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Artificial Intelligence and the Legal Superposition Concept

ABSTRACT

The article analyzes two main approaches to determining the legal status of artificial intelligence. The first treats artificial intelligence as an object of law, while the second relies on the legal fiction of recognizing it as a partial legal subject. The analysis demonstrates that both approaches are inadequate: the objective model fails to address the challenges posed by artificial intelligence's autonomous actions, whereas the subjective model risks violating the fundamental principles of the legal system.

The research is based on comparative legal and functionalist methods, and includes an analysis of both international and Georgian legal practice. The paper proposes a superpositional legal concept, according to which the status of artificial intelligence should be determined dynamically, in the context of a specific legal relationship. This approach combines the elements of the object of law and the functionally limited subject, creating a hybrid model that ensures the flexibility and consistency of the legal system. In addition, it is emphasized

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that the effective integration of artificial intelligence requires not only formal subjectivity, but also the development of mechanisms for materially ensuring accountability.

The research concludes that the legal regulation of artificial intelligence should be based on a functional and context-dependent approach that preserves the anthropocentric foundations of law, and at the same time responds to the challenges of modern technological development. The presented model can be used as both a theoretical and practical tool for determining the legal status of artificial intelligence, particularly in jurisdictions where the regulatory framework is still in the process of formation, including that of Georgia.

Keywords: Artificial intelligence, superposition, functional legal fiction, electronic person, technological innovation, intellectual autonomy, EU AI Act, AI Liability Directives.

I. Introduction

In quantum mechanics, superposition refers to a state where a system is simultaneously in several possible states before an observation is made.[1] Translating this idea into a legal analogy allows us to describe the normative uncertainty that characterizes the legal status of artificial intelligence. In modern legal reality, artificial intelligence is not subject to traditional categorical classification, since it simultaneously exhibits both the properties characteristic of an object of law, and the functional features that are usually associated with a subject of law.[2]

In the classical dogmatics of law, a clear differentiation between the subject and the object is the basis of systemic stability. The subject is perceived as the bearer of normative action, possessing rights and obligations, while the object is the reality in relation to which these rights are exercised.[3] In the case of artificial intelligence, this separation becomes problematic, because it is not only used as an object of law, but also participates in processes that determine the emergence of normative consequences. For example, an intellectual product or automated decision generated by artificial intelligence creates legal consequences that cannot always be attributed solely to human action.[4]

[1] Griffiths and Schroeder, 2018, 102.

[2] Russell and Norvig (ed.), 2021, 19.

[3] კერესელიძე, 2009, 185 [k'ereselidze, 2009, 185].

[4] Pagallo, 2013, 147

In this situation, legal doctrine tries to find a balance between preserving existing categories and adapting to technological reality. One common approach considers artificial intelligence as a technical tool, which means that it is subject to the traditional regime of ownership and control.[5] This model is functionally effective as long as the artificial intelligence operates under the direct control of a human. However, with the development of autonomous algorithms, where the system independently chooses alternatives for action, this approach cannot ensure an adequate sharing of responsibility.[6]

A second direction is based on the use of legal fiction and attempts to grant artificial intelligence the status of a so-called "electronic person".[7] This concept is based to some extent on the historical development of the corporate person, with the legal system having created a functional subject without natural personality.[8] Despite the strength of this analogy, the model of the electronic person does not take into account the essential difference that exists between a corporation and artificial intelligence. The decisions of a corporation are ultimately based on human will, while the decisions made by artificial intelligence may arise as a result of algorithmic processes that are not subject to direct human control at a particular moment.[9]

Thus, the existing approaches fail to fully define the legal nature of artificial intelligence. The status of an object cannot cover cases of autonomous action, and granting it the status of a subject creates the risk of violating the fundamental principles of the legal system.[10] To overcome this contradiction, it is necessary to develop a theoretical model that can reflect the dynamic relationship between these two categories.[11]

The superpositional approach is based on the idea that the legal status of artificial intelligence is not static, and must be determined in the context of a specific legal relationship. Within this model, artificial intelligence is perceived as an object of law in certain cases, while in other cases it can be given elements of functional subjectivity.[12] This approach does not imply the recognition of artificial intelligence as an equal

5 გაბისონია, 2022, 443 [gabisonia, 2022, 443].

6 Cerka, Grigiene and Sirbikyte, 2015, 376.

7 European Parliament, Resolution with Recommendations to the Commission on Civil Law Rules on Robotics, par. 59 (f), 16 February, 2017.

8 ალადაშვილი, 2020, 62 [aladashvili, 2020, 62].

9 Solum, 1992, 1257.

10 Koops, Hildebrandt and Jaquet-Chiffelle, 2010, 5.

11 Pagallo, 2013, 150.

12 Raso et al., 2018, 14.

subject to humans, but aims for the flexible use of legal categories, which is consistent with the logic of modern technological development.

The central question of this study is whether it is possible to define the legal status of artificial intelligence within a single category, or whether its nature requires a more hybrid conceptualization. This issue is of particular importance given the widespread application of artificial intelligence across various sectors, with its decisions already having tangible legal implications. Consequently, the lack or insufficient definition of legal regulation poses a risk of normative uncertainty and an absence of accountability.[13]

It is also important to note specific cases, where the use of artificial intelligence as a technological tool is nonetheless sectorally permitted. This is referenced only in the context of software in one of the government decrees.[14] while its potential is discussed in the Energy Policy Document of the Parliament of Georgia.[15] In this regard, it is also important to mention the approach of the National Bank,[16] which points to the risks and opportunities of the technological use of artificial intelligence in the commercial banking sector.

The research employs both comparative legal and functionalist methods. The comparative analysis allows for an examination of approaches in different legal systems, while the functionalist perspective focuses on the ability of law to create new normative instruments, including legal fiction, as a mechanism of adaptation.[17] This methodological framework enables a comprehensive and nuanced analysis of the problem.

II. Conceptual Framework: Subject, Object, and Legal Fiction

One of the fundamental foundations of the dogmatic system of law is the clear separation between the subject and the object, which defines the structure of normative relations.[18] The subject is perceived as the bearer of rights and obligations,

[13] ერისთავი და დავითური, 2021, 7-8 [eristavi da davituri, 2021, 7-8].

[14] Resolution of the Government of Georgia No. 92 "On Approval of the Strategy and Action Plan for Integrated Management of the State Border of Georgia for 2023-2027", par. 4.3, 9 March 2023.

[15] Resolution of the Parliament of Georgia No. 4349-XIVმს-Xმპ " On the Approval of the 'State Energy Policy of Georgia", 27 June 2024.

[16] Order No. 151/04 of the President of the National Bank of Georgia "On Approval of the Regulation on Risk Management of Data-Based Statistical, Artificial Intelligence and Machine Learning Models", 17 August 2020.

[17] Koops, Hildebrandt, and Jaquet-Chiffelle, 2010, 7.

[18] Civil Code of Georgia, 27 June 1997, Art. 7, 8.

and the object represents the reality to which these rights apply.[19] However, with the rapid advancement of modern technology, this classical model no longer adequately addresses cases where a technical system, in particular artificial intelligence, itself becomes a source of legally significant actions.[20] Therefore, dogmatic analysis should not be limited to the description of abstract categories, and should be integrated with real-world, practical cases.

An important example in this regard is the so-called TAY case, when an artificial intelligence chatbot created by Microsoft independently published hateful content on a social network.[21] Initial interpretations presented this fact as the result of the independent action of artificial intelligence; however, according to Microsoft's official explanation, the system became the object of an attack by coordinated users who exploited algorithmic weaknesses and manipulated its behavior.[22] This explanation makes it clear that the "autonomy" of artificial intelligence is often not absolute, and depends on both the design of the algorithm and external social interaction. Nevertheless, the legal issue remains: who should be held responsible for the consequences arising from the system's actions?[23]

Such issues are not limited to individual cases, but are also found in broader social and political contexts. For example, the use of artificial intelligence to spread disinformation in electoral processes raises questions about the allocation of responsibility.[24] At the same time, international organizations, including the United Nations, the Council of Europe and the European Union, point to the risks posed by artificial intelligence systems, especially in the context of human rights protection. These circumstances strengthen the argument that a clear definition of the legal status of artificial intelligence is necessary.[25]

Throughout the historical development of legal systems, a similar issue has arisen, with its resolution being facilitated through legal fiction. One such example is the institution of the legal entity, which recognized a set of objective elements as subjects

[19] კერესელიძე, 2009, 185 [k'ereselidze, 2009, 185].

[20] Pagallo, 2013, 147.

[21] Opinosis Analytics, What went wrong with Tay, the Twitter bot that turned racist?, <https://www.opinosis-analytics.com/blog/tay-twitter-bot/> [02.11.2025].

[22] Microsoft, Learning from Tay's Introduction,<https://blogs.microsoft.com/blog/2016/03/25/learning-tays-introduction/> [02.11.2025].

[23] Cerka, Grigiene, and Sirbikyte, 2015, 376.

[24] United Nations, Can artificial intelligence (AI) influence elections?, <https://unric.org/en/can-artificial-intelligence-ai-influence-elections/> [02.11.2025].

[25] Council of Europe, 2018, 10.

of law.[26] This model allows us to identify functional need and normative regulation. However, in the case of artificial intelligence, the situation is more complex, since its decisions are not always related to the will of specific people, and can arise as a result of algorithmic processes.[27]

The definition of artificial intelligence plays a crucial role in determining its legal status. One dominant approach views artificial intelligence as a complex cybernetic system capable of processing information and making decisions.[28] Broader definitions characterize it as a partially autonomous system that can self-regulate, adapt, and engage in self-learning.[29] These definitions indicate that artificial intelligence functionally transcends the boundaries of the classical object, but at the same time does not achieve full subjectivity.

Within this context, two main approaches have emerged in legal scholarship. The first treats artificial intelligence as a technical tool, meaning it remains subject to the traditional framework of ownership and control.[30] The second approach is based on the concept of an "electronic person", and attempts to grant it limited subjectivity through legal fiction.[31] However, neither approach provides a comprehensive solution to the problem, since the first cannot take into account autonomous actions, while the second creates the risk of over-expansion of subjectivity.

At the EU level, the concept of an electronic person was first systematically addressed in a European Parliament resolution on the civil law regulation of robotics.[32] The document suggested the possibility of creating a special legal status for highly autonomous systems, which would ensure liability in certain circumstances. However, it is important to note that this initiative remained at the level of a recommendation and did not evolve into a binding legal framework, signalling that the concept of an electronic person is not yet fully established in legal practice.[33]

The issue of the autonomy of artificial intelligence is of particular importance, as it determines the scope of its legal status. Autonomy can be legally interpreted as

[26] Civil Code of Georgia, 26 June 1997, Art. 24-25.

[27] Solum, 1992, 1257.

[28] Ponkin and Redkina, 2018, 94.

[29] გაბისონია, 2022, 131 [gabisonia, 2022, 131].

[30] Ibid., 443.

[31] European Parliament Resolution, 2017.

[32] European Parliament, Resolution with Recommendations to the Commission on Civil Law Rules on Robotics, par. 59 (f), 16 February, 2017.

[33] Pagallo, 2013, 150.

the ability to make decisions independently, and to implement them without external interference.[34] Modern technological developments demonstrate that artificial intelligence currently exhibits forms of partial autonomy, which allows it to independently perform certain functions;[35] however, this autonomy is incomplete, representing an important legal boundary.

These factors exclude the recognition of artificial intelligence as a full-fledged legal subject. While it can perform certain autonomous actions, it does not possess free will or the ability to assume responsibility in the way that a person does.[36] Therefore, its legal status cannot be defined solely within the category of a subject.

In order to resolve this contradiction, the concept of functional legal fiction is considered the most realistic approach. This model implies that artificial intelligence can be granted limited, context-dependent subjectivity in specific legal relationships. For example, it could be considered a responsible entity in the creation of a contract or as an author of an intellectual product, however, this does not equate to recognizing it as a full-fledged subject.[37]

Thus, the functional legal fiction serves as an intermediate mechanism that provides a balance between the classical principles of law and the requirements of technological development. It differs from the concept of an "electronic person" in that it does not seek to recognize artificial intelligence as a full-fledged subject, but rather creates a flexible and targeted regulatory model that better responds to modern legal challenges.[38]

III. The Concept of Superposition and the Need for a Broader Understanding of Legal Status

One of the central challenges in determining the legal status of artificial intelligence is the issue of liability, which is directly linked to the nature of legal subjectivity. In the dogmatics of law, subjectivity implies not only the existence of rights and obligations, but also the possibility of imposing liability in the event of their violation.[39] In this context, in the case of artificial intelligence, the question arises: is it possible to

[34] Solum, 1992, 1257.

[35] Cerka, Grigiene, and Sirbikyte, 2015, 380.

[36] Robertson, 2014, 593.

[37] Koops, Hildebrandt and Jaquet-Chiffelle, 2010, 10-13.

[38] Pagallo, 2013, 148.

[39] კერესელიძე, 2009, 185 [k'ereselidze, 2009, 185].

impose liability on a system that does not possess material resources and is not legally recognized as a subject in the traditional sense?[40]

In current legal systems, liability is usually attributed to a person or a legal entity. For example, approaches in EU law, including the draft AI Liability Directive, are focused on attributing damage to the system's creator, operator or supplier.[41] However, this model is problematic in cases where artificial intelligence exhibits elements of autonomous action, when a specific outcome cannot be directly attributed to a human decision.[42] Thus, classic liability models fail to adequately reflect the reality that has emerged as a result of technological progress.

To address this issue, various mechanisms have been proposed in the legal literature, including mandatory insurance and the creation of special compensation funds. This approach implies that the creators of artificial intelligence systems should provide insurance for potential damage, simplifying the process for victims to receive compensation.[43] From an economic perspective, the model enhances the efficiency of the legal system, and reduces the complexity of risk allocation.[44] Nevertheless, this mechanism still hinges on the principle of human responsibility, and does not take into account the participation of artificial intelligence itself in the process of accountability.

In this context, a more complex model could be developed that integrates artificial intelligence functionally into the liability system. In particular, it is possible to consider a model according to which part of the economic value generated by artificial intelligence would be directed to a special guarantee fund, which would be used to compensate for damage. This approach is based on the idea that artificial intelligence, as a participant in economic activity, should be included in the financial mechanisms of liability.[45]

This proposal highlights that a functionalist legal fiction that only formally grants subjectivity to artificial intelligence may not be sufficient for its real-world integration. Simply attributing subjectivity without material support is ultimately ineffective, since the exercise of responsibility requires an economic basis.[46] This is where the importance of the superposition concept arises, which combines the elements of the object and subject of law in one hybrid model.

[40] ჭანტურია (რედ.), 2017, 40 [ch'ant'uria (ed.), 2017, 40].

[41] European Union, Artificial Intelligence Liability Directive, 2022.

[42] Galasso and Luo, 2018, 5.

[43] Koops, Hildebrandt and Jaquet-Chiffelle, 2010, 32-34.

[44] Galasso and Luo, 2018, 7.

[45] Koops, Hildebrandt and Jaquet-Chiffelle, 2010, 8.

[46] Solum, 1992, 1257.

According to the superpositional approach, the legal status of artificial intelligence is not static and must be determined in the context of a specific legal relationship. Within this model, artificial intelligence is considered an object in some cases, for example, in the field of ownership and control, while in other cases it can be attributed with elements of functional subjectivity, such as responsibility or authorship.[47] This approach ensures the flexibility of the legal system and reduces dogmatic contradictions.

International legal instruments also point to a shift towards functional regulation. The 2024 Council of Europe Convention, for example, does not define artificial intelligence as a legal subject, but instead uses the term "artificial intelligence system", referring to a machine-based system whose level of autonomy and adaptability may vary.[48] Similarly, the EU AI Act does not grant legal subjectivity to artificial intelligence, but classifies it according to risk, and establishes different levels of regulation.[49] These approaches confirm that modern legal practice is oriented towards a functional rather than a static model.

The issue of regulating artificial intelligence in the Georgian legal space is still at the development stage. Although research and academic discussions exist, a unified legislative framework has yet to be established.[50] Nonetheless, artificial intelligence is already being used in various sectors, including in state policy documents and financial regulations.[51] This highlights the growing need for regulation.

International practice also confirms that artificial intelligence is increasingly involved in legally relevant processes. For example, the decision of the German Federal Court (DABUS case) noted that artificial intelligence can be considered as a technical tool, although its role in the creation of an intellectual product must be recognized.[52] Similarly, Italian legislation provides for the participation of artificial intelligence in the field of copyright law, which once again indicates its legal importance.[53]

The above examples demonstrate that artificial intelligence is already subject to legal regulation, even though its status remains heterogeneous. That is why it is necessary to develop a conceptual model that ensures uniform and consistent regulation. The superposition approach in this regard is one of the most promising theoretical

[47] Pagallo, 2013, 148.

[48] Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, Art. 2, 17 May 2024.

[49] Regulation (EU) 2024/1689 "On Artificial Intelligence", 2 August 2026, Art. 5, 6.

[50] გაბისონია, 2022, 525 [gabisonia, 2022, 525].

[51] დავითური და ერისთავი, 2021, 29-30. [Davituri da Eristavi, 2021, 29-30].

[52] Federal Court of Justice of Germany, DABUS Case (X ZB 5/22), 11 June 2024.

[53] Law of Italy "On Employment and Intellectual Professions", 17 September 2025, Art. 1.

frameworks, as it combines the stability of the legal system and the requirements of technological progress.[54]

In conclusion, defining the legal status of artificial intelligence should not rely solely on traditional legal categories, but should also consider their functional transformation. The superposition concept offers a way for the legal system to adequately respond to contemporary technological challenges, preserving the central role of humans, while ensuring an effective distribution of responsibility.[55]

IV. Georgia's Legal Reality and the Feasibility of Innovation

Currently, Georgian civil law maintains a strict distinction between subject and object, recognizing legal subjects only as natural persons and legal entities. There is no regulatory framework for artificial intelligence, nor is its legal status defined, meaning that its status remains unaddressed by law.[56]

The main challenges for Georgia in adapting to technological advancements and regulating artificial intelligence are evident on several fronts. First, within the framework of the EU Association process, Georgia will need to align with the EU AI Act[57] and the AI Liability Directive (proposal).[58] These directives establish standards for AI's legal responsibility and potential subjectivity, underscoring the need for legislative harmonization in Georgia.[59]

While this article proposes an alternative conceptual approach, Georgia could address these challenges by integrating functional AI legal subjectivity into its Civil Code. Under this approach, artificial intelligence would be recognized as a functional legal subject only for specific legal purposes, without conferring it human rights or obligations. This definition aligns with the EU directives, reflecting the recognition of artificial intelligence within the EU framework. At the same time, the innovative concept proposed here does not conflict with EU requirements, as it expands the scope of AI's legal status without violating the directives.

[54] Pagallo, 2013, 150

[55] Koops, Hildebrandt and Jaquet-Chiffelle, 2010, 9.

[56] დავითური და ერისთავი, 2021, 37-38 [Davituri da Eristavi, 2021, 37-38].

[57] Regulation (EU) 2024/1689 "On Artificial Intelligence", 2 August 2026, Art. 5, 6.

[58] See: Proposal for a Directive of the European Parliament and of the Council on Adapting Non-Contractual Civil Liability Rules to Artificial Intelligence (AI Liability Directive) COM/2022/496, 28 September 2022.

[59] Mgeladze and Gorgoshadze, 2019, 72.

V. Conclusion

This study confirms that superposition represents one of the most effective concepts for defining the legal status of artificial intelligence. By positioning artificial intelligence as a hybrid of both legal subject and object, this approach enables legal systems to respond effectively to the challenges posed by modern technologies. This hybrid status ensures that artificial intelligence can be integrated into legal processes within a framework that balances recognition and responsibility, while safeguarding human dignity and adapting the legal system to contemporary innovation needs.

Thus, hybrid legal subjectivity is not merely a theoretical construct, but a practical tool that strengthens the resilience of Georgia's legal system, accelerates innovation, and promotes international harmonization. The research demonstrates that the superposition concept is a necessary evolutionary step in modern law, combining technological progress, human rights priorities, and legal system stability.

However, while the superposition concept is proposed as an ideal model, implementing functional legal subjectivity for artificial intelligence is currently the only practical and feasible solution within Georgia's legal context, particularly in terms of harmonization with the EU. As technology evolves, the legal system will inevitably need to reassess the status of artificial intelligence, at which point the recognition of the superposition concept will become increasingly essential.

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