



The Prospects of Granting a Legal
Personhood for Artificial Intelligence:
Comparative Analysis

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This study serves as an important resource as it explores the potential for Qatari Law to recognize the legal personality of Artificial Intelligence (AI) and examines the implications of such recognition, particularly regarding the rights AI may acquire and its civil liability when causing harm. Similar to many advanced nations, Qatar is fostering a knowledge-based economy through investments in AI technologies, which are increasingly shaping fields such as medicine, law, engineering, and human resources. Additionally, AI's role in producing creative outputs, including artistic works and written content, raises important regulatory questions. These developments have prompted Qatar's legal system, alongside others, to consider how AI should be regulated and whether it warrants recognition as a legal entity. As Qatar aims to cultivate an environment that supports investment in AI, this research seeks to address the legal and legislative challenges posed by AI and investigates the core question:

Can AI be held liable as a legal personality for the harm it causes? Should Generative AI receive legal protection for its creative outputs?

Is the traditional concept of legal personality in Latin legal systems appropriate to be extended to AI or do we need to create a new legal personality that fits the nature of AI?

The research examines conventional legal rules and compares them with modern theories. One such theory is the “human agent” which holds that a human—whether the owner, user, operator, or manufacturer—can be held liable when AI causes avoidable harm. Another theory, the “electronic personality,” suggests that highly autonomous, intelligent robots, as manifestations of AI, should be granted their own legal personality, allowing them to be directly accountable for their actions. The study assesses the various approaches that aligns best with the nature of AI, aiming to provide Qatari legislators with a framework for deciding whether AI should be recognized as having legal personality.

Since the research required the development of a methodology appropriate to the nature of the study, the researcher adopted a descriptive approach to present and define the concepts of AI and legal personality, while also explaining modern theories and jurisprudential opinions related to intellectual property protection, patents, and civil liability. The researcher further employed an interdisciplinary

approach to understand AI from the perspectives of the fields that created it, such as engineering, information technology, and computer science, in order to form a legal viewpoint aligned with its nature.

Additionally, the comparative analytical approach was used to examine and analyse legal rules and legislative proposals from both Latin and Anglo-Saxon legal systems, including the European Law on Artificial Intelligence, the European Civil Code Rules on Robotics, and the civil codes of Egypt, Algeria, Iraq, and Qatar. This study also examined laws related to the protection of intellectual property rights in Qatar, the UK, and Egypt, along with opinions of legal scholars and comparative judicial rulings from the American and the Chinese courts dealing with AI rights and the protection of others against it. This analysis aims to provide insights on the legal rules most suitable for AI, which the Qatari legislator could adopt to build a structured legislative environment that keeps pace with AI developments.

At the end of the study, the researcher concluded a set of results that can be summarized in:

First: There is no universally accepted definition of AI from technical, legal, or legislative perspectives, largely due to its complexity. However, the researcher determined that all definitions agree on one fundamental aspect which is that AI is driven by programming based on deep learning, a subset of machine learning, enabling it to analyse data and make decisions autonomously, without human intervention.

Second: AI appears in both physical and virtual forms. The virtual aspect is represented by algorithms, while self-driving cars and smart robots exemplify its physical presence.

Third: There is an absence of specific legal regulation for AI in Qatari legislation and most international legislation, with the exception of the European Union. This lack of regulation leads to AI being classified under general legal rules as a “thing,” specifically as property.

Fourth: Traditional legal theory divides legal personality into two categories: natural persons, which refers to humans granted legal personality at birth, and legal persons, which includes entities such as corporations and state institutions. Based



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on these rules, AI is not classified as a person.

Fifth: The idea of granting legal personality to AI emerged as a solution to problems stemming from the inability of traditional general rules to protect both the outcomes of AI and others affected by it. This led to the development of modern theories, such as the “human agent” theory and the “electronic personality” theory. In 2017, the European Parliament, under the Civil Law for Robotics, adopted the concept of the human agent. The theory of recognizing AI’s electronic personality also emerged, particularly for robots that demonstrate greater complexity and independence in decision-making. Since robots are one of the applications of AI, this theory can be extended to other AI applications to safeguard both the outcomes produced by AI and to protect, and compensate those who may be harmed by it.

To conclude, the researcher presented several key recommendations:

First: The Qatari legislator needs to adopt a legal framework that recognizes the legal personality of Artificial Intelligence (AI) in a manner consistent with its unique nature, distinguishing it from other forms of property. This recognition takes into account AI’s ability to simulate human decision-making and affect the surrounding environment.

Second: If AI’s legal personality is recognized, the researcher recommends establishing a dedicated registry, similar to that used for private legal entities, such as companies. This registry would document all relevant information about the AI, including its assets, which could be used to satisfy financial liabilities. Additionally, a record of individuals connected to the AI—whether as owners or operators—should be maintained, allowing for legal actions, such as travel bans, during the enforcement of judgments.

Third: The researcher suggests that a clear criterion should be established to determine when an action is entirely caused by AI, allowing for the extension of legal protection to the outcomes created by AI.

Fourth: The researcher recommends that the Qatari legislator requires AI programmers to provide specific information, such as the sources of data fed into AI systems. This transparency would help ensure that AI decisions are made based on ethical considerations and respect for human rights, reducing the risk of AI systems that disregard these principles.

The researcher also suggests that the Qatari legislator considers the institutional regulation and oversight of AI by establishing a dedicated body responsible for supervising and controlling the data fed into AI systems.