Government Development Index for the year 2024, to enter the list of the top ten countries globally as the first country from the Middle East to achieve this advanced position, and ranked first regionally, second among the G20 countries, and sixth globally out of 193 countries, surpassing the largest global economies, and statistics are still ongoing for the year 2025.

Therefore, the Saudi legal system in the use of AI is currently characterized by the following:

- In terms of strengths:

- The flexibility of the Saudi system and its ability to accommodate new provisions through jurisprudence.

- Significant political and organizational support for AI through Vision 2030 and the establishment of specialized bodies such as SADAYA.

- The existence of jurisprudential and legal precedents for recognizing legal personalities for regulatory purposes.

- In terms of weaknesses, it is characterized by

- The absence of special regulation of contracts and automated actions performed through artificial intelligence.

- The absence of direct texts regulating AI as a legal person.

- Lack of detailed regulation of liability resulting from the actions of an autonomous AI.

- Reliance on general rules of civil and criminal liability.

Section II

The importance of legal and technical training in regulating the use of artificial intelligence

The world has witnessed a radical transformation in various fields as a result of the rapid progress in artificial intelligence technologies, which required the intervention of legislative and regulatory

(26) Calo, R. (2015). Robotics and the Lessons of Cyberlaw. California Law Review, 103(3), 513–563.
(27) Gasser, U., & Almeida, V. A. (2017). A Layered Model for AI Governance. IEEE Internet Computing, 21(6), 58–62.
(28) Cath, C., Wachter, S., Mittelstadt, B., Taddeo, M., & Floridi, L. (2018). Artificial Intelligence and the 'Good Society': the US, EU, and UK approach. Science and Engineering Ethics, 24(2), 505–528
(29)European Commission, 2021.
(30)White House, 2022.
(31)).Roberts et al., 2021 .

authorities to ensure the safe and responsible use of these technologies [32]

In the Kingdom of Saudi Arabia, there is a growing interest in the need to align national laws with these transformations and provide specialized training programs for workers in the public and private sectors, to achieve the goals of Saudi Vision 2030 and enhance the governance of artificial intelligence in accordance with

This study seeks to analyze the need for specialized legal and technical training, targeting multiple categories of practitioners, legislators, and developers, to enable them to understand the national and international regulatory framework for the use of AI, reduce its risks, and promote responsible innovation:

♣ Support the building of national cadres capable of understanding the legal and regulatory controls of AI.

♣ Promote compliance with relevant national and international legislation.

♣ Bridging the gap between technical development and legal legislation through training.

♣ Strengthening the Kingdom's role as a regional center in the field of technology and smart regulation.

The importance of legal training in the field of AI is due to achieving "building legal awareness among practitioners, as well as ensuring compliance with legislation and regulations, as well as combating digital violations and algorithmic discrimination."

The target groups for training include "legislators and decision makers, software developers and engineers, regulatory and judicial authorities, law students and technical specialties."

Experiences where legal and technical training has been successful in regulating the use of artificial intelligence

First: European Union "AI4EU" initiative to train public sector workers, the role of legislation such as the AI Act in guiding trainings" [33]

Secondly: Singapore's "AI Governance Training" initiative "Private sector involvement in developing training content" [34]

Third: United States "Training federal government employees on AI ethics and techniques" [35]

Fourth: In the Kingdom of Saudi Arabia, we find: Features of the proposed training program, which included "legal themes (ethics - privacy - legal responsibility) and technical themes (interpretation of algorithms - data security - transparency), as well as national accreditation certificates." SDAIA, Digital Government Authority, Saudi universities, judicial and security institutes[36]

From our point of view, we conclude from the above that it is necessary to launch specialized national training programs in the field of regulating the use of artificial intelligence, combining the legal and technical aspect, and aimed at building cadres capable of ensuring effective governance of this technology, especially in

This research seeks to provide a comparative analytical review of legislation and regulations regulating the use of AI at the national and international levels, by reviewing the most prominent existing legal initiatives, assessing their effectiveness, identifying the shortcomings and challenges that hinder the construction of a comprehensive and fair legal framework, and providing future recommendations that support the balance between innovation and legalization.

CONCLUSION

It has become clear that artificial intelligence is no longer just a future technology, but a legal reality that imposes itself on judicial and legislative systems in the world, including the Kingdom of Saudi Arabia. Through this research, it was found that the Saudi system, despite its flexibility and rich jurisprudence, still needs clear practical steps towards building a legal framework that addresses the relationship between humans and AI, especially with regard to the issue of legal personality.

Recognizing the legal personality of AI does not mean imitating its human rights or equating it with humans, but rather aims to regulate the practical reality and protect rights and responsibilities.

Therefore, granting "electronic personality" in a restricted and controlled manner may represent a balanced step in line with the developments of technology and the spirit of Islamic law, and in line with the Kingdom's aspirations in its future vision.

(32) Wachter, S., Mittelstadt, B., & Floridi, L. (2017). Why a Right to Explanation of Automated Decision-Making Does Not Exist in the General Data Protection Regulation. International Data Privacy Law, 7(2), 76–99.
(33)European Commission, "Artificial Intelligence Act", 2021.
(34) Singapore IMDA, "AI Governance Training Programme", 2022
(35) OECD, "State of Implementation of AI Principles", 2023
(36)SDAIA. (2022). Artificial Intelligence Ethics Principles .

Conclusions

- We can conclude that the use of AI leads to the emergence of disputes and issues related to privacy protection and information security, especially with regard to the personal and confidential data of individuals. Therefore, companies must adhere to the laws and regulations on the protection of personal data to ensure the safe and responsible use of AI technologies.
- We can conclude that the use of AI makes it possible to capitalize on the big data of individuals in the fields of marketing and commerce. However, the potential risks of this data to social peace must be considered. This can be achieved through the commitment of stakeholders not to use customers' personal information.
- We can conclude that the Saudi system has great flexibility and the ability to absorb new rulings through jurisprudence. In addition, there is broad political and regulatory support for AI, within the framework of Vision 2030, with the establishment of specialized bodies such as SADAYA.

Key recommendations

- We recommend setting regulatory restrictions on AI technology to protect the nation and society in the future from the risks of misuse of AI tools (SADAYA, Shura Council).
- We recommend supporting international initiatives to regulate and develop AI and its uses globally by establishing an international oversight body for AI similar to the International Atomic Energy Agency (IAEA).
- We recommend enacting laws to hold AI companies accountable and subject them to the regulations that government agencies use to ensure data privacy (Sadaya - Shura Council).
- Promote transparency" for AI systems and ensure that the data intended for this technology is collected, used, shared, stored, and deleted in ways that are compatible with the rights and privacy of individuals, and impose penalties and

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