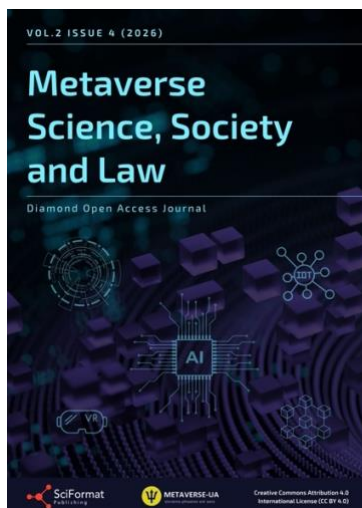




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AI-DIGITAL HUMAN AS A NEW CLASS OF DIGITAL LAW SUBJECT: TYPOLOGY, CRITERIA OF LEGAL PERSONHOOD, AND A REGISTRATION MODEL IN DIGITAL ECOSYSTEMS

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ABSTRACT

This article argues for a new class of digital legal subject within AI legal-personhood doctrine — the ‘AI-digital human’ — largely unaddressed in domestic and international legal scholarship. Building on the author’s earlier three-class model of AI legal subjects and the institution of the AI-representative, the article distinguishes two different modules of the AI-digital human: Module 1 (Digiperson), a digital human as a functional reflection of a specific natural person, built on ‘red-group’ identification attributes and digitised access credentials; and Module 2 (autonomous Digihuman), reflecting no real natural person, its attributes formed referentially and tied to a functional role within a digital ecosystem. The article shows that equating a digital human with a natural person in the full scope of rights and obligations is a doctrinal error: legal status should follow an age-based logic (child—adolescent—adult) rather than mirroring the prototype’s status. Drawing on a comparative analysis of Regulation (EU) 2024/1689 (AI Act) and Regulation (EU) 2024/1183 (eIDAS 2.0), the article substantiates the need for a Digital Humans Registry as an institutional legitimation mechanism for both modules, and formulates draft articles for the Ukrainian Law on Artificial Intelligence.

KEYWORDS

Artificial Intelligence Legal Personhood; Digital Human; Digihuman; Digiperson; AI Regulation

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I. INTRODUCTION

The rapid development of generative and agentic artificial intelligence (AI) systems over 2023–2026 has shifted the debate on the legal personhood of AI from a purely theoretical plane into a practical one: agentic AI systems already conclude transactions, conduct negotiations, manage digital-asset wallets, and represent the interests of natural and legal persons in digital ecosystems, while in metaverse environments they act on behalf of a user in the form of an avatar or digital twin. At the same time, legal doctrine largely continues to operate with the binary logic of ‘subject — object’, which proves too crude to describe intermediate digital formations that arise at the intersection of a natural person’s identity, algorithmic autonomy, and a functional role within a digital ecosystem.

The problem is sharpened by the fact that in public and expert discourse — and, as the author’s own working notes attest, in the author’s own research practice — the concept of a ‘digital human’ is used as a synonym for AI in general, without distinguishing between fundamentally different phenomena: (1) the digital reflection of a specific, identified natural person (a digital twin, digital avatar, electronic identity), and (2) an autonomous digital formation that interacts functionally within the digital environment but is not derived from any specific human being. Conflating these two phenomena under the common label ‘digital human’ renders consistent legal regulation impossible, since each of them requires a fundamentally different logic of liability, scope of rights, identification, and state registration.

The purpose of this article is to build a typology of the ‘AI-digital human’ (AI-DH) as a specific class of digital legal subject within the broader three-class model of AI legal subjects previously proposed by the author¹, and to reconcile it with the institution of the AI-representative. The article addresses the following tasks: (a) to substantiate the doctrinal distinction between the AI-digital human as a reflection of a natural person (Module 1) and the autonomous AI-digital human (Module 2); (b) to define the criteria and sources of identification attributes for each module; (c) to formulate the principle of the incomplete identity of the digital and the natural person in the scope of rights and liability; (d) to compare the proposed model with the regulatory approaches of the European Union, in particular Regulation (EU) 2024/1689 on artificial intelligence² and Regulation (EU) 2024/1183 (eIDAS 2.0)³; (e) to propose articles for the draft Law ‘On Artificial Intelligence’ concerning the AI-digital human and the Digital Humans Registry.

The relevance of the study is reinforced by the author’s advisory work with the Committee of the Verkhovna Rada of Ukraine on Digital Transformation on the draft law on artificial intelligence, within which the question of classifying AI subjects — in particular, the status of ‘digital humans’ within digital ecosystems — requires urgent doctrinal treatment before the relevant legislative formulas are introduced.

II. LITERATURE REVIEW AND THE EXTENT OF SCHOLARLY ELABORATION OF THE PROBLEM

The question of the legal personhood of artificial intelligence has an established, albeit contentious, history in the English-language legal literature. The first systematic signpost of the debate remains the essay by L. Solum, who, as early as 1992, long before the emergence of contemporary generative models, raised the question of whether artificial intelligence could be a trustee or a bearer of constitutional rights, and used that question as a ‘pragmatic Occam’s razor’ to test the very concept of legal personhood⁴. The problem raised by Solum remains open: what exactly is lacking in an AI system for it to be recognised as a legal subject — consciousness, will, or merely institutional recognition.

Two opposing positions dominate the contemporary literature. The first, instrumental, position treats the legal personhood of AI by analogy with the legal person — as a convenient legal fiction for allocating liability and overcoming the ‘accountability gap’ arising from the speed, autonomy, and opacity of algorithmic systems⁵. S. Chesterman, however, warns against automatically transposing corporate status onto AI, since,

¹ Oleksii Kostenko, *AI Law Model for Ethical Legislation: Strategic Recommendations for the Regulation of Artificial Intelligence* (SciFormat Publishing Inc., 2025), <https://doi.org/10.69635/978-1-0690482-5-7>.

² Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 Laying Down Harmonised Rules on Artificial Intelligence (Artificial Intelligence Act), *Official Journal of the European Union*, L 2024/1689.

³ Regulation (EU) 2024/1183 of the European Parliament and of the Council of 11 April 2024 Amending Regulation (EU) No 910/2014 as Regards Establishing the European Digital Identity Framework, *Official Journal of the European Union*, L 2024/1183.

⁴ Lawrence B. Solum, "Legal Personhood for Artificial Intelligences," *North Carolina Law Review* 70, no. 4 (1992): 1231–1288.

⁵ Simon Chesterman, "Artificial Intelligence and the Limits of Legal Personality," *International & Comparative Law Quarterly* 69, no. 4 (2020): 819–844, <https://doi.org/10.1017/S0020589320000366>.

unlike a legal person, an AI system is, for the most part, not backed by a defined circle of people who will bear ultimate liability¹.

The second position is empirically sceptical. N. Banteka, drawing on an analysis of a body of US court decisions from 1809 to 2020, shows that judicial practice has never consistently recognised legal personhood for inanimate entities outside narrowly defined corporate constructs, and that theoretical proposals to grant AI legal personhood therefore contradict the empirical pattern of conditions under which courts actually recognise a subject of law². This 'empirical divergence between doctrine and practice', in Banteka's terminology, is an important caveat against the overly abstract construction of classes of AI subjects without anchoring them to existing institutional mechanisms of recognition and control.

A third strand, represented above all by the work of D. Mocanu, proposes abandoning the binary 'subject/object' logic in favour of a gradient (graduated) model of legal personhood, ranging from 'thin' to 'partial' and 'full', depending on the combination of functional characteristics of the AI system and the normative purpose of a given legal order³. The three-class model of AI legal subjects proposed in this article, and the subsequent typology of the AI-digital human, are in essence a development of precisely this gradient approach, but with an important qualification: in the author's view, gradation should be built not only along the scale of the 'functions of the AI system', but also on the criterion of the presence or absence of a connection to a specific natural person — a parameter that remains insufficiently developed in the Western literature.

C. Novelli offers a functionalist justification for granting civil-law legal personhood to AI systems based on their social integration, rather than on features of consciousness or will⁴, which is methodologically consistent with the approach proposed in this article to Module 2 of the AI-digital human, whose attributes are formed not by reference to a specific human being but on the basis of a functional purpose within the digital ecosystem.

Particular attention in the literature has been paid to the opposite, 'anti-personalist' view of the problem. J. Bryson consistently maintains that robots and digital agents should not be described as persons or vested with legal or moral responsibility for their actions, since they belong entirely to their human creators, and that anthropomorphising such systems leads not to an expansion of the circle of legal subjects but to the dehumanisation of real people and a mistaken allocation of resources and responsibility within society⁵. This caveat is a direct doctrinal foundation for the non-simulacrum principle proposed below: no autonomous AI-digital human of Module 2 should be constructed in such a way as to be perceived as a real person.

The Ukrainian scholarly school, represented above all by the author's own earlier research, has developed the related problems of identity data management⁶ and the electronic jurisdiction of the metaverse⁷, which laid the empirical groundwork for the classification of identification attributes used below to delineate the 'red group' of AI-DH-NP attributes. In the monograph *AI Law Model for Ethical Legislation*, the author systematically showed that current and draft acts of the USA, the EU, and the PRC leave significant gaps in defining the basic concepts of digital physicality and digital identity, which gives rise to the need for a separate typology of the digital human⁸.

Summarising the state of scholarly elaboration of the problem, the following may be stated:

¹ Ibid.

² Nina Banteka, "Artificially Intelligent Persons," *Houston Law Review* 58, no. 3 (2021): 537–596.

³ Diana Mihaela Mocanu, "Gradient Legal Personhood for AI Systems—Painting Continental Legal Shapes Made to Fit Analytical Molds," *Frontiers in Robotics and AI* 8 (2022): Article 788179, <https://doi.org/10.3389/frobt.2021.788179>; Diana Mocanu, "Degrees of AI Personhood," in *Personhood*, ed. Sean-Kelly Johnston and David J. Gunkel, Oxford Intersections: AI in Society, ed. Philipp Hacker (Oxford: Oxford University Press, 2025), <https://doi.org/10.1093/9780198945215.003.0002>.

⁴ Claudio Novelli, "Legal Personhood for the Integration of AI Systems in the Social Context: A Study Hypothesis," *AI & Society* 38, no. 4 (2023): 1347–1359, <https://doi.org/10.1007/s00146-021-01384-w>.

⁵ Joanna J. Bryson, "Robots Should Be Slaves," in *Close Engagements with Artificial Companions: Key Social, Psychological, Ethical and Design Issues*, ed. Yorick Wilks (Amsterdam: John Benjamins Publishing Company, 2010), 63–74, <https://doi.org/10.1075/nlp.8.11bry>.

⁶ Oleksii Kostenko, "Legal Regulation of Identity Data Management: UNCITRAL, Cross-Border Trust Space," *Law. State. Technology*, no. 4 (2021): 56–60, <https://doi.org/10.32782/LST/2021-4-10>; Oleksii Kostenko, "Management of Identification Data: Legal Regulation and Classification," *Young Scientist* 3, no. 91 (2021): 90–94, <https://doi.org/10.32839/2304-5809/2021-3-91-21>.

⁷ Oleksii Kostenko and Olena Golovko, "Metaverse Electronic Jurisdiction: Challenges and Risks of Legal Regulation of Virtual Reality," *Information and Law* 1, no. 44 (2023), [https://doi.org/10.37750/2616-6798.2023.1\(44\).287729](https://doi.org/10.37750/2616-6798.2023.1(44).287729).

⁸ Kostenko, *AI Law Model for Ethical Legislation*.

1) the instrumental and empirically sceptical strands¹ convincingly warn against the unwarranted expansion of the circle of legal subjects, but do not offer an operational criterion for distinguishing between different types of digital formations;

2) the gradient strand² offers a flexible scale of legal personhood, but builds it exclusively around the functional characteristics of the AI system itself, leaving aside the question of whether the system is connected to a specific human being;

3) EU regulatory acts³ resolve related technical questions of identification and risk management, but do not contain a legal concept of 'digital human' as such. It is precisely at the intersection of these three gaps that the research task of this article is formulated.

At the level of positive law, the most developed regulatory model remains that of the European Union, represented by Regulation (EU) 2024/1689, which introduces a risk-based classification of AI systems⁴, and Regulation (EU) 2024/1183, which updates the eIDAS rules and introduces the European Digital Identity Wallet (EUDI Wallet) as infrastructure for attested electronic attributes of a person⁵. Neither of these acts, however, operates with the concept of 'digital human' as such, nor do they distinguish the digital reflection of a natural person from an autonomous digital formation — which constitutes the principal gap that the typology proposed in this article is intended to fill.

III. RESEARCH METHODOLOGY

The study was carried out on the basis of general scientific methods of analysis and synthesis, as well as special legal methods — the formal-dogmatic method (to establish the content of existing and draft normative constructions), the comparative-legal method (to compare the proposed model with EU regulatory approaches), and the method of legal modelling (to formulate articles for the draft law). The empirical basis comprised: existing and draft EU normative acts in the field of artificial intelligence and digital identity; the English-language doctrine of AI legal personhood; the author's own three-class model of AI legal subjects and the institution of the AI-representative, developed in earlier research; and the author's working conceptual notes on distinguishing the modules of the AI-digital human, which formed the basis of the central typology of this article. This last source is atypical for legal research, but reflects the author's established practice, in doctrinal work, of the initial conceptualisation of new legal constructs in the format of structured working notes, followed by formalisation in a scholarly article.

IV. THE THREE-CLASS MODEL OF AI LEGAL SUBJECTS: STARTING POINTS

In earlier research, the author proposed a three-class model of AI legal subjects, built on the criterion of the degree of autonomy and the functional role of the AI system in legal relations, with a rebuttable presumption for assigning a specific system to one class or another. Class 1 covers instrumental AI systems that lack independent procedural or proprietary legal personhood and are regarded as a means of the operator's activity; liability for their actions rests with the operator, developer, or user under the general rules of tort. Class 2 covers AI systems with limited functional legal personhood that act within a clearly defined mandate (for example, trading or negotiating agents), for which a registered 'electronic mandate' construct is proposed, by analogy with the institution of agency. Class 3 covers AI systems of a high degree of autonomy, capable of generating decisions unforeseen by the operator across a wide range of tasks; for this class, the author advocates a model of distributed liability (a 'chain of liability') among the developer, the operator and — where the relevant registration status exists — the system itself, within a segregated asset fund.

This model was developed in polemic with the approach of N. Banteka, who advocates an 'inverse spectrum' of liability — the thesis that, as the autonomy of an AI system increases, the scope of the human operator's liability should, conversely, increase rather than decrease, since the very decision to deploy an increasingly autonomous system is itself a voluntary human decision⁶. The author acknowledges the rational core of this caveat and takes it into account in the three-class model through the operator's subsidiary liability

¹ Chesterman, "Artificial Intelligence and the Limits of Legal Personality"; Banteka, "Artificially Intelligent Persons"; Bryson, "Robots Should Be Slaves."

² Mocanu, "Gradient Legal Personhood for AI Systems"; Mocanu, "Degrees of AI Personhood"; Novelli, "Legal Personhood for the Integration of AI Systems in the Social Context."

³ Regulation (EU) 2024/1689 (Artificial Intelligence Act); Regulation (EU) 2024/1183 (eIDAS 2.0).

⁴ Regulation (EU) 2024/1689 (Artificial Intelligence Act).

⁵ Regulation (EU) 2024/1183 (eIDAS 2.0).

⁶ Banteka, "Artificially Intelligent Persons."

for Class 3, which does not, however, exclude the parallel recognition of limited functional legal personhood in the system for purposes of identification, registration, and procedural representation.

A related element of the three-class model is the institution of the AI-representative — a construct of three-tier delegation of authority, under which an AI system may act as the representative of a public authority, a legal person (corporation), or a natural person in the digital environment on the basis of an electronic mandate registered in the relevant public register. It is precisely at the intersection of Classes 2–3 of the three-class model and the institution of the AI-representative, when an AI system functionally represents not an abstract subject but a specific, identified natural person, that the need arises for a separate category — the AI-digital human — to which the main part of this article is devoted.

V. THE AI-DIGITAL HUMAN AS A SPECIFIC CLASS OF DIGITAL LEGAL SUBJECT

The term ‘digital human’ is used in the technical and marketing literature to denote a broad range of phenomena — from photorealistic avatars in video games to autonomous conversational agents based on large language models. The legal meaning of the term, however, cannot be determined by its technical implementation; it must be determined by the answer to a single question: does there exist a stable, legally significant connection between the digital formation and a specific, identified natural person? To avoid terminological confusion with this widely used techno-marketing jargon, this article uses the author’s own term **Digihuman** (capitalised) as the established English-language equivalent of AI-DH for the legal concept of the AI-digital human.

The answer to this question divides the entire variety of ‘digital humans’ into two fundamentally different modules, each of which requires its own legal regime:

Module 1 (AI-DH-NP; English: Digiperson): the AI-digital human is a functional reflection of a natural person. Its attributes are derived from the attributes of a real human being and serve to provide that person with access, identification, the exercise of rights, and the performance of obligations in the digital world.

Module 2 (autonomous AI-DH; English: autonomous Digihuman): the AI-digital human is not a reflection of any real natural person. Its attributes are formed referentially, that is, they are constructed for a specific function within a digital ecosystem rather than borrowed from an existing prototype.

In accordance with this logic, in the remainder of this article the English-language term **Digihuman** is used as the umbrella equivalent of AI-DH as a whole and, in particular, of the autonomous Module 2, which has no connection to any real human being, whereas the term **Digiperson** is used exclusively in respect of Module 1 (AI-DH-NP) — that is, where a verified connection exists between the digital reflection and a specific natural person. In other words, every Digiperson is a variety of Digihuman, but not every Digihuman is a Digiperson.

This distinction is not merely descriptive but also normative in its significance: for Module 1, the central problem is authentication and protection against substitution (the legal analogue of identity theft), whereas for Module 2, the central problem is preventing deceptive anthropomorphisation — a situation in which an autonomous digital formation presents itself to the user as a real person while being neither that person nor having any prototype at all.

VI. MODULE 1. AI-DH-NP (DIGIPERSON): THE DIGITAL HUMAN AS A REFLECTION OF A NATURAL PERSON

A. ‘RED-GROUP’ IDENTIFICATION ATTRIBUTES UNDERLYING AI-DH-NP

AI-DH-NP should be built, above all, on those attributes of a natural person that the author, in earlier research, classified as the ‘red group’ of identification data — attributes of heightened sensitivity, the alteration or compromise of which entails the most significant legal consequences for the person concerned (biometric data, the particulars of state-issued identity documents, qualified electronic signatures)¹. At the same time, the list of AI-DH-NP attributes is not exhausted by the ‘red group’: it must also include other digital or digitised attributes that directly provide the person with access, entry, the exercise of rights, and the performance of obligations within a specific digital ecosystem — an electronic identifier (ID), qualified electronic attestations of attributes in the terminology of the updated eIDAS Regulation, access tokens, and other markers derived from the primary identity.

It is fundamental that AI-DH-NP attributes are not created arbitrarily but are digitised or derived from an existing body of data belonging to a real human being, following an established verification procedure; any

¹ Kostenko, "Legal Regulation of Identity Data Management"; Kostenko, "Management of Identification Data."

deviation from this procedure — constructing ‘plausible’ but unverified attributes under the guise of a real prototype — takes the formation outside the bounds of Module 1 and must be classified either as digital fraud, or, where the person has consented to the creation of a less precise reflection, as a special subtype requiring separate marking in the register.

B. CLASSES AND SUBCLASSES OF AI-DH-NP IN DIGITAL ECOSYSTEMS

AI-DH-NP is not a homogeneous category: depending on the functional and legal component within a given society of digital ecosystems, different classes and subclasses of this variety of digital human may be identified. According to the criterion of the scope of delegated authority, the following are proposed for distinction:

a) the informational-representative subclass — a digital reflection that merely presents a person’s attributes for identification purposes and is not vested with the capacity to perform legally significant acts on the person’s behalf (for example, a profile in a state digital register);

b) the transactional subclass — a digital reflection vested with a limited mandate to perform a defined range of legally significant acts (signing documents, making payments within set limits), following a logic akin to the institution of the AI-representative of a natural person;

c) the autonomously delegated subclass — a digital reflection with an extended mandate permitting decision-making within a predefined but broad sphere (managing digital assets, conducting negotiations), for which enhanced audit requirements and the possibility of immediate revocation of the mandate apply.

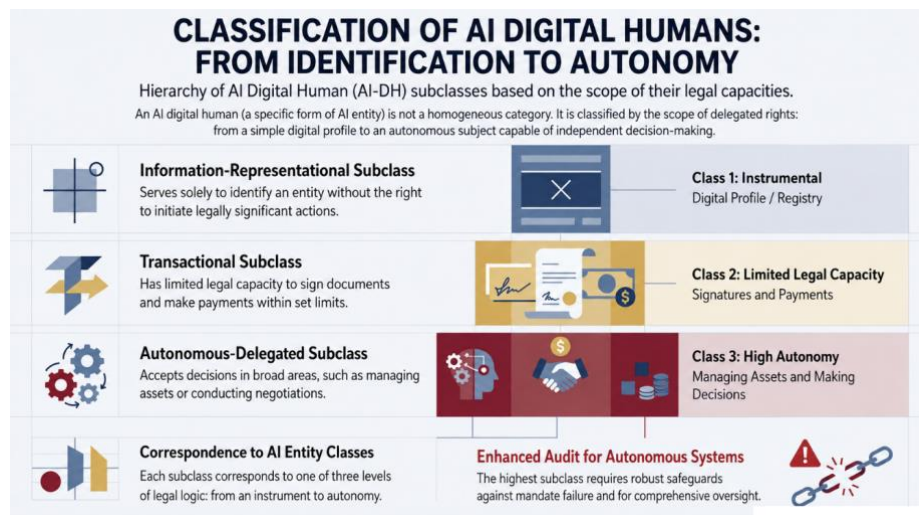


Fig. 1. Classification of AI Digital Humans: From Identification to Autonomy.

It is important that this classification corresponds directly to the three-class model of AI legal subjects proposed above: the informational-representative subclass corresponds to the logic of Class 1 (instrumentality); the transactional subclass, to the logic of Class 2 (limited functional legal personhood); and the autonomously delegated subclass, to the logic of Class 3 (a high degree of autonomy with subsidiary liability on the part of the operator — in this case, either the prototype natural person or an operator authorised by that person).

C. THE PRINCIPLE OF INCOMPLETE IDENTITY: THE AI-DIGITAL HUMAN ≠ THE NATURAL PERSON IN THE FULL SCOPE OF RIGHTS AND OBLIGATIONS

The central doctrinal caveat of this study is that the digital reflection of a natural person cannot automatically inherit the full scope of rights and obligations belonging to the prototype natural person. Equating the digital and the natural person in the fullness of legal personhood is a systemic error of a large part of the marketing discourse, and even of a portion of the scholarly discourse, on ‘digital twins’, and must be directly rejected at the level of a statutory definition.

Instead, it is proposed that the scope of the legal capacity and active capacity of AI-DH-NP be built by analogy with the age-based differentiation of a natural person’s active capacity in civil law — following the logic of ‘child — adolescent — adult’, an established tradition of continental private law. Thus, a ‘digital child’ (the initial level of AI-DH-NP) is vested exclusively with informational-representative properties, without the

right to perform legally significant acts; a ‘digital adolescent’ (the intermediate level) receives a limited right to perform acts within a range of operations defined by law or by the principal, analogous to the partial civil capacity of minors; and an ‘adult digital human’ (the highest level) receives an extended mandate that approaches, but does not equal, the full civil capacity of the prototype natural person, and in any event remains derivative and revocable rather than primary. Such an approach — which may be called the age-analogy tradition for AI-DH-NP — makes it possible to avoid both an excessive diminution of the functionality of the digital reflection and the dangerous equation of its legal status with that of a living human being, who is protected by inviolable human dignity rather than by a delegated mandate.

The practical significance of the principle of incomplete identity is manifested above all in three areas. First, in the area of tortious liability: harm caused by the actions of AI-DH-NP within the scope of the mandate granted is attributed to the prototype natural person or to the operator authorised by that person, under rules analogous to a principal’s liability for the acts of an agent, rather than being treated as the personal fault of the digital formation. Second, in the area of procedural representation: AI-DH-NP cannot independently appear as a party to court proceedings in its own name — it acts solely as a means of exercising the procedural rights of the prototype natural person. Third, in the area of non-proprietary rights: the right to honour, dignity, business reputation, and privacy remain the rights of the prototype natural person; the digital reflection is not an independent bearer of these rights, although it may be used as an instrument for their infringement by third parties (for example, in the case of unlawful interference with the operation of AI-DH-NP for the purpose of discrediting the prototype), which requires a separate tortious cause of action.

D. AI-DH-NP AND RELATED CONCEPTS: DISTINGUISHING IT FROM THE ‘DIGITAL TWIN’ AND THE ‘ELECTRONIC AVATAR’

The terminological field surrounding the digital reflection of a human being is overloaded with related, often interchangeable concepts that require clarification for the purposes of legislative drafting. In engineering and medical practice, a ‘digital twin’ usually denotes a model of a physical object or biological system intended for simulation and prediction (for example, virtual twins for simulating medical examinations in high-technology diagnostics), and, unlike AI-DH-NP, is as a rule not vested with the function of legally significant expressions of will on behalf of the prototype — it is an instrument of modelling, not of representation. An ‘electronic avatar’ in metaverse environments is, above all, a means of visually representing the user and may have no autonomous algorithmic properties at all, remaining controlled by the human being in real time; such an avatar is not an AI-digital human in the legal sense used in this article, since it does not act autonomously on the person’s behalf but is a direct extension of the person’s own actions in real time.

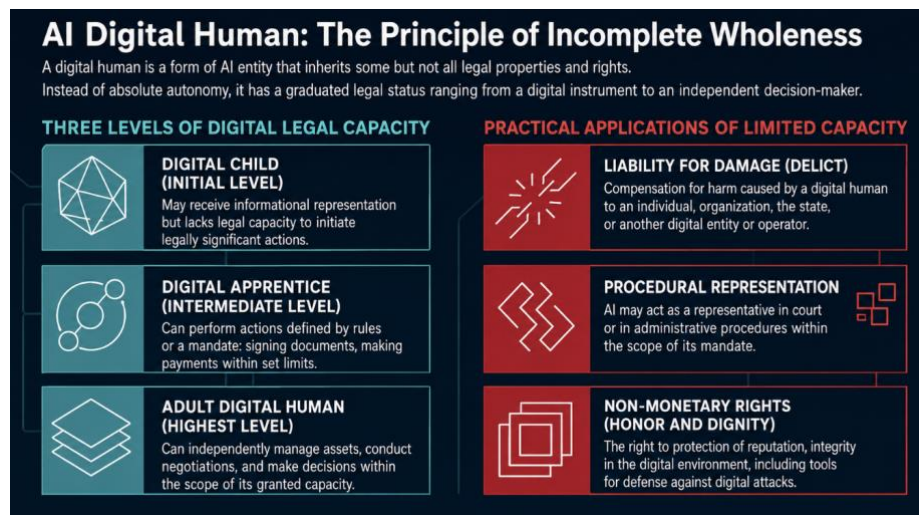


Fig. 2. AI Digital Human: The Principle of Incomplete Wholeness.

In the proposed typology, AI-DH-NP occupies an intermediate position: unlike an avatar, it is vested with a certain degree of autonomy of action within the delegated mandate (it acts without synchronous human control at every moment in time); unlike an engineering digital twin, its function is not to model the physical state of the prototype but to exercise the prototype’s rights and obligations in the digital environment. This

distinction is fundamental for legislative work: extending the registration and liability regime developed for AI-DH-NP to ordinary avatars or engineering digital twins would constitute an unwarranted regulatory burden, whereas leaving AI-DH-NP outside such a regime would, conversely, constitute a regulatory gap.

E. COMPARATIVE CHARACTERISTICS OF THE AI-DIGITAL HUMAN MODULES

To summarise the distinction outlined above between the two modules of the AI-digital human according to the key legally significant criteria, Table 1 is proposed.

Table 1. Comparative Characteristics of Module 1 and Module 2 of the AI-Digital Human

Criterion	Module 1 (AI-DH-NP / Digiperson)	Module 2 (autonomous AI-DH / Digihuman)
English-language term	Digiperson	Digihuman (autonomous)
Connection with a real prototype	Present, verified	Absent by definition
Source of attributes	Digitised / extracted attributes of the prototype person ('red group' and derivatives)	Referentially formed attributes tied to function
Principal legal risk	Identity substitution / mandate compromise	Deceptive anthropomorphisation
Key operator obligation	Verification of the connection with the prototype; protection of the mandate	Disclosure of the artificial nature of the interaction (Art. 50 AI Act)
Correspondence with the three-class model of AI subjects	Classes 1–3, depending on the mandate subclass	Mostly Class 1; occasional Class 2 cases
Registration regime	Superstructure over the national e-identification system (analogous to the EUDI Wallet)	Independent sectoral register, by analogy with the register of legal persons

VII. MODULE 2. THE AUTONOMOUS AI-DIGITAL HUMAN (DIGIHUMAN), WHICH IS NOT A REFLECTION OF A NATURAL PERSON

A. REFERENTIALLY FORMED ATTRIBUTES AND THEIR FUNCTIONAL ATTACHMENT

Unlike Module 1, the autonomous AI-digital human is created without borrowing the attributes of any specific real person. Its attributes (name, visual representation, communicative style, declared competence) are formed referentially — that is, they are constructed by the developer or operator of the digital ecosystem on the basis of the formation's functional purpose, rather than extracted from a body of personal data belonging to an existing prototype. This module includes, in particular, autonomous digital consultants, virtual assistants with their own stable 'persona', non-player characters (NPCs) in metaverse environments with elements of autonomous behaviour, and other formations that interact with users as 'someone' without being the digital reflection of 'someone specific'.

The legal significance of this distinction is practical rather than purely theoretical: the mechanisms for protection against 'digital identity theft' are inapplicable to Module 2, since there is no person whose identity could be stolen; instead, a specific disclosure obligation applies to it, concerning the artificial nature of the formation, akin to the restrictions on synthetic content and deepfakes established by Article 50 of Regulation (EU) 2024/1689 as regards the obligation to label a user's interaction with artificial intelligence¹.

¹ Regulation (EU) 2024/1689 (Artificial Intelligence Act).

B. THE DIGITAL HUMANS REGISTRY AS AN INSTITUTIONAL LEGITIMATION MECHANISM

A Digital Humans Registry is proposed as a common institutional instrument of legitimation for both modules — a public register in which the following must be entered:

for Module 1 — the verified connection between the digital reflection and a specific prototype natural person, the subclass according to the scope of the delegated mandate, and its term;

for Module 2 — the operator (developer), the functional purpose of the autonomous formation, a declaration of the absence of any connection with a real prototype, and the legal or natural person responsible for the formation.

In both cases, registration is not a constitutive act that brings legal personhood into being from nothing, but a declaratory act confirming an existing functional status, analogous to the state registration of a marriage already concluded, or of a transaction already performed, in civil law; nevertheless, for the purpose of acquiring legal effect as against third parties (in particular, counterparties to transactions performed in the name of an AI-DH), the register entry has constitutive significance — without it, a third party is not bound by any presumption of good-faith awareness of the counterparty's status.

The architecture of the Digital Humans Registry is logically consistent with the architecture of the European Digital Identity Wallet (EUDI Wallet), introduced by Regulation (EU) 2024/1183, which provides for the issuance to citizens of qualified electronic attestations of attributes under the person's own control¹. For Module 1 (AI-DH-NP), it is expedient to design the Digital Humans Registry as a superstructure over the national electronic identification infrastructure, whereas for Module 2 it should be designed as an independent sectoral register, by analogy with registers of legal persons.

C. EXAMPLES OF THE APPLICATION OF MODULE 2 IN DIGITAL ECOSYSTEMS

The practical spread of Module 2 of the autonomous AI-digital human is already outpacing the tempo of legislative response. Typical examples include: autonomous client assistants of financial and insurance platforms, which interact with the user in the first person, declaring their own name and 'persona' but not being the reflection of any specific employee; non-player characters (NPCs) in metaverse and educational simulation environments with elements of autonomous behaviour, which conduct dialogue with the user in a mode indistinguishable in form from communication with a real person; and autonomous digital 'representatives' of state electronic services (for example, consultation agents on e-government portals), whose functional purpose is not to reflect a specific official but to perform a defined information-and-consultation function of the authority as a whole.

In each of the examples given, the intensity of the disclosure obligation discussed above, concerning the artificial nature of the interaction, varies depending on context: for financial and insurance assistants, given the proprietary character of the consequences of the interaction, the highest level of disclosure is appropriate (continuous labelling in every session of interaction); for educational and entertainment NPCs, a moderate level is appropriate (a one-off notice at the start of the interaction); and for e-government consultation agents, disclosure should be combined with a mandatory indication of how to switch to communication with a live official at the user's request, which is a derivative application of the right to non-algorithmic existence, discussed below.

¹ Regulation (EU) 2024/1183 (eIDAS 2.0).

VIII. A COMPARATIVE LEGAL DIMENSION: THE EXPERIENCE OF THE EUROPEAN UNION

A. REGULATION (EU) 2024/1689 (THE AI ACT) AND RISK CLASSIFICATION

Regulation (EU) 2024/1689 builds its regulation on the principle of assessing the risk of an AI system (unacceptable, high, limited, minimal), irrespective of whether the system is connected to a specific natural person¹. This systemic solution is justified for the purposes of product safety, but insufficient for the purposes of private law: two systems of the same risk level — for example, a transactional AI-DH-NP belonging to a natural person and an autonomous virtual consultant of Module 2 — may require an identical level of technical safety, yet demand fundamentally different regimes of civil liability, counterparty identification, and personal-data protection. The typology of the digital human proposed in this article does not displace but supplements the risk-based logic of the AI Act — it adds the dimension of ‘connection to the prototype’, which is absent from the current text of the Regulation.

B. REGULATION (EU) 2024/1183 (EIDAS 2.0) AND THE EUROPEAN MODEL OF DIGITAL IDENTITY

Regulation (EU) 2024/1183 is focused on the technical and organisational infrastructure for attesting the attributes of natural and legal persons² and, like the AI Act, does not operate with the category of ‘digital human’ as a separate subject of interaction. At the same time, the logic embedded in eIDAS 2.0 of ‘user-controlled attributes’ provides a suitable methodological foundation specifically for Module 1 (AI-DH-NP): in the proposed model, the attributes of the digital reflection must likewise remain under the control of the prototype natural person, with the ability to revoke or limit the delegated mandate at any moment, which is precisely what ensures the compatibility of the domestic AI-DH-NP model with the architecture of the EUDI Wallet, should Ukrainian legislation be harmonised with EU law.

C. THE EXPERIENCE OF THE REPUBLIC OF KOREA: THE FRAMEWORK ACT ON THE DEVELOPMENT OF ARTIFICIAL INTELLIGENCE

Instructive for comparative analysis is the experience of the Republic of Korea, which, after the European Union, became the second jurisdiction in the world to adopt comprehensive sectoral legislation on artificial intelligence — the Framework Act on the Development of Artificial Intelligence and Establishment of Trust, adopted by the National Assembly on 26 December 2024 and brought into force on 22 January 2026³. Like Regulation (EU) 2024/1689, the Korean law builds its regulation on a risk-based approach and introduces mandatory labelling of content generated by generative AI, following a logic analogous to Article 50 of the AI Act.

At the same time, the Korean model expressly declares the protection of human dignity as the purpose of regulation, which structurally brings it close to the principle of digital dignity proposed in this article; however, like the European model, the Korean law contains no separate category of ‘digital human’ and does not distinguish the digital reflection of a natural person from an autonomous digital formation. This confirms the conclusion that the gap which the proposed typology is intended to fill is not a national peculiarity of the Ukrainian debate, but a shared feature of the leading global models for AI regulation.

D. THE RIGHT TO HUMAN INTERVENTION UNDER ARTICLE 22 GDPR AS A PRECURSOR TO THE RIGHT TO NON-ALGORITHMIC EXISTENCE

The closest existing normative analogue, in substance, to the right to non-algorithmic existence proposed in Section IX is Article 22 of the General Data Protection Regulation (GDPR), which grants the data subject the right not to be subject to a decision based solely on automated processing where that decision produces legal effects or similarly significantly affects them, and which also guarantees the right to obtain human intervention, the right to express one’s point of view, and the right to contest the decision⁴.

¹ Regulation (EU) 2024/1689 (Artificial Intelligence Act).

² Regulation (EU) 2024/1183 (eIDAS 2.0).

³ Framework Act on the Development of Artificial Intelligence and Establishment of Trust, Act No. 20676 (Republic of Korea), promulgated January 21, 2025, entered into force January 22, 2026.

⁴ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the Protection of Natural Persons with Regard to the Processing of Personal Data and on the Free Movement of Such Data (General Data Protection Regulation), *Official Journal of the European Union*, L 119 (2016).

Article 22 GDPR, however, is formulated as a right of the data subject in respect of decisions of third parties (controllers of personal data) and does not directly extend to a situation in which an automated decision is made in the person's own name and on that person's own instructions by that person's own digital reflection. The right to non-algorithmic existence proposed here is thus a mirrored extension of the logic of Article 22 GDPR to the internal relations between a prototype natural person and their AI-DH-NP: if a person has the right to demand human intervention in decisions made about them by third-party systems, then a fortiori that person must have an inalienable right to demand that statutorily defined categories of decisions taken in their own name be made by them personally, rather than by a delegated digital reflection.

IX. DIGITAL DIGNITY AND THE RIGHT TO NON-ALGORITHMIC EXISTENCE IN INTERACTION WITH THE AI-DIGITAL HUMAN

The development of the institution of the AI-digital human cannot take place in isolation from the broader doctrinal framework of digital dignity, which the author develops within the doctrine of Grand Lex Digitalis. The two elements of that doctrine most relevant to this article are the non-simulacrum principle and the right to non-algorithmic existence.

The non-simulacrum principle means that no digital formation — irrespective of module — should be constructed in a manner that misleads the user as to its nature: AI-DH-NP must not conceal from the counterparty the fact that a legally significant expression of will is being performed not directly by the prototype natural person but by that person's digital reflection, within the bounds of the delegated mandate; an autonomous AI-digital human of Module 2 must not present itself as a real person. This principle is a direct development of J. Bryson's warning as to the harm of anthropomorphising autonomous systems¹, and of the need to maintain a clear distinction between the act of a human being and the act of an instrument that the human being owns and controls.

The right to non-algorithmic existence, in turn, means the right of a natural person to insist that statutorily defined categories of decisions materially affecting their rights (above all decisions relating to the restriction of rights, to health, to parental legal relations, or to proprietary rights over significant sums) be made directly by the human being rather than by an autonomously delegated subclass of AI-DH-NP, even where the relevant mandate formally permits such a decision to be made in automatic mode. This right functions as a kind of 'safety valve' against excessive delegation, discussed in Section XIII, and must be expressly entrenched in the draft law as an imperative, non-derogable limit on the scope of an AI-DH-NP mandate, from which a natural person cannot waive in advance and in general terms.

Both principles are consistent with the architecture of the human-centric approach embedded in the preamble to Regulation (EU) 2024/1689, which defines its purpose as ensuring trust in artificial intelligence grounded in the Union's values and respect for fundamental rights², but they elaborate this general approach in relation to the specific problem of the digital reflection of a natural person, which is not addressed directly in the text of the Regulation.

¹ Bryson, "Robots Should Be Slaves."

² Regulation (EU) 2024/1689 (Artificial Intelligence Act).

X. THE INSTITUTION OF THE AI-REPRESENTATIVE AS A RELATED ELEMENT OF THE THREE-CLASS MODEL

AI-DH-NP of the transactional and autonomously delegated subclasses is, functionally, a specific instance of the broader institution of the AI-representative, developed by the author earlier as a construct of three-tier delegation of authority. Each level of this construct differs according to the object of representation, the source of the mandate, and the intensity of public oversight.

A. THE FIRST LEVEL: AN AI-REPRESENTATIVE OF A PUBLIC AUTHORITY

At the first level, an AI system acts as the representative of a public authority in relations with citizens — above all in the provision of administrative services, consultation, and the initial processing of applications. The mandate at this level is public-law in nature, is established by a normative act or a decision of the relevant authority, and is subject to the highest level of transparency: the scope of authority, the list of matters on which the AI-representative of the public authority is not empowered to make a final decision, and the procedure for transferring the matter to an official for consideration must be made public and available to every citizen who so requests, upon first demand.

B. THE SECOND LEVEL: AN AI-REPRESENTATIVE OF A CORPORATION (LEGAL PERSON)

At the second level, an AI system represents a legal person in contractual and pre-contractual relations — it conducts negotiations, concludes standardised transactions within the bounds of the approved corporate regulations, and provides client support with the capacity to perform legally significant acts (for example, settling claims within defined limits). The mandate at this level is established by an internal act of the legal person and is registered in a manner analogous to the registration of a power of attorney granted by an organ of a legal person, with a mandatory indication of the limits of authority; failure by the counterparty to observe those limits cannot be excused by reliance on good-faith awareness if the limits in question were publicly disclosed in the register.

C. THE THIRD LEVEL: AI-DH-NP AS A REPRESENTATIVE OF A NATURAL PERSON

The third level is constituted by AI-DH-NP itself — the representation of a natural person through their personalised digital reflection, discussed in Section VI of this article. Unlike the first two levels, the mandate of AI-DH-NP is grounded not in a public-law or corporate act, but in the individual expression of will of the prototype natural person, which gives rise to heightened requirements as to the informed nature of consent to the creation of the digital reflection, and as to the possibility of its immediate and unconditional revocation — in contrast to the mandate at the first two levels, whose revocation may be limited by the interests of third parties or by the public interest in the stability of administration.

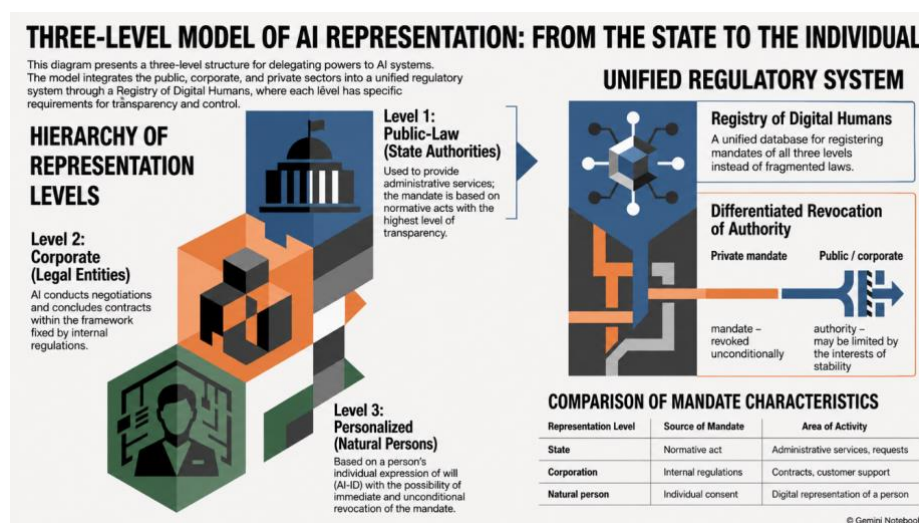


Fig. 3. Three-Level Model of AI Representation: From the State to the Individual.

Such a three-tier alignment makes it possible to avoid duplicating regulatory regimes: instead of a separate law or section on ‘digital humans’ and a separate section on ‘AI-representatives’, a single chapter of the draft law on delegated digital legal personhood is proposed, covering all three levels of representation, with a single system for registering mandates in the Digital Humans Registry and differentiated requirements as to the scope of authority and the procedure for revocation, depending on the level and type of principal.

XI. AN ILLUSTRATIVE EXAMPLE OF THE APPLICATION OF THE TYPOLOGY

To test the operational suitability of the proposed typology, it is useful to consider a hypothetical, but typical, case of cross-border interaction within a digital ecosystem. A citizen of Ukraine authorises her AI-DH-NP of the transactional subclass to conclude a residential lease agreement in another member state of the digital ecosystem, for a sum not exceeding a pre-set limit, and to make the corresponding payment. In concluding the agreement, the counterparty is a virtual consultant of the booking platform — an autonomous AI-digital human of Module 2, which is not a reflection of any specific employee of the platform but performs the function of initial agreement on terms.

Applying the proposed typology to this example yields the following allocation of legal consequences. As regards the tenant’s AI-DH-NP: an agreement concluded within the registered limit of the mandate is valid and binds the prototype natural person directly, by analogy with a transaction performed by an agent within the scope of a power of attorney; exceeding the limit (for example, agreeing to a sum above the registered threshold) would amount to a transaction performed in excess of authority, the consequences of which are determined under the general rules on agency rather than as the personal liability of the digital reflection. As regards the platform’s autonomous consultant: the platform-operator is obliged to ensure disclosure of the artificial nature of the interaction before the agreement is concluded; failure to observe this obligation does not affect the validity of the agreement itself (the party to which remains the legal person operating the platform), but gives rise to separate administrative liability of the operator for breach of the disclosure obligation, analogous to the sanctions for breach of Article 50 of Regulation (EU) 2024/1689¹.

This example illustrates the key practical distinction between the two modules: a dispute concerning the acts of AI-DH-NP is resolved on the plane of agency and the scope of the mandate (who authorised what, and within what limits), whereas a dispute concerning the acts of an autonomous AI-digital human of Module 2 is resolved on the plane of disclosure of information and the operator’s due diligence (whether the user was aware that they were not interacting with a human being); in both cases, the parties to the agreement remain the prototype natural or legal persons, or their operators, rather than the digital formations themselves.

XII. PROPOSED ARTICLES FOR THE DRAFT LAW ‘ON ARTIFICIAL INTELLIGENCE’

On the basis of the typology set out above, it is proposed that the draft Law ‘On Artificial Intelligence’ be supplemented with a separate chapter, ‘The AI-Digital Human and the Digital Humans Registry’, which may include the following articles (set out in a wording intended for further discussion within the work of the relevant Committee of the Verkhovna Rada of Ukraine):

Article X. The Concept of the AI-Digital Human. An AI-digital human is a digital formation based on artificial intelligence that interacts with the users of a digital ecosystem in a form imitating features of a human presence, and that belongs to one of two modules: (1) an AI-digital human that is a reflection of a natural person (AI-DH-NP); or (2) an autonomous AI-digital human that is not a reflection of a natural person.

Article Y. AI-DH-NP. 1. The attributes of AI-DH-NP are formed by digitising or extracting the identification attributes of the prototype natural person with that person’s direct and informed consent. 2. AI-DH-NP does not acquire the full scope of the rights and obligations of the prototype natural person; the scope of delegated authority is determined by the subclass of AI-DH-NP (informational-representative, transactional, autonomously delegated) and is fixed in the register entry. 3. The prototype natural person has the right to revoke or limit the mandate of AI-DH-NP at any time.

Article Z. The Autonomous AI-Digital Human. 1. The attributes of an autonomous AI-digital human are formed referentially, on the basis of its functional purpose within the digital ecosystem, without borrowing the identification attributes of any real natural person. 2. The operator of an autonomous AI-digital human is obliged to ensure that the user is informed of the artificial nature of the interaction, in a manner determined by the central executive authority responsible for formulating state policy in the field of artificial intelligence.

¹ Ibid.

Article W. The Digital Humans Registry. 1. The Digital Humans Registry is a state register containing information on AI-digital humans of both modules. 2. Registration is declaratory in character as regards the emergence of the functional status of an AI-digital human, and constitutive in character for the purposes of applying the presumption that third parties are aware of the scope of authority of an AI-digital human in transactions performed with its involvement.

Article V. Liability and Appeal. 1. Liability for harm caused by the acts of AI-DH-NP within the scope of the registered mandate rests with the prototype natural person or with the operator authorised by that person; liability for acts exceeding the mandate is determined under the rules of the law of agency. 2. Liability for breach of the obligation to disclose the artificial nature of an interaction by an autonomous AI-digital human rests with its operator, irrespective of the validity of any transaction performed with its involvement. 3. The prototype natural person, as well as any third party whose rights have been infringed by the acts of an AI-digital human, has the right to challenge an entry in the Digital Humans Registry and to demand its correction, the suspension of the mandate, or the deletion of the entry, in a manner established by the central executive authority responsible for formulating state policy in the field of artificial intelligence.

The formulations set out above are working proposals intended to initiate a professional discussion within the Committee of the Verkhovna Rada of Ukraine on Digital Transformation, rather than a final legislative text; they require further reconciliation with the existing provisions of the Civil Code of Ukraine on agency and legal capacity, as well as with the terminology of the draft law on electronic identification.

XIII. RISKS, LIMITATIONS AND DOCTRINAL CAVEATS

The introduction of the category of the AI-digital human carries with it a number of risks that must be directly acknowledged. First, the risk of functional substitution: in the absence of a clear distinction between the modules, an unscrupulous operator may present an autonomous digital formation of Module 2 as the digital reflection of a real person (Module 1) in order to increase user trust — that is, engage in conduct directed at deceptive anthropomorphisation. This directly contradicts the principle of non-algorithmic existence and the non-simulacrum principle, which the author advocates within the doctrine of *Grand Lex Digitalis*: no digital formation should present itself as something it is not, regardless of the technical sophistication of the imitation.

Second, the risk of excessive delegation: extending the mandate of AI-DH-NP to the autonomously delegated subclass without adequate audit mechanisms may lead to the effective displacement of the prototype natural person's will by an algorithmic decision made in that person's name, which is a direct violation of the right to non-algorithmic existence — the right of a person to insist that decisions concerning them be made by a human being rather than by an automated system.

Third, the risk of excessive reliance on the age analogy: the use of the 'child — adolescent — adult' construct to describe the scope of AI-DH-NP's active capacity is a pedagogically convenient metaphor, but must not be interpreted as granting the digital reflection independent rights specific to a minor human being (the right to education, the right to family upbringing, and so on); the analogy relates exclusively to the technique of differentiating the scope of active capacity, and not to extending to AI-DH-NP the status of a human being as a bearer of dignity.

Fourth, Banteka's caveat concerning the empirical divergence between doctrine and judicial practice¹ remains relevant to the proposed typology as well: without the creation of a functioning Digital Humans Registry and real procedural mechanisms for establishing a mandate, the proposed classification risks remaining a purely doctrinal construct unsupported by enforcement practice. This requires parallel institutional development — the creation of the technical and administrative infrastructure of the register — alongside the legislative entrenchment of the terminology.

Fifth, the risk of conflict with the personal-data protection regime: since, by definition, AI-DH-NP attributes are derived from the personal data of the prototype natural person, extending an additional registration regime to them must not weaken the guarantees established by personal-data protection legislation, and the Digital Humans Registry must be designed in compliance with the principles of data minimisation and purpose limitation, consistent with the general approaches of European data-protection law on which Regulation (EU) 2024/1183 itself is built as regards the handling of electronic attestations of attributes².

Finally, a methodological limitation of this study must be directly acknowledged: the proposed typology of the AI-digital human is the result of doctrinal modelling based on comparative legal analysis and the

¹ Banteka, "Artificially Intelligent Persons."

² Regulation (EU) 2024/1183 (eIDAS 2.0).

development of the author's own three-class model, rather than the result of empirical research into enforcement practice (in Ukraine, no such practice has yet developed, owing to the absence of dedicated legislative regulation). This methodological limitation is typical of doctrinal research at the stage of forming new legislation and does not diminish the practical value of the proposed legislative formulas, but it does mark out a direction for further empirical research once the relevant law has been adopted.

XIV. CONCLUSION

1. The concept of 'digital human' requires legal separation into two fundamentally different modules: AI-DH-NP (Digiperson), as the digital reflection of a specific natural person (Module 1), and the autonomous AI-digital human (Digihuman), not connected to any real prototype (Module 2). Conflating these modules is a doctrinal and regulatory error that makes it impossible to consistently determine the scope of liability and disclosure obligations.

2. AI-DH-NP should be built on verified, digitised identification attributes of a real natural person, above all the attributes of the 'red group', and should be divided into informational-representative, transactional, and autonomously delegated subclasses according to the scope of the delegated mandate, which directly corresponds to the three-class model of AI legal subjects proposed by the author.

3. The digital human, in neither module, is identical to the natural person in the full scope of rights and obligations; the scope of AI-DH-NP's active capacity should be built by analogy with the age-based differentiation of a natural person's active capacity ('child — adolescent — adult'), which makes it possible to avoid both a diminution of functionality and a dangerous equation of statuses.

4. The autonomous AI-digital human (Module 2) requires not a mechanism for protection against identity substitution, but an obligation to disclose the artificial nature of the interaction, consistent with Article 50 of Regulation (EU) 2024/1689.

5. The institutional basis for the legitimation of both modules should be the Digital Humans Registry, architecturally compatible with the European EUDI Wallet model under Regulation (EU) 2024/1183, with registration being declaratory as regards the emergence of status and constitutive as regards the presumption of third-party awareness.

6. It is expedient to combine the institution of the AI-digital human with the institution of the AI-representative within a single chapter of the draft Law 'On Artificial Intelligence' devoted to delegated digital legal personhood, which removes the need to duplicate regulatory regimes for functionally related constructs.

7. The development of both modules of the AI-digital human should take place within the doctrinal framework of digital dignity — with mandatory observance of the non-simulacrum principle and of the natural person's right to non-algorithmic existence as an imperative, non-derogable limit on the scope of any delegated mandate.

Prospects for further research are connected with the development of a detailed procedural mechanism for establishing and challenging the status of an AI-digital human in court proceedings, as well as with the elaboration of private international law conflict-of-laws issues arising in the case of cross-border recognition of an AI-DH-NP mandate.

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