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Artificial Intelligence: Can it be Considered a Legal Subject? An Existentialism Philosophy Review

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Abstract

The rapid development of artificial intelligence (AI) technology in various sectors of life raises important questions regarding the legal status of AI. One of the issues that arises is whether AI can be considered a legal subject, which has independent rights and obligations. This study aims to explore the possibility of AI being recognized as a legal subject through an existentialist philosophical approach, which emphasizes individual existence and consciousness as the basis for determining human nature. In this context, the concept of existentialism will be used to assess whether AI, although it can operate independently, has consciousness or existence that allows it to be given legal status. The method used in this study is a qualitative approach with a philosophical analysis of relevant existentialist theories. The results of the study show that although AI has the ability to operate independently, there is no sufficient philosophical basis to consider it a legal subject, because AI does not have self-awareness or subjective existence which is the basis for granting rights and obligations in the perspective of existentialist philosophy.

Key Words: Artificial Intelligence, Legal Subject, Existentialist Philosophy

Abstrak

Perkembangan pesat teknologi kecerdasan buatan (AI) dalam berbagai sektor kehidupan menimbulkan pertanyaan penting mengenai status hukum AI. Salah satu isu yang muncul adalah apakah AI dapat dianggap sebagai subjek hukum, yang memiliki hak dan kewajiban secara independen. Penelitian ini bertujuan untuk mengeksplorasi kemungkinan AI diakui sebagai subjek hukum melalui pendekatan filsafat eksistensialisme, yang menekankan eksistensi individu dan kesadaran sebagai landasan untuk menentukan hakikat manusia. Dalam konteks ini, konsep eksistensialisme akan digunakan untuk menilai apakah AI, meskipun dapat beroperasi secara mandiri, memiliki kesadaran atau eksistensi yang memungkinkan untuk diberi status hukum. Metode yang digunakan dalam penelitian ini adalah pendekatan kualitatif dengan analisis filosofis terhadap teori-teori eksistensialisme yang relevan. Hasil penelitian menunjukkan bahwa meskipun AI memiliki kemampuan untuk beroperasi secara mandiri, tidak ada dasar filosofis yang cukup untuk menganggapnya sebagai subjek hukum, karena AI tidak memiliki kesadaran diri atau eksistensi subjektif yang menjadi dasar pemberian hak dan kewajiban dalam perspektif filsafat eksistensialisme.

Kata kunci: Kecerdasan Buatan, Subjek Hukum, Filsafat Eksistensialisme

A. Introduction

The rapid development of information technology, especially with the advent of the internet, has brought tremendous convenience in various aspects of human life. Activities that were previously carried out conventionally have now shifted to more advanced and efficient forms, thanks to the advancements in digital technology. The internet enables communication and transactions to be conducted quickly and without distance limitations, affecting nearly all sectors, from the economy to education. This change marks the beginning of a new era often referred to as Industry 4.0, where technologies such as artificial intelligence, automation, and the internet of things (IoT) play a central role (Suhaidi et al., 2023).

One of the most interesting and widely discussed topics in the era of Industry 4.0 is artificial intelligence. AI is widely used to assist human activities across various sectors, such as healthcare, finance, education, and manufacturing. With the help of AI, tasks that were once time-consuming and manual are now automated, leading to significant improvements in efficiency. In healthcare, AI assists in diagnosing diseases and providing personalized treatment plans, while in finance, it helps analyze market trends and manage investments. In education, AI-driven tools enable personalized learning experiences, making education more accessible (Putranti & Anggraeny, 2022). Overall, AI is transforming industries by making human activities more effective and efficient, contributing to the advancement of society.

Artificial intelligence is not actually a new entity in the field of technology; AI was first introduced in 1956 by John McCarthy. The first AI system created was the "Logic Theorist," which was capable of solving mathematical problems. Compared to AI today, the early version was much simpler and had limited capabilities, primarily focused on symbolic reasoning and problem-solving. Modern AI, however, has evolved to include machine learning, deep learning, and neural networks, enabling it to process vast amounts of data and perform tasks like image recognition and natural language processing (Hartati, 2021). The advancements in AI today have made it more sophisticated, adaptive, and capable of learning from experiences.

Other everyday applications of AI include virtual assistants like Siri, Alexa, and Google Assistant, which help manage tasks, answer questions, and control smart devices. AI is also used in recommendation systems, such as those on Netflix or YouTube, which suggest movies or videos based on user preferences and viewing history. In social media, platforms like Facebook and Instagram use AI to personalize news feeds and show relevant ads. AI is also integrated into customer service through chatbots, which provide quick responses and assistance on websites. Additionally, AI is used in healthcare applications, such as diagnostic tools and fitness trackers, which monitor health metrics and provide insights (Susatyono, 2021). These examples highlight how AI is seamlessly integrated into daily life, making tasks easier, more efficient, and personalized.

The working principle of modern AI involves encryption codes being input into a computer system. These codes are then translated by the system to execute commands and instructions. The AI processes the data and generates outputs based on the given input. Human input is often necessary for refining and guiding the AI's actions. This collaborative process enables the AI to function effectively, combining both computational power and human direction (Zein, 2021). The level of AI is determined by the amount of human intervention required. More advanced AI systems require less human input as they can make decisions and learn independently. In contrast, simpler AI systems rely heavily on human guidance and control to function effectively.

Currently, AI development has reached the stage of Artificial Narrow Intelligence (ANI). ANI is designed to perform specific tasks, such as image recognition or language translation, with high efficiency and accuracy. Its capabilities are limited to the tasks it is programmed for, and it cannot adapt to tasks outside of its narrow scope. The principle of ANI's work involves processing large amounts of data and following predefined algorithms to make decisions. Human intervention is still required for training, guiding, and updating these systems, as ANI lacks the ability to think or act beyond its programmed constraints (Najwa Fathiro Cahyono et al., 2023). However, there is a possibility that AI will soon evolve towards Artificial General Intelligence (AGI) or even Artificial Super Intelligence (ASI). As AI progresses, its ability to understand, learn, and perform tasks across various domains will increase, reducing the need for human intervention. Eventually, AGI or ASI could operate autonomously, surpassing human abilities in many areas, with minimal to no human input required.

As AI continues to advance rapidly, it is crucial to update legal frameworks to anticipate the potential negative impacts of this technology. AI operates based on input and data provided by humans, meaning its decisions and actions are entirely dependent on the programming and

instructions given. However, since AI lacks awareness or the ability to understand the consequences of its actions, questions arise regarding who should be held accountable in the event of errors or damage caused by AI use. This presents a significant challenge in law enforcement, as AI cannot be considered an entity that can be directly held responsible. Therefore, clear legal regulations are needed to assign responsibility to the individuals or entities developing, operating, or overseeing AI.

This article will analyze the existence of AI as a product of technology from an existentialist perspective, questioning whether AI can be considered a legal subject or a legal object. From an existentialist viewpoint, a legal subject is an entity with consciousness and the ability to make free choices, while a legal object is something subject to legal regulation without the capacity to act independently. AI, lacking consciousness or the freedom to make choices, is typically seen as a legal object, bound by rules established by humans. However, as AI continues to evolve and become more complex, questions arise about whether AI could eventually play a larger role in the legal domain, beyond just being an object. This article will explore these challenges and their implications for future legal frameworks.

B. Methodology

This research is a normative legal study, which aims to analyze the existing legal norms related to the topic being examined. The approach used in this study is a qualitative-philosophical approach, focusing on a deep understanding of the concepts and legal values within the context of AI. The analytical technique applied is deductive, where conclusions are drawn from general principles to more specific issues. The nature of the analysis in this study is prescriptive, providing recommendations or suggestions related to the future legal regulation of AI. This research aims to contribute to the development of laws relevant to the advancement of AI technology.

C. Result and Discussion

Existentialism is a philosophical movement that emerged in the 20th century, emphasizing individual experience, freedom, and human existence in a world that seems meaningless. Existentialist philosophers, such as Jean-Paul Sartre, Martin Heidegger, and Simone de Beauvoir, focused on themes such as freedom, authenticity, and consciousness as the core of human existence. In the existentialist view, humans are free beings and fully responsible for their choices. They do not merely live according to fate or determinism, but are capable of determining the meaning of their lives through their own actions (Fauzan, 2023).

When we look at the contemporary world, we are faced with a rapidly growing phenomenon: artificial intelligence (AI). What was once merely a tool for humans is now becoming increasingly complex and autonomous. This raises an intriguing question: can AI be regarded as a legal subject with rights and responsibilities, just like humans? It is important to note that in this analysis, we will explore existentialist concepts and how these principles can be applied to understand AI as a legal subject. From an existentialist perspective, what makes something a legal subject is not solely dependent on its biological or intellectual status, but rather on its ability to be self-aware, make choices, and take responsibility for its actions.

The answer to the question of whether AI can become a legal subject from an existentialist perspective will be divided into several parts as follows:

1. Existentialism and the Meaning of Existence

   Existentialism, with its emphasis on individual freedom and the responsibility that comes with it, offers an intriguing perspective for understanding human existence. This philosophy argues that humans are not born with a predetermined essence or purpose; rather, they create their own essence through choices and actions. It emphasizes that humans do not just exist, but must also act to discover and define who they are in this world (Wahid, 2022). In this context, freedom is not an easy or burdensome choice. Freedom carries a heavy responsibility, as every choice made by an individual determines their path in life and impacts the society around them.

   However, when we shift from humans to artificial intelligence (AI), we face a profound difference in terms of freedom and responsibility. AI, as an artificial entity, does not engage in the creation of meaning or its own essence. Instead, AI is designed to perform specific tasks based on algorithms programmed by humans. Although AI's ability to process information and make decisions is becoming increasingly complex, it remains confined to

patterns determined by the data and instructions provided. In this regard, AI does not have the freedom to choose or create its own existential meaning.

Existentialism proposes that humans are beings who are "thrown" into the world without a clear purpose, yet with the ability to create their own purpose and meaning in life. Sartre describes humans as individuals who are free to choose their actions and are responsible for the consequences of those choices. This freedom is essential in existentialism because, without freedom, humans cannot be truly considered alive (Emilia, 2023).However, AI, which is created and programmed to perform specific functions, does not possess such freedom. The tasks and roles assigned to AI are the result of human decisions, not the outcome of choices or awareness that develop from within itself.

In terms of responsibility, existentialism demands that humans accept that they are responsible for all their actions, even though the world does not offer clear moral guidelines. Every choice is a decision that carries consequences, whether positive or negative. Meanwhile, AI cannot be considered responsible for its actions because all its actions are the result of programmed algorithms and instructions. Although AI can make decisions based on existing data, these decisions are not ones that arise from awareness or freedom. Therefore, AI cannot be held accountable in the context of existentialism, as it does not have the desire or consciousness to act freely.

The biggest challenge in viewing AI through the lens of existentialism is the question of whether AI can be considered to have any form of freedom or responsibility. In the framework of existentialism, freedom is at the core of human existence, but this freedom carries with it moral burdens and responsibilities that cannot be avoided. AI, despite its rapid development, remains limited by existing rules and cannot independently change its essence or purpose. The freedom that AI possesses is more related to its capacity to process information and execute commands, rather than the freedom to choose or create its own meaning in life.

Although AI can operate with a high level of intelligence and complexity, it remains fundamentally different from humans in terms of freedom and existential responsibility. Existentialism requires the understanding that freedom and responsibility are at the core of human existence, yet AI lacks the capacity to develop such freedom. AI operates solely within the framework established by humans, without the ability to choose, question, or create its own meaning in life. Therefore, while AI can assist humans in many ways, it is still not an entity that can be considered to possess freedom or responsibility in the existentialist sense.

2. Freedom and Responsibility According to Existentialism

Freedom in existentialism, according to Sartre, is not freedom that is free from all limitations or obstacles, but rather a freedom that comes with full awareness of uncertainty and responsibility. For Sartre, true freedom can only be achieved when an individual realizes that they are not born with a predetermined purpose or essence. Instead, each individual must create their own essence through the choices they make (Jemarut & Sandur, 2021). In this view, freedom is not the freedom to do anything without limits, but the freedom to act authentically, in accordance with the values and beliefs held by the individual, even if it means facing uncertainty and challenges.

However, this freedom also carries an unavoidable burden of responsibility. Every choice made by an individual, within the framework of existentialism, not only determines their personal fate but also impacts the world around them. When an individual chooses to act based on their personal values, they are responsible for the consequences of that choice, without being able to blame external factors such as fate or society. This responsibility includes the acknowledgment that every action taken is the result of the individual's free decision, and with this freedom comes a great moral burden. There is no excuse for shifting responsibility, as each individual is the creator of their own life's meaning.

In this context, freedom is not just a philosophical concept, but a condition that must be accepted with full awareness and understanding of its consequences. The freedom granted by existentialism allows individuals to determine who they truly are, but also demands that they face the reality that no one else can decide or define the meaning of their life except for themselves. Therefore, freedom in existentialism is a freedom that involves deep reflection, self-understanding, and the courage to take responsibility for every choice made.

At its core, responsibility in existentialism focuses on the individual as a conscious and free being. However, AI does not possess freedom or consciousness in the same sense. AI

operates based on data and algorithms, which determine how the system functions. Therefore, while AI may make decisions based on the information provided, those decisions are not the result of authentic freedom of choice, but rather the result of programming and instructions it has received.

This raises a significant question: Can AI, which is essentially a product of human decisions, be considered responsible for the actions it performs? In this context, existentialism would likely argue that AI cannot be held responsible in the same way as humans. Because, even though AI may perform actions that seem to demonstrate decision-making, these actions do not arise from the consciousness and freedom that are the essence of responsibility in existentialist views.

3. Existentialism and AI as a Legal Subject

In modern legal systems, a person can be considered a legal subject if they have rights and obligations that can be accountable. Typically, a legal subject is an individual or entity that has the capacity to act, choose, and be responsible for their actions (Puteri et al., 2020) This leads to the question of whether AI, which lacks freedom or consciousness like humans, can be recognized as a legal subject.

Traditionally, in legal systems, humans are seen as the only entities with full legal capacity. Humans have fundamental rights recognized by the law, such as the right to life, liberty, and property. Humans also have legal obligations that must be adhered to, and if they violate the law, they can face sanctions. However, AI does not have these rights because it lacks consciousness or freedom to choose its actions.

However, with the rapid development of AI technology, some countries have begun to develop legal regulations related to AI. There is debate about whether AI should be treated as a legal subject that can have rights, or whether only humans or other legal entities can be considered legal subjects. Some argue that AI, in certain cases, could be considered a "limited legal subject," meaning AI could have legal obligations, even though it does not have rights or freedom like humans.

In the context of existentialism, we can see that the recognition of AI as a limited legal subject may depend on how we define freedom and responsibility. If freedom is seen as the ability to act based on authentic choices, then AI cannot be viewed as a legal subject in the existentialist sense. However, if we expand the definition of responsibility to include actions oriented towards predictable and controllable outcomes, then it is possible that AI could be treated as a legal subject with certain obligations.

On the other hand, there are arguments supporting the need to recognize AI as a legal subject in certain cases. This argument focuses on AI's ability to make decisions that have a significant impact on human life, the economy, and society. For example, in the healthcare sector, AI is used to determine medical diagnoses, while in finance, AI is used to make investment decisions. The decisions made by AI can have substantial legal consequences. In this context, some argue that even though AI lacks consciousness or freedom like humans, it should still be held accountable for its actions.

One real-life example is in accidents involving autonomous vehicles (self-driving cars). If an autonomous car is involved in an accident, who should be held responsible? Is it the car manufacturer, the algorithm developers, or the AI itself? Questions like these demonstrate that, although AI lacks freedom or consciousness, the actions it takes can have significant consequences for human life, and therefore, there needs to be legal regulation governing the responsibility for AI's actions.

Some countries have proposed the concept of limited responsibility for AI. In the European Union, for example, there has been discussion about regulations that could impose certain legal obligations on AI, such as the obligation to report losses or damages caused by decisions made by AI (Haris & Tantimin, 2022). However, even though AI can be held accountable, this does not mean that AI itself is a full legal subject; rather, it means that humans or other entities interacting with AI will still bear the primary responsibility.

Existentialism presents the view that a legal subject is an entity that possesses freedom, consciousness, and responsibility for its choices. In this context, AI, which lacks freedom or consciousness in the existentialist sense, cannot be considered a full legal subject. AI operates based on algorithms and data programmed by humans, and does not have the ability to create meaning or act authentically. However, because the actions of AI can impact society, the economy, and human life, there are arguments supporting the need for legal regulations that address the obligations and responsibilities of AI in certain contexts.

As a legal subject, AI may be more appropriately treated as an entity with limited obligations, with responsibility falling on the human parties or other entities that develop or control the AI. Nevertheless, from an existentialist perspective, consciousness and freedom remain crucial factors that differentiate humans from artificial entities like AI, which cannot act in the same way as a conscious individual.

D. Conclusion

In conclusion, from an existentialist perspective, AI cannot be regarded as a full legal subject. This is because existentialism emphasizes the importance of freedom, consciousness, and responsibility, all of which are essential to human existence. AI, being a product of human programming and algorithms, lacks the ability to make authentic choices, create its own meaning, or take responsibility for its actions. Therefore, despite its increasing complexity and impact on society, AI cannot fulfill the existentialist criteria for being a legal subject.

However, the rapid development of AI technology and its significant impact on various sectors, such as healthcare, finance, and transportation, necessitates the consideration of AI within the legal framework. Some argue for recognizing AI as a "limited legal subject," where it can be held accountable for certain actions, even though it does not possess the freedom or consciousness of humans. In this context, legal regulations could be implemented to address the obligations and responsibilities of AI, particularly when its decisions affect human life or the economy.

Ultimately, while AI may have legal obligations in certain cases, responsibility for its actions should still fall on the humans or entities who develop, control, or interact with it. In the context of existentialism, it is clear that consciousness and freedom are fundamental to human existence, distinguishing humans from artificial entities like AI. As such, any legal framework recognizing AI's responsibilities should be carefully constructed to ensure that the true accountability lies with the responsible parties, rather than attributing legal personhood to AI itself.

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