ЦИВІЛЬНЕ ПРАВО І ЦИВІЛЬНИЙ ПРОЦЕС; СІМЕЙНЕ ПРАВО; МІЖНАРОДНЕ ПРИВАТНЕ ПРАВО

UDC 34.03:004.8
DOI https://doi.org/10.32782/TNU-2707-0581/2026.5/08

Brovchenko T. I.
https://orcid.org/0000-0002-2095-8887
Yaroslav Mudryi National Law University

ARTIFICIAL INTELLIGENCE AND AI-ENABLED ROBOTIC PROCESS AUTOMATION IN THE LEGAL SYSTEM: CONCEPTUAL FOUNDATIONS OF ELECTRONIC LEGAL PERSONALITY

The rapid development of artificial intelligence (AI) and robotic process automation (RPA) is transforming the technological environment in which legal relations arise and are implemented. Unlike traditional automation based primarily on predetermined rules, AI systems can analyse large volumes of data, identify patterns, generate predictions, adapt their behaviour and select among alternative outputs. This creates new challenges concerning legal attribution, liability, contractual relations and intellectual property.

The article examines the relationship between AI and RPA from legal, technological and interdisciplinary perspectives, with particular attention to the relationship between technological autonomy and legal personality. It argues that technological autonomy cannot, by itself, constitute grounds for granting an AI system legal personality, since legal personality is a normative construct established by law. The relevant question is whether a special legal status would provide an effective response to specific regulatory problems.

The study distinguishes conventional automated information systems, AI systems that assist human decision-making, and highly autonomous AI systems. While traditional legal mechanisms may generally be sufficient for conventional automation, AI-assisted and highly autonomous systems require additional safeguards concerning transparency, traceability, human oversight and accountability. The article also examines the informational structure of AI and the need to distinguish hardware, software, algorithms, models and data in relation to property rights, intellectual property and liability.

The concept of electronic personality is analysed in the context of the contemporary European approach, particularly Regulation (EU) 2024/1689 (Artificial Intelligence Act), which establishes a risk-based framework focused on safety, fundamental rights, transparency and human oversight. For Ukraine, the article proposes a gradual regulatory model based on coherent terminology, risk-based classification, transparency, traceability, human oversight and clear liability rules. Further regulation should address automated contractual activity, AI-generated results and risk insurance. A special electronic legal status should be considered only after sufficient technological, legislative and judicial practice has demonstrated that existing legal mechanisms are inadequate.

Keywords: *artificial intelligence, robotic process automation, AI-enabled automation, autonomous systems, electronic person, legal personality, civil law, liability, intellectual property, AI regulation.*

Statement of the problem. The development of artificial intelligence has fundamentally altered the technological environment in which legal relations arise and are performed. For many years, computer systems were treated predominantly as instruments of human activity. A software application executed

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a predetermined sequence of instructions, while the legal consequences of its operation could normally be attributed to the person who programmed, owned or operated it. The development of machine learning, generative artificial intelligence and increasingly autonomous digital systems has complicated this model.

The contemporary technological environment contains systems capable of analysing information, identifying patterns, generating content, making recommendations and selecting among alternative outputs. In some applications, a human user does not determine every individual operation performed by the system. This does not mean that artificial intelligence has become a legal person. It does, however, demonstrate that the traditional opposition between a human legal subject and an entirely passive technological object is becoming less adequate for describing certain forms of digital activity.

A particularly important distinction concerns robotic process automation (RPA). Conventional RPA normally automates repetitive and structured operations that can be described through predetermined rules. AI-enabled automation introduces an additional layer of computational analysis because the system may interpret unstructured information, recognise patterns or adapt its output to new data. Consequently, the legal significance of automation depends not simply on the fact that a process is automated, but on the degree of functional autonomy involved.

The problem has acquired additional importance because artificial intelligence is now regulated through increasingly comprehensive legal frameworks. The European Union has adopted Regulation (EU) 2024/1689, the Artificial Intelligence Act, which defines an AI system by reference to varying levels of autonomy and possible adaptiveness and establishes a risk-based regulatory framework [9].

For Ukraine, the issue is also significant. The Cabinet of Ministers approved the Concept for the Development of Artificial Intelligence in Ukraine by Order No. 1556-r of 2 December 2020. The Concept identifies artificial intelligence as an important area of technological development and provides a framework for the development and application of AI technologies in Ukraine.

The central problem of this research is therefore not whether every AI system should receive legal personality. Such an approach would be conceptually excessive and practically premature. The relevant question is whether different levels of technological autonomy should produce different legal consequences and, ultimately, whether a special legal status could be justified for a narrow class of highly autonomous systems.

Analysis of recent research and publications. The legal nature of artificial intelligence has been discussed in contemporary scholarship from the perspectives of liability, legal personality, agency, intellectual property and technological regulation. Abbott argues that legal systems should reconsider situations in which artificial and human agents perform functionally comparable activities and proposes a more technologically neutral approach to legal regulation [1].

Calo's analysis of robotics demonstrates that robots challenge traditional legal assumptions because they may simultaneously function as products, instruments and technologically autonomous systems [2]. Palmerini et al. similarly emphasise that robotics requires legal responses extending across several areas, with liability playing a particularly important role in technological regulation [3].

The question of synthetic legal personality has generated competing positions. Bryson, Diamantis and Grant argue that granting legal personality to artificial systems may create accountability problems and that the legal benefits of such recognition are uncertain [4]. By contrast, Kurki approaches legal personality as a normative construction and considers circumstances in which artificial intelligences could theoretically perform functions associated with legal persons, particularly in commercial relations [5].

More recent scholarship continues this debate by examining the possibility of applying theories of corporate legal personality to artificial intelligence. The comparison is important because corporations demonstrate that legal personality does not necessarily depend upon biological existence or consciousness. At the same time, corporate personality is supported by organisational structures, human participants and established mechanisms of accountability, which makes the analogy with autonomous AI incomplete [6].

Ukrainian scholarship has likewise addressed the legal nature of AI and the problem of distinguishing between an object and a subject of law. Recent Ukrainian research emphasises that artificial intelligence creates difficulties for existing categories of legal personality and liability and requires a more precise understanding of the relationship between technological autonomy and legal consequences [7]. The question of AI and civil-law relations has also been examined in recent Ukrainian legal scholarship [8].

The unresolved issue is the lack of a sufficiently clear functional distinction between different technological systems. The broad concept of "artificial intelligence" may cover both relatively simple automated tools and systems capable of adaptive

and partially autonomous behaviour. A legal model that treats these technologies identically risks either imposing excessive regulation on ordinary automation or failing to respond adequately to genuinely autonomous systems. The present research addresses this gap by linking technological characteristics to specific legal consequences.

Task statement. The purpose of the research is to develop a functional legal approach to artificial intelligence and AI-enabled robotic process automation and to determine the conditions under which a highly autonomous AI system could potentially receive a special form of electronic legal status.

The study seeks to distinguish conventional automation from AI-enabled autonomy, clarify the informational and technological structure of AI systems, examine the relationship between autonomy and legal personality, and formulate a gradual model of legal regulation suitable for Ukraine and compatible with contemporary European approaches.

Outline of the main material of the study. Artificial intelligence and robotic process automation should be distinguished at the conceptual level. Conventional RPA is primarily designed to reproduce structured human actions. Its operation can normally be described through predetermined rules: the system receives input, performs a defined sequence of operations and produces an expected output. Such automation may substantially improve efficiency, but it does not necessarily create a new legal actor.

AI-enabled automation is different because the system may process unstructured information and derive outputs through statistical or machine-learning techniques. The system may identify patterns that were not individually programmed by a human operator and may modify its behaviour when confronted with new information. The difference is not merely technical. It affects the legal problem of attribution.

Where software simply performs a predetermined command, the relevant legal act can normally be attributed to the person or organisation that authorised the system. Where an adaptive system selects among several possible outcomes, the causal chain between human intention and the final result becomes more complex. This does not eliminate human responsibility, but it may make traditional attribution mechanisms less straightforward.

Technological autonomy should therefore be treated as a continuum. At the lowest level are deterministic automated systems that execute predefined instructions. A second level includes AI-assisted systems capable of analysis and recommendation while leaving the final decision to a human. A third level includes highly autonomous systems capable of adaptive behaviour, independent selection between alternatives and sustained interaction with their environment.

This distinction provides a more appropriate basis for legal regulation than the simple statement that "AI" constitutes one technological category. It also corresponds to the contemporary European approach. The Artificial Intelligence Act defines an AI system with reference to varying levels of autonomy and possible adaptiveness and establishes obligations according to the risks associated with different uses of AI [9].

The information dimension of artificial intelligence is equally important. An AI system cannot be reduced to a physical machine. Its functioning depends on the interaction of hardware, software, algorithms, data and computational processes. Each of these elements may have a different legal status.

Hardware can constitute an object of property. Software can be protected by intellectual property law. Data can be subject to rules concerning information, personal data and confidentiality. Algorithms may form part of protected software or constitute technical information. Yet the operational AI system is more than the simple sum of these components because its legally relevant behaviour emerges from their interaction.

This distinction is particularly important when an AI system generates new information. A traditional computer program normally produces a result according to a predetermined procedure. A machine-learning system may produce an output through a combination of training data, model parameters and new inputs. The developer may not have specified the exact result in advance.

This phenomenon creates difficult questions for intellectual property law. The current Ukrainian copyright framework is based upon the legal recognition of human creative activity. The relevant legislation is now governed by the Law of Ukraine "On Copyright and Related Rights" of 1 December 2022 No. 2811-IX rather than the earlier 1993 legislation [11]. The current law is in force and has subsequently been amended.

Consequently, AI-generated output cannot automatically be treated as a work created by an artificial legal author equivalent to a natural person. The more appropriate distinction is between AI-assisted creation, where a human makes a legally significant creative contribution, and autonomous generation, where the system produces the output with limited or no creative intervention by a human.

International discussions confirm the importance of this distinction. WIPO has identified artificial intelligence as a significant issue for contemporary intellectual property systems, particularly in relation to inventions and the interpretation of the concept of an inventor. Its recent work emphasises that AI may contribute substantially to inventive activity while existing patent systems continue to rely upon human-centred concepts of inventorship [12].

The problem of artificial intelligence and legal personality is nevertheless broader than intellectual property. It concerns the fundamental question of whether technological autonomy can justify the creation of a new category of legal subject.

Legal personality is a normative category. A legal person exists because the legal system recognises a particular entity as capable of possessing rights and duties. The concept therefore does not necessarily correspond to biological life or consciousness. Corporations, for example, possess legal personality despite being institutional rather than biological entities.

This observation is relevant to AI but does not establish that AI should become a legal person. The legal personality of a corporation is supported by an identifiable organisational structure, human participants, assets and established mechanisms of representation and accountability. An autonomous AI system may lack these characteristics.

The philosophical problem of consciousness should also be separated from the legal problem of autonomy. It remains uncertain whether an artificial system can possess subjective experience in a sense comparable to human consciousness. Legal regulation, however, does not always require resolution of metaphysical questions. The law can regulate technologically autonomous systems according to observable functions.

For this reason, functional autonomy should be treated as more relevant than presumed machine consciousness. A system capable of independently receiving information, processing it, selecting between alternatives, adapting its behaviour and interacting with external actors may create legal problems even if it has no subjective consciousness whatsoever.

The concept of electronic personality should therefore be formulated in functional rather than anthropomorphic terms. An electronic person would not be a "human-like machine". It would be a special legal construction designed to solve specific problems created by highly autonomous technological systems.

A future special status could be considered only where several conditions exist simultaneously. The first is substantial functional autonomy. The system should perform activities that cannot reasonably be characterised as the simple execution of predetermined instructions. The second is adaptive capacity, meaning that the system can modify its operational behaviour in response to new circumstances. The third is legally relevant decision-making capacity. The fourth is technical traceability. Significant decisions must be recorded in a manner allowing subsequent reconstruction and audit.

Identification would constitute another essential condition. A system that is to participate in legally relevant relations should have a unique legal and technical identity. Registration could identify the system, its owner or operator, its manufacturer, its relevant technical characteristics and the applicable liability regime. Without such identification, electronic personality could instead facilitate the concealment of human responsibility.

Finally, the system should have a limited capacity to participate in legal relations. The existence of a special electronic status would not require recognition of political, family or other rights associated with natural persons. Its legal capacity could be restricted to commercial transactions, management of designated assets, contractual activity or other functions for which autonomous participation is justified.

This approach differs from the proposal to grant general legal personality to all autonomous robots. The European Parliament's 2017 resolution on civil law rules on robotics discussed the possibility, in the longer term, of creating a specific legal status for the most sophisticated autonomous robots. At the same time, the resolution was not itself legislation establishing electronic persons [13].

The subsequent development of European law is significant because the EU has adopted a different regulatory priority. The Artificial Intelligence Act establishes a risk-based framework centred on human-centric and trustworthy AI, fundamental rights, safety, transparency and accountability [9]. This development supports the conclusion that the immediate legal task is regulation of AI activity rather than recognition of machine personhood.

Civil liability illustrates the issue particularly clearly. When an autonomous AI system causes damage, several potential actors may be relevant: the manufacturer, developer, provider, owner, operator or user. Traditional liability rules can often allocate responsibility among these actors. A design defect may support manufacturer liability; defective programming may implicate the developer; negligent

deployment may implicate the operator; inadequate maintenance may implicate the owner.

The existence of AI autonomy does not automatically justify transferring liability to the machine. Legal personality and liability are conceptually separate. A system could potentially receive a special legal status while the economic responsibility for its actions remained attached to a human or legal entity. Conversely, strict liability or mandatory insurance could be introduced without granting the AI any legal personality.

Therefore, the first regulatory priority should be attribution rather than personification. Only if existing attribution mechanisms prove systematically inadequate should electronic personality be considered.

Contractual relations provide another field of application. Automated systems already perform transactions such as purchasing goods, selecting services, comparing offers and executing standardised operations. Where the system acts according to predetermined instructions, the resulting transaction can generally be attributed to the person who authorised its operation.

A more complex situation arises when an autonomous system determines significant contractual conditions without direct human approval. A future legal framework could recognise limited transactional capacity for registered autonomous systems. The AI could act as a legally recognised electronic agent within predetermined limits, while a responsible human or legal entity would remain identifiable.

Such a model would provide legal certainty without requiring full legal personality. It would also permit technical systems to perform commercial functions while preserving accountability.

Intellectual property provides a similar example. There are at least three possible approaches to AI-generated results. The first attributes the relevant rights to the developer of the system. The second focuses on the user who formulates the creative or inventive objective. The third treats the AI system itself as an author or inventor.

The third approach would require the most significant transformation of existing legal concepts. It could potentially be justified only if an AI system possessed the legal capacity necessary to hold rights and exercise them. Current Ukrainian legislation does not provide such a general status. The more cautious approach is therefore to distinguish AI-assisted results from autonomous AI-generated results and establish specific rules concerning ownership and protection.

The international intellectual property debate supports such differentiation. WIPO's recent analysis demonstrates that AI can contribute to innovation and creativity while simultaneously creating uncertainty regarding inventorship, patentability and ownership [12].

The development of these problems has also contributed to the emergence of what may be described as robot law. The term should be used carefully. At present, robot law is better understood as an interdisciplinary field than as an autonomous branch of law in the classical sense. It encompasses civil liability, contract law, intellectual property, data protection, consumer protection, labour law, transport regulation, administrative law and fundamental rights.

The interdisciplinary character of the field is reflected in the RoboLaw project, which examined robotics through legal and ethical perspectives and emphasised the importance of liability and technological regulation [3].

The civil-law dimension nevertheless remains particularly important. Questions concerning ownership, contracts, damage compensation, agency, intellectual property and legal personality are predominantly private-law questions. Consequently, the development of AI law should not be isolated from established principles of civil law.

For Ukraine, a gradual approach is preferable. The existing legal system already contains mechanisms that can regulate many applications of artificial intelligence. The Civil Code provides general rules concerning property, information and civil relations. Intellectual property legislation regulates software and works. Sectoral legislation can address specific technological risks.

At the same time, Ukraine does not yet have a single comprehensive statute governing all legal aspects of artificial intelligence. The Concept for the Development of Artificial Intelligence in Ukraine remains an important policy document and establishes the general direction for AI development.

The legislative strategy should therefore begin with terminology. Ukrainian legislation would benefit from distinguishing artificial intelligence, automated information systems, AI-enabled systems and highly autonomous systems. Without such differentiation, legal provisions may apply equally to technologies with substantially different levels of risk.

The next step should involve risk-based regulation. Systems used in healthcare, critical infrastructure, public administration, financial services or other areas affecting fundamental rights may require stricter safeguards than systems used for low-risk commercial automation. This approach corresponds to the logic of the European AI Act [9].

Transparency and traceability should constitute another central element. Developers and operators of significant AI systems should maintain sufficient technical documentation to reconstruct important decisions. This is particularly relevant where the system produces legally significant consequences for individuals.

Human oversight should also remain central. Technological autonomy cannot be used as a mechanism for transferring responsibility away from identifiable human actors. Where an AI system assists a human decision-maker, the responsible person should retain the ability to review, challenge or disregard the system's output.

The legal framework should also distinguish between autonomy and independence. A system can be technologically autonomous while remaining legally dependent upon a human or legal entity. This distinction is fundamental. Technical autonomy describes how a system operates; legal independence describes how the legal system allocates rights and obligations.

The proposed model can therefore be expressed conceptually as a gradual transition from an automated system to an AI-assisted system, then to a highly autonomous AI system and, only in exceptional circumstances, to a qualified electronic person. The movement between categories should depend upon legally defined functional criteria rather than upon the manufacturer's description of the technology.

Such a model prevents two opposite regulatory errors. The first is technological overregulation, under which ordinary software is treated as if it were an autonomous legal subject. The second is regulatory underinclusion, under which highly autonomous systems are treated as ordinary objects despite their ability to generate legally significant consequences.

The proposed approach also supports technological neutrality. Legislation should not be tied to particular brands, software architectures or programming languages. Instead, it should focus on legally relevant capabilities: autonomy, adaptiveness, decision-making, risk, traceability and capacity to interact with people and institutions.

The concept of electronic personality should consequently remain a prospective instrument. It should be considered only where the legal system demonstrates that existing concepts of ownership, agency, contractual representation, product liability and organisational responsibility are insufficient.

This position is consistent with the strongest arguments in the academic debate. Bryson, Diamantis and Grant warn that electronic personhood may create accountability gaps because legal personality does not automatically provide resources or effective mechanisms for compensation [4, pp. 273–291]. Kurki, however, demonstrates that legal personality is not necessarily dependent upon moral personhood and that artificial systems could theoretically perform legally significant functions in commercial contexts [5].

The disagreement between these approaches suggests that the question should not be formulated as a simple choice between "AI is a person" and "AI is a thing". A third approach is possible: AI can occupy different legal positions depending upon its technological and functional characteristics.

This differentiated model is particularly suitable for civil law. An ordinary automated system can remain an object or instrument. An AI-assisted system can function as an electronic tool or agent of a human or organisation. A highly autonomous system may receive a special regulatory status without being granted full legal personality. Only an exceptionally autonomous system could potentially qualify as a limited electronic person.

The practical advantage of this approach is that it preserves the existing structure of legal responsibility while leaving room for future technological developments. It also avoids the anthropomorphic assumption that technological autonomy necessarily implies human-like rights.

Conclusions. Artificial intelligence and AI-enabled robotic process automation should not be treated as a single homogeneous technological phenomenon. Conventional robotic process automation primarily reproduces predetermined operations, while AI-enabled systems may analyse information, adapt their behaviour and select among alternative outputs. This difference has direct legal significance because increasing autonomy complicates the attribution of actions and consequences to a particular human actor.

The study demonstrates that the legal nature of AI should be examined through interconnected technological, informational and normative dimensions. Hardware, software, algorithms, data and computational processes may have different legal regimes, while the AI system as a functional configuration cannot always be reduced to one of these elements.

Technological autonomy should not automatically result in legal personality. The philosophical question of whether artificial systems possess consciousness remains unresolved and is not an appropriate primary criterion for legal regulation. A functional approach is more suitable. Autonomy, adaptiveness, decision-making capacity, traceability, identification and participation in legally relevant relations can be assessed more objectively and translated into legal requirements.

The concept of electronic personality should therefore be understood as a prospective special legal construction rather than as an equivalent of human legal personality. Such a status, if eventually introduced, should be limited to exceptionally autonomous systems and should confer only those rights and obligations necessary for the functions recognised by law.

The principal areas requiring adaptation are civil liability, contractual relations and intellectual property. Existing legal mechanisms remain capable of regulating many forms of automation. The immediate task is therefore not to replace existing legal categories but to supplement them where technological autonomy creates identifiable regulatory gaps.

The contemporary European approach confirms the value of gradual regulation. The European Parliament's earlier discussion of electronic personality did not result in recognition of robots as general legal persons, while the subsequent Artificial Intelligence Act adopted a risk-based framework focused on safety, fundamental rights, transparency, accountability and human oversight [9, 13].

For Ukraine, the appropriate strategy is similarly evolutionary. The first stage should establish coherent terminology and classifications of automated and AI-enabled systems. The second should introduce risk-based requirements concerning transparency, documentation, traceability and human oversight. The third should clarify liability, insurance and compensation mechanisms and regulate AI-generated intellectual property and automated contractual activity. Only after sufficient technological and legal practice has accumulated should the legislature determine whether a limited electronic legal status is necessary.

The proposed functional model may consequently be described as a continuum: automated system → AI-assisted system → highly autonomous AI system → qualified electronic person. The transition between these categories should depend on objectively identifiable capabilities rather than on the mere use of the term "artificial intelligence".

Such an approach allows technological innovation to be integrated into the legal system without either artificially equating machines with human beings or leaving highly autonomous systems outside effective legal regulation. The further development of AI law should therefore concentrate on the allocation of responsibility, protection of fundamental rights, technological transparency and the creation of legally predictable mechanisms for dealing with autonomous digital activity.

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Бровченко Т. І. ШТУЧНИЙ ІНТЕЛЕКТ ТА РОБОТИЗОВАНА АВТОМАТИЗАЦІЯ ПРОЦЕСІВ У ПРАВОВІЙ СИСТЕМІ: КОНЦЕПТУАЛЬНІ ЗАСАДИ ЕЛЕКТРОННОЇ ПРАВОСУБ'ЄКТНОСТІ

Стрімкий розвиток штучного інтелекту (ШІ) та роботизованої автоматизації процесів (RPA) трансформує технологічне середовище, у якому виникають і реалізуються правовідносини. На відміну від традиційної автоматизації, що ґрунтується переважно на заздалегідь визначених правилах, системи ШІ здатні аналізувати значні обсяги даних, виявляти закономірності, формувати прогнози, адаптувати свою поведінку та обирати між альтернативними результатами. Це створює нові виклики у сфері атрибуції юридичних наслідків, відповідальності, договірних відносин та інтелектуальної власності.

У статті досліджено співвідношення ШІ та RPA з правової, технологічної та міждисциплінарної перспектив, з особливою увагою до взаємозв'язку технологічної автономності та правосуб'єктності. Обґрунтовано, що технологічна автономність сама по собі не може бути підставою для надання системі ШІ правосуб'єктності, оскільки правосуб'єктність є нормативною конструкцією, встановленою правом. Визначальним є питання про те, чи забезпечуватиме спеціальний правовий статус ефективне вирішення конкретних регуляторних проблем.

У дослідженні розмежовано традиційні автоматизовані інформаційні системи, системи ШІ, що допомагають у прийнятті рішень людиною, та високоавтономні системи ШІ. Якщо для традиційної автоматизації загалом можуть бути достатні чинні правові механізми, то системи, що використовують ШІ, та високоавтономні системи потребують додаткових гарантій щодо прозорості, простежуваності, людського контролю та відповідальності. Також розглянуто інформаційну структуру ШІ та необхідність розмежування апаратного забезпечення, програмного забезпечення, алгоритмів, моделей і даних у контексті права власності, інтелектуальної власності та відповідальності.

Концепцію електронної особи проаналізовано в контексті сучасного європейського підходу, зокрема Регламенту (ЄС) 2024/1689 (Artificial Intelligence Act), який встановлює ризик-орієнтовану систему регулювання, спрямовану на забезпечення безпеки, фундаментальних прав, прозорості та людського контролю. Для України запропоновано поетапну модель регулювання, що ґрунтується на узгодженій термінології, ризик-орієнтованій класифікації, забезпеченні прозорості, простежуваності, людського контролю та чітких правил відповідальності. Подальше регулювання має охоплювати автоматизовану договірну діяльність, результати, створені з використанням ШІ, та страхування ризиків. Спеціальний електронний правовий статус доцільно розглядати лише після того, як достатня технологічна, законодавча та судова практика засвідчить недостатність чинних правових механізмів.

Ключові слова: *штучний інтелект, роботизована автоматизація процесів, автоматизація на основі штучного інтелекту, автономні системи, електронна особа, правосуб'єктність, цивільне право, юридична відповідальність, інтелектуальна власність, правове регулювання штучного інтелекту.*

Дата першого надходження статті до видання: 07.09.2026
Дата прийняття статті до друку після рецензування: 23.09.2026
Дата публікації (оприлюднення) статті: 18.11.2026