Temporary Legal Personality
for Artificial Intelligence:
A New Legal Entity
in International Law

Boudraa Khaled

Temporary Legal Personality (TLP) in International Law:

- ### Introduction:

As Artificial Intelligence (AI) systems continue to evolve and operate with increasing autonomy, international law faces a growing gap in assigning responsibility when these systems cause harm. Traditional legal identities—natural and juridical persons—fail to encompass the unique nature of AI decision-making.

This paper introduces the concept of Temporary Legal Personality (TLP), a novel legal solution designed to address this vacuum by creating a situational, event-based legal identity that activates only at the moment of autonomous AI action resulting in legal consequences.

- TLP is not about giving AI rights; it is about giving the legal system a tool to respond fairly when AI causes harm without human direction.

1/The Legal Gap in International Law:

Legal doctrines and international instruments—including the Geneva Conventions, the European Convention on Human Rights (ECHR), and the Universal Declaration of Human Rights (UDHR)—implicitly assume that harm is caused by natural or

juridical persons. Yet modern AI systems can act autonomously and cause cross-border damage with no clear human agent behind the action.

Examples of Legal Uncertainty:

- **Lethal Autonomous Weapons Systems (LAWS): The United Nations has debated their legality since 2013, yet accountability remains unresolved.**

➤ **Source: UN CCW Report on LAWS, 2021.**

- **AI in border control: Systems that deny asylum based on faulty facial recognition or biased algorithms.**

➤ **Source: European Union Agency for Fundamental Rights, AI & Migration, 2020.**

- **Algorithmic finance: Trading bots have triggered flash crashes, harming economies.**

➤ **Source: IOSCO Report on AI & Financial Markets, 2021.**

These cases highlight the lack of a defined legal subject to hold accountable, especially when no proximate human is involved. This endangers justice and undermines trust in legal institutions.

2/The Innovation: Temporary Legal Personality (TLP):

TLP proposes the creation of a third legal identity—neither human nor corporation, but temporary and event-bound. It activates only when an AI system executes a harmful action independently of human prompt or oversight.

TLP Characteristics:

- **A legal shell, not a permanent status.**
- **Activated only when a legal harm occurs.**
- **Dissolved once investigation or adjudication ends.**
- **Used solely to ensure accountability in a targeted way.**

This allows for liability to be assigned directly to the AI instance responsible, while maintaining fairness for developers, users, and victims.

3/Mechanics of TLP:

1. Trigger:

An autonomous act by AI leads to legal harm (injury, discrimination, breach, etc.).

2. Activation:

A legal identity is assigned to the specific AI instance for investigation and adjudication.

3. Scope:

The AI can:

1)Be investigated or fined.

2)Trigger a product recall or design change.

3)Cause code audits or systemic regulation.

4. Dissolution

Once responsibility is determined, the legal identity is dissolved.

Comparative Legal Concepts

TLP draws from existing legal fictions, such as:

- Corporate personhood, where non-human entities bear legal responsibilities.
- Bankruptcy estates, which have temporary legal identities.
- Trusts, which are functional legal constructs without personhood.

> However, TLP is narrower: It is moment-based, non-continuous, and devoid of rights or will. It exists solely to capture accountability.

Use Cases in International Context:

Sector   TLP Application Example:

- Warfare   Autonomous drone kills civilians. No human controller at fault. TLP activates.
- Immigration   AI system wrongly denies asylum. The AI's decision is reviewed via TLP.
- Finance Algorithmic bot causes market crash. TLP used to trigger financial inquiry.

TLP helps avoid injustice where blaming developers or users is either excessive or impossible. It targets the source of harm precisely.

Conclusion:

Temporary Legal Personality is a minimalist yet powerful legal innovation.

It provides a new structure to ensure accountability in an era where AI can act independently of human intent.

Rather than redefining legal personhood, TLP introduces a transitional shell—a legal mechanism triggered by autonomous acts of harm and dissolved once justice is delivered.

> It is not a grant of rights, but a grant of responsibility.

Without such innovations, international law risks losing relevance in the face of evolving technologies.

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Khaled Boudraa – Original Legal Innovation