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## EVOLVING CONCEPT OF LEGAL PERSONALITY FROM HUMAN TO NATURAL ENTITIES AND ARTIFICIAL ENTITIES UNDER MODERN JURISPRUDENCE

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### ABSTRACT

The concept of person is one of the oldest and most foundational concepts in law and jurisprudence, but still an evolving concept. Based on the development of the law, this concept has also got its developed. But its development is not yet complete because the law is dynamic. As long as the law is dynamic, the concept of a person also is dynamic. In ancient practice, slaves were not persons before the law, even though they were human beings. But after the development of human rights, no more deprivation of rights to anyone. No more slaves, and even war captives have rights. So, legal personality to them is confirmed. The evolution of the concept of person runs from determining the legal personality of slaves to determining the legal personality of natural entities like rivers, mountains, and so on. Now this concept moves forward to determine the legal personality of the AI and Robots.

**Keywords:** Legal personality, Jurists, Natural Person, Artificial Person, Natural Entities, Artificial Intelligence, Robots

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## 1. Introduction:

Law is the tool for regulating the behaviours of persons towards other persons and their properties. Therefore, the law is for the person, not for any mere things. It only operates among persons, not among things. The law is for the persons and its operation is for persons. Law only cares about its subjects and objects. Anything which are not a subject and object, the law does not operate for those things. So, the concept of a person is needed for effectively understanding the operation of law. That concept is evolving. Under modern jurisprudence, various entities need to be considered as legal persons.

## 2. Literal Definitions of Person:

The word “Person” is literally defined by various dictionaries. Stating from the Oxford Learners Dictionaries, which defined it as, “a human as an individual<sup>2</sup>”. Under this meaning, human only considered as the person. Further the meaning of “person” provided in the sociological aspect which as, “an individual human being, especially with reference to social relationships and behavioural patterns as conditioned by the culture<sup>3</sup>.” Further, in a literal sense, the word ‘person’ denotes only humans, but in a sociological sense, the word ‘person’ refers to the social relationships and behavioural patterns. But considering the legal meaning of the word ‘Person’ is different from the literal meaning.

## 3. Legal Meaning of Person:

By looking into the definition of the word ‘Person’ in Merriam-Webster. It provides the meaning, “one (such as a human being, a partnership, or a corporation) that is recognized by law as the subject of rights and duties<sup>4</sup>”. It says, the word ‘Person’ interpreted in the light of the law that the one who are have the right and duties under the law is the person. Further, the word defined as, “1) a human being. 2) a corporation treated as having the rights and obligations of a person<sup>5</sup>.” According to this definition, the human beings and corporations are only

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<sup>2</sup> person noun - Definition, pictures, pronunciation and usage notes, Oxford Advanced Learner’s Dictionary at OxfordLearnersDictionaries.com,

<https://www.oxfordlearnersdictionaries.com/us/definition/english/person?q=person> (last visited Oct 10, 2025).

<sup>3</sup> Dictionary.com, Dictionary.com, <https://www.dictionary.com/browse/person#american-person-1-noun> (last visited Oct 10, 2025).

<sup>4</sup> Definition of person, <https://www.merriam-webster.com/dictionary/person?src=search-dict-box> (last visited Oct 10, 2025).

<sup>5</sup> Legal Dictionary - Law.com, Law.com Legal Dictionary, <https://dictionary.law.com/Default.aspx?selected=1516> (last visited Oct 10, 2025).

considered as a person. Further, a closely related definition also provides that, “An expression denoting an entity that the law recognises as having its own distinct personality. This usually means one that is able to act in its own right, and capable of possessing legal rights and liabilities, including individuals (or “natural persons”) and corporate organisations<sup>6</sup>.” That definition associated the word ‘Person’ with Personality respect with law. All such definitions made it clear that the word person not only mean the men and women. It used to mention beyond that in legal language.

#### 4. Words of Scholars:

Several scholars and jurists defined the word “Person” by their own ideas. Notably, many definitions are not the same as others. Here are some of the wordings of the scholars and jurists as follows;

4.1.Salmond – “A person is any being whom the law regards as capable of rights or duties. Any being that is so capable is a person, whether a human being or not and no being that is not so capable is a person, even though he be a man. Persons are the substance of which rights and duties are the attributes. It is only in this respect that persons possess juridical significance and this is the exclusive point of view from which personality receives legal recognition<sup>7</sup>.”

According to him, the word “Person” not only used to denote a human being but also denotes several entities who are having the right and duties under the law. Further, he believed that not only the rights and duties vested under the law, but also the status of personality provided by the law to such entities. So, in simple words, his definition can be understood as follows: any entity can be a person if the law provides rights and duties to such entities by way of enabling the status of personality.

4.2.Savigny – “the term person defined as the subject or bearer of a right<sup>8</sup>.”

According to Savigny, anybody or anything can become a person if such a body or thing bears the right. As per the definition of Salmond, bearing the duty under law is mandatory

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<sup>6</sup> Person, [https://uk.practicallaw.thomsonreuters.com/w-001-4814?transitionType=Default&contextData=\(sc.Default\)&firstPage=true](https://uk.practicallaw.thomsonreuters.com/w-001-4814?transitionType=Default&contextData=(sc.Default)&firstPage=true) (last visited Oct 10, 2025).

<sup>7</sup> Salmond, Jurisprudence 272 (Stevens and Haynes 1916).

<sup>8</sup> Law Notes, Person, LAW Notes, <https://lawnotes.co/person/> (last visited Oct 10, 2025).

to become a person in the sense of law. But Savigny did not make it a necessary element to decide the body or entities as the person. So, Savigny thought rights alone make anybody or thing into the person.

4.3. George Whitecross Paton – “A person is an entity to which rights and duties may be attributed<sup>9</sup>.”

G. W. Paton agreed with the view of Salmond, but his view is liberal one than the view of Salmond. Because Salmond believed that a person got rights and duties from the law, and he only recognised the body other than a human being as a person if such a body got rights and duties from the law alone. But he did not make such conditions because the rights and duties can be achieved in any way, even though outside of the law.

4.4. Pollock – “It is possible to regard the artificial person as a kind of fictitious substance conceived as supporting legal attributes<sup>10</sup>.”

Types of persons under the law, such as natural persons and artificial persons. He explained an artificial person as a fictitious person, which means such a person does not exist in reality but only exists in the imagination. Further considering the word legal attributes in his definition, he meant the artificial person as a legal person who gets supporting legal natures.

4.5. Hans Kelsen – “subject of law is that which is the object of a legal obligation or subjective right<sup>11</sup>.”

The term ‘subject’ used in his definition is wider than the term “Person”. Because the word ‘subject’ can include all bodies and things, even though those are not persons as per the law. According to him, such subjects are the objects of legal rights and duties. It more or less agrees with the definition of the Salmond.

4.6. Eduardo García Maynez – “any entity capable of having powers and duties<sup>12</sup>”.

According to this Mexican jurist, legal entities are divided into natural persons and legal persons. The first entities refer to individuals who hold rights and duties, while the second

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<sup>9</sup> Id.

<sup>10</sup> Pollock, *Principles of Contract* 113 (Stevens and Sons 1902)

<sup>11</sup> Hans Kelsen, *Pure Theory of Law* 178 (University of California Press 1967).

<sup>12</sup> Eduardo G. Maynez, *Introduction to Law* 273 (Porrúa 1980).

entities focus on associations that have legal personhood, such as unions or corporations. His definition is sight different from others because he believed in the element of powers instead of the element of rights, which makes anybody into a person under the law.

## **5. Types of Persons:**

There are two types of persons exist. Those are as follows,

1. Natural Person,
2. Artificial Person (also known as legal Person).

### **1. Natural Person:**

The persons who have legal personality by birth are known as natural persons, which denotes the living human beings. The law is created by the people for themselves. They get personality from nature itself. The law ought to provide legal personalities to them. If such a law failed to do so, it is not a valid law and needs to be changed or amended. Men have been getting their legal personalities way from ancient times, but the legal personalities of women only developed after them because they were considered subordinate to men. But they are natural persons by birth, so, as per the feminist theory, women were subjected to unequal treatment in ancient times.

### **2. Artificial Person:**

Some entities get legal personalities only by law. They are called an Artificial person. Because they are not naturally born, their legal personality was created. Such persons are also known as juristic, conventional, fictitious, and legal persons. The term “fictitious person” means an imaginary person. So, the artificial persons do not exist in reality but only exist in the eyes of the law. Meanwhile, some legal persons have real existence, but their personality is only provided by the law. Statutes provide legal personalities to such entities for their applications. Such legal persons get several rights and duties from the law. Some examples are Corporations, Universities, and so on.

## **6. Transition of the Concept of Person:**

The transition of the concept of person can be understood by looking into the traditional

persons who have their personality and some new entities whose legal personality is under legal consideration. Here are such entities and their status of legal personality.

6.1. Women – According to the Greek philosopher Aristotle, “men are always active and women are passive<sup>13</sup>”. But several other scholars noted that this subordination is not universally followed, and it is not a continuous practice throughout history. For example, women did not have the legal personality towards voting rights before the 18<sup>th</sup> century. During that period, women were excluded from voting. Records showed that the exclusion of women from voting was practiced in Greece and Rome. After the 18<sup>th</sup> century, the world moved towards women’s suffrage, and many countries started to provide voting rights to women<sup>14</sup>. But they are persons by nature. In some circumstances, the legal personalities of women were limited; for example, in taking into consideration the traditional Hindu Mitaksara joint family system, women do not have any right except the right to maintenance and residence. Even though their legal personalities are limited sometimes, they are natural persons with legal personalities.

6.2. Transgender – The community of transgender community has suffered from social exclusion several times. Even though they have natural rights, they are neglected by the law for a long period. After the evolution of the human rights movement, special attention was drawn towards them internationally. Considering the scenario of India, where there were only two options for choosing genders in the government application. One was male and the other was female. The third option of “Third gender” was only added after the judgement of National Legal Services Authority v. Union of India & Ors<sup>15</sup>. Before that judgment legal personalities of transgender individuals were very limited in India. By way of that judgment, the Hon’ble Supreme Court provided various rulings for ensuring their legal personalities, such as the right to self-identification of gender and recognition of transgender individuals as a third gender.

6.3. Slaves – Now it is clear that men, women, and transgender individuals are natural persons who have legal personality as well. But not always the natural persons get legal

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<sup>13</sup> Hiba Rahman, The Subordination of Women: An Analysis Of The History Of Gender Oppression, Feminism in India (2022), [https://feminisminindia.com/2022/03/09/the-subordination-of-women-an-analysis-of-the-history-of-gender-oppression/#google\\_vignette](https://feminisminindia.com/2022/03/09/the-subordination-of-women-an-analysis-of-the-history-of-gender-oppression/#google_vignette) (last visited Oct 15, 2025).

<sup>14</sup> The Editors of Encyclopaedia Britannica, Women’s Suffrage, Encyclopedia Britannica, Feb. 5, 2000, <https://www.britannica.com/topic/woman-suffrage> (last visited Oct 17, 2025).

<sup>15</sup> AIR 2014 SC 1863.

personality under the law. A clear example of it is Slaves. They were not considered a person. Slaves only considered as properties of the masters. They did not have any rights; they only had a lot of duties towards their masters. Slaves were maybe men or women or transgender whosoever. They did not have legal personality under the ancient laws. In ancient Roman law, when natural persons such as men, women, and transgender individuals were captured as war captives by the enemy country during the war. They lost their legal personality as a person. Because they were considered slaves<sup>16</sup>. When they released their legal personality also recovered to them. In the modern era of human rights, everyone is a legal person because everyone has legal rights. Article 6 of the Universal Declaration of Human Rights states that “Everyone has the right to recognition everywhere as a person before the law”. Even war captives are legal persons during captivity as per modern human rights laws.

6.4. Animals – The Personality status of Animals is different because animals were considered legal persons in ancient times, but in modern times, animals are not considered persons. It can be easily understood by looking into the past practices followed in the world. Animal trials were followed in various countries. Under such a trial, the court trial had been conducted against the animals for their offences, usually causing harm to properties or lives. The countries of France, Switzerland, and Italy followed the animal trials long before. In those countries, they conducted trials for pigs, snails, rats, dogs, and grasshoppers for their offences, which were against people, property, and even against God<sup>17</sup>. In Switzerland, A rooster was set on fire for laying eggs, where people believed that cock was possessed by a demon or any witchcraft was laid against the people. Due to this superstition, such a rooster was tried for the heinous and unnatural offence of laying an egg and was punished with the death penalty by way of fire<sup>18</sup>. Further, referring to the Jewish law, where any ox gores any man or woman, such ox shall be killed by stoning, and the owner of such ox shall not be punished<sup>19</sup>. In all those circumstances, the animals were punished for their offenses none of the owners

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<sup>16</sup> The Roman Law Concept of Dominium and the Idea of Absolute Ownership, Accessible at <https://heinonline.org/HOL/LandingPage?handle=hein.journals/actj1985&div=7&id=&page=> (last visited Oct 20, 2025).

<sup>17</sup> Sonya Vatonsky, When Societies Put Animals on Trial, JSTOR Daily (2017), <https://daily.jstor.org/when-societies-put-animals-on-trial/> (last visited Oct 20, 2025).

<sup>18</sup> E. P. Evans, The Criminal Prosecution and Capital Punishment of Animal 162 (Dutton 1906).

<sup>19</sup> Watching Out for the Ox That Gores, Rabbi 360 (2017), <https://rabbi360.com/2017/02/24/watching-out-for-the-ox-that-gores/> (last visited Oct 20, 2025).

of such animals were punished. Because the animals were considered as a separate person from the owner himself or herself. But in modern law, animals are only treated as the property of the owners. They do not have any legal personality under the law. But some scholars argued that the law protects the interests of animals. It makes those legal persons, but it does not make such like it. As per the Salmond definition, the person should have the legal rights and duties. Animals do not have any rights and duties under the law. Protecting the welfare of animals only because they are coming under the law as objects. Such welfare activities are not the rights of animals but those are to the duties to the societies.

6.5.Natural Resources – Usually, natural resources are not persons before the law because the natural resources cannot be equipped with legal rights and duties, but some natural resources are considered as legal persons by modern laws, and also, it is not in the universal nature. It differs from state to state and law to law. The constitution of Ecuador granted several rights to nature as a whole. It is the first constitution that provides the rights to nature. Article 71 of that constitution provides legal personality to the nature as Mother Earth and provides various rights to Mother Earth, such as the right to exist, the right to maintenance, and the right to regeneration of its life cycle, structure, functions, and evolutionary processes. Further, the constitution provides the right to restoration to nature<sup>20</sup>. New Zealand granted the legal personality to the river called the Whanganui River by legislation, which is called the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017. That act says, “Te Awa Tupua is a legal person and has all the rights, powers, duties, and liabilities of a legal person<sup>21</sup>”. The word ‘Te Awa Tupua’ denotes ‘Whanganui River’. This personhood is granted for the protection of such a river and the culture of the people because that river is considered an ancestor of the people in Maori culture. In 2017, the Uttarakhand High Court in the case of *Salim v. State of Uttarakhand*<sup>22</sup> declared that the rivers Ganga and Yamuna, all their tributaries, streams, and every water flowing continuously or intermittently of these rivers are a legal person. And it further declared that being a legal person, such rivers have the rights, duties, and liabilities for the purpose of preservation and conservation of the Ganga and Yamuna. In another case, the same

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<sup>20</sup> ECUADOR CONST. art. 72.

<sup>21</sup> Te Awa Tupua (Whanganui River Claims Settlement) Act 2017, Sec 14, No. 7, Acts of Parliament, 2017 (New Zealand).

<sup>22</sup> Writ Petition (PIL) No.126 of 2014 of Uttarakhand High Court.



high court declared glaciers, including Gangotri and Yamunotri, rivers, lakes, jungles, grasslands, air, forests, and waterfalls as legal persons for the protection of such resources<sup>23</sup>. Notably, the Supreme Court of Bangladesh also declared some natural resources as legal persons. In the case of *Md. Ashraf Ali v. Bangladesh and Others*<sup>24</sup> the Supreme Court of Bangladesh held that the Turag River and all other rivers in Bangladesh are 'living entities' and they have the right to protect themselves from illegal encroachment and pollution. By looking into such incidents, some natural resources that are declared as legal entities are legal persons, while others are not legal persons.

6.6. Artificial Intelligence – AI is new to the world as same as new to the legal system. AI is neither a natural person nor an artificial person<sup>25</sup>. But due to the continuous and huge developments in the field of AI, fixing legal personality is required for AI. But legal systems and existing legal frameworks of the world are not ready to issue legal personality to the AI. It is like an instrument which are used by humans for some particular tasks, once such tasks are completed. There is no further interaction between humans with AI. So, it lacks any personality on its own, and it does not have a thought of its own. It is just an instrument<sup>26</sup>. But the need for granting legal personality to the AI has significantly increased nowadays. Due to the danger of innovating self-thinking AI. Self-aware AI has not been created yet, but once it is created. It can capable on acting by its own. At present, any breach of law committed by AI, the creator of such AI held liable. If the AI acts of its own will, the AI itself is liable for any breach of law caused by it. So, recognition of AI as a legal person is needed in the near future.

6.7. Robots – Same like AI, robots also not a legal person. Robots are still considered instruments for humans. In many countries, robots are not coming to any laws for their breach of the law. The concept of "Electronic personality" evolved in the field of law for providing legal personality to Robots that are capable of acting on their own, but still no state in the world has provided the legal personality status to any robots. There is only one exception to it. which the Saudi Arabia. That country granted citizenship to

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<sup>23</sup> *Lalit Miglani vs State of Uttarakhand and Others*, Writ Petition (PIL) No.140 of 2015 of Uttarakhand High Court.

<sup>24</sup> Writ Petition No. 13989 of 2016 of the Supreme Court of Bangladesh.

<sup>25</sup> B. Dhanavel et al, *Newly Emerged Cyber Crimes and Its Legislative Measures in India*, 13, *Research Explorer*, 55, 57 (2024), <https://iaraindia.com/wp-content/uploads/2024/10/43-full-papers.pdf>.

<sup>26</sup> *Ibid*.

the humanoid robot, which is called 'Sophia', in 2017. It has legal personality in that country<sup>27</sup>. But worldwide, it is still a debatable question whether robots are legal persons or not. Now, only robots are not legal persons. In the future, it can be a legal person.

## **7. Conclusion:**

The concept of person is an old one in the field of jurisprudence, but that concept is applicable to today and the future as well. When the concept is applied in the modern world, it has to be changed to align with modern needs. Because the world is dynamic, the concept of law also needs to be dynamic. The concept of legal person originated in ancient times, but it is still in the stage of evolving, which is being caused by modern jurists. Some entities are very new to that concept, but are not considered legal person yet. It may be consumed by that concept in the future.

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<sup>27</sup> Emily Reynolds, The Agony of Sophia, the World's First Robot Citizen Condemned to a Lifeless Career in Marketing, WIRED, Jun. 1, 2018, <https://www.wired.com/story/sophia-robot-citizen-womens-rights-detriot-become-human-hanson-robotics/> (last visited Nov 01, 2025).