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HUMAN CONSCIOUSNESS AND LEGAL AWARENESS IN THE PERCEPTION OF “ARTIFICIAL” INTELLIGENCE

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Summary. The large-scale involvement of Artificial Intelligence (hereinafter AI) in social life, which has gained special momentum in the 21st century, requires constant human assessment and even control. This applies to the modern period, as well as prospects of our development. The current time shows that, firstly, there are different directions of the AI involvement in our lives, and, secondly, such an assessment is not always acceptable due to various understandable reasons, but should be as “unbiased” as possible. This is a complex “process” consisting of many components, one of which is “understanding” the essence of AI and its characteristics with human knowledge. One of the directions in such understanding is carried out with the help of humanitarian knowledge (philosophy, cultural studies, history, social studies, law, anthropology, linguistics, etc.).

The study of AI from a legal perspective occupies an important place. Moreover, it should be noted that law in such “contacts” performs several functions. This, for example, applies to the assessment of AI from the humanitarian development standpoint, where law acts as a measure of humanism, justice, respect for human rights and freedoms, etc. Another area, related to law, deals with the assessment of AI from a normative “measure” (normative institution) perspective, within the framework of which several directions are concerned. Thus, it has already become traditional to consider AI as an object of law, that is, as a thing, technology, tool, intellectual property, that can be transferred, sold, pledged, otherwise disposed of, etc. Such a “perception” of AI makes it controlled by people or organizations responsible for its “behavior”.

Overall, humanity should understand that productive cooperation between humans and AI requires a balance between technological progress, legal frameworks, and ethical norms. A key element in such cooperation will be the recognition of mutual benefit and the need to maintain human control in critical areas (at least in the near future). All this should minimize risks and reveal the potential of AI as an assistant and/or partner.

Keywords: humanities, artificial intelligence, legal system, criminal justice, criminal law, legal personality, subject of criminal offense (crime), subject of criminal liability, IOR, man-made min.

1. Introduction

Artificial intelligence (AI), as previously mentioned, should be viewed not only as a technological tool but also, perhaps primarily, as a socio-cultural phenomenon that influences the semantic features and architecture, values, social interaction, relationships, and human identity, which are analyzed within the framework of humanitarian knowledge (“Humanitarian Knowledge – Vaccination Against Ignorance,” n.d.). The application of this area of knowledge allows for the exploration of AI as a phenomenon that impacts and transforms the very nature of human existence and the entirety of interpersonal relationships.

A few remarks regarding law in this context (Miroshnychenko et al., 2016). Law is an integral part of humanitarian knowledge because it reflects normative possibilities that are (or should be) based on ethical, social, and cultural values. It represents (or should represent) society's notions of justice, morality, order, and the protection of human rights. Law is closely connected to humanitarian disciplines, as it considers historical, cultural, psychological, ethical, philosophical, and other aspects aimed at fostering a harmonious and just society.

The relationship between law and AI will be examined in greater detail later, following an analysis of the intellectual capabilities (both literal and figurative) of humans and AI. In any case, a range of issues that arise and directly “touch” upon law, its definition, and its applicability require a specialized analysis of “reason” in its broad interpretation (including all its components) as a general category that expresses the highest type of intellectual activity, particularly its ability to think, analyze, abstract, generalize, and more.

2. Human Intelligence and AI: Reflections on Correlation

Humanity, despite our often “everyday” idealistic perceptions, remains one of the central, if not the primary, mysteries for specialists across nearly all fields of knowledge. From ancient times to the present,

debates have persisted about what it means to be human. Many questions remain unanswered (Sydorenko, n.d.), and thus, without delving deeply into this discussion, we will focus on some fundamental and familiar concepts that characterize humans. It is worth noting that these issues often "intersect" or even "overlap" to some extent. Therefore, within this essay, we will present the main, generally "tested" ideas, especially since they will serve as a kind of "preface" to more specific reflections that follow.

The concepts of "human," "individual," and "personality" are different characteristics of a human being, each with its own definition. However, despite these distinctions, the objects and phenomena surrounding us, though they may vary, are "equally" reflected in our consciousness through human senses, perceptions, representations, and thinking ("Mental Activity of Humans and Factors Influencing It," n.d.). This constitutes human mental activity, which, in turn, is an essential component of human nature and enables individuals to engage in various types of activities, from the simplest to the most complex ("Psychology: Mental Activity of Humans," n.d.).

A mandatory component of such activity is reason (Latin: ratio; Greek: νοῦς) – a combination of cognitive and analytical abilities. Mental activity, carried out with the "help" of reason, generates the process of thinking, which reflects the so-called movement of thought "from the unknown to the known." This process begins when something new or unknown arises before a person, necessitating analysis, comparison, and generalization ("The Process of Solving Problems," n.d.). This is a crucial aspect of human life, as noted by the French philosopher, physicist, physiologist, mathematician, and founder of analytical geometry, René Descartes: "I think, therefore I am."

The comparison of human intelligence with artificial intelligence (AI) begins with understanding these fundamental aspects of human cognition. While AI can simulate certain cognitive processes, such as problem-solving or data analysis, it lacks the intrinsic qualities of human consciousness, such as emotions, self-awareness, and the ability to reflect on its own existence. These distinctions will be further explored in subsequent sections.

Consciousness plays an important role in the processes of human thinking – it is a complex and unique phenomenon that shapes the human worldview and influences practically every aspect of our lives. We understand that it is, so to speak, not just a collection of movements or reflexes: it is the highest level of functioning of our brain, which allows us to be aware of both ourselves and the external world. It is consciousness that reflects the sensations and perceptions of our existence, our thoughts, and emotions. In general, two aspects of consciousness are distinguished: phenomenal and functional. The phenomenal aspect reflects our personal sense of the world: the perception of colors, smells, emotions, and individual thoughts. This aspect is difficult to explain because it is a subjective experience unique to each person. For its part, the functional aspect is the ability to process information, perform conscious analysis, make decisions, and manage behavior. This aspect, in contrast, can be associated with certain brain processes and activity ("Consciousness," n.d.).

Another important component that "works" in the process of thinking is human intelligence (hereinafter referred to as HI). Intelligence (from Latin – understanding, comprehension, perception) in psychology is defined as the general ability to acquire knowledge and solve problems, which affects the success of any activity and forms the basis of other abilities. It should be clarified that intelligence is not limited to direct thinking, although mental abilities form its foundation. In general, intelligence is a system of all human cognitive abilities, which is used to generalize behavioral characteristics associated with the so-called productive adaptation to new life challenges. Very often, when using this concept, the characteristic of the peculiarity of intelligence is applied, which, under equal conditions of human development, has (or may have) its differences. Overall, intelligence is an adaptation tool (J. Piaget, D. Wechsler), and it should be understood as the ability to think and to engage in cognitive activity in general (Piaget & Wechsler, as cited in "Thinking, Mind, Intelligence," n.d.). Given the above, the level of HI is determined by the ability to solve problems of varying complexity, particularly those associated with learning speed or the amount of information a person can process. The depth of intelligence is determined by the ability to analyze complex, multi-layered problems, see hidden interconnections, and find unconventional, profound solutions. There are various opinions regarding the definition of these HI indicators, but traditionally they depend on innate abilities, the level of education, life experience, efforts for self-development, and so on. Therefore,

the better a person demonstrates the ability to navigate unexpected, complex situations, quickly consider various possible courses of action, and choose the best one in minimal time, the higher the intelligence of that individual (Karl Ericsson). It is worth noting that the IQ symbol, often used in modern conditions when conducting relevant competitions, is a quantitative measure of the HI level. Incidentally, there is another indicator of HI level that is mentioned less frequently – EQ. At the same time, IQ reflects the left hemisphere's abilities for logic and rational thinking, while EQ represents right-hemisphere intuitive thinking, which reflects the ability to communicate, to be aware of one's emotions, and to understand the feelings of others ("The Smartest: What Kind of Intelligence is Needed for Life Success," n.d.).

3. About the "relationship" of AI with law as a part of humanitarian knowledge and a normative institution

Above, I briefly mentioned law in the general overview of AI from the perspective of humanitarian knowledge. Considering that law regulates the social "life" of AI and taking into account my primary professional focus, I find it appropriate to elaborate on these "relationships" here. In this section of the essay, an analysis of law will be conducted in a broader sense, which includes: the legal system, the field of criminal justice and criminal law, with the main focus on those components of the legal system that perform protective functions and have punitive capabilities to implement their "intentions." These features also require special attention, especially when AI is "involved" in their implementation.

Based on this, I will begin the analysis of the "relationship" between AI and the legal system, which concerns several specific areas. One of these involves the direct "participation" of AI in analyzing current legislation, drafting preliminary court decisions, relevant contracts, and so on. At the same time, attention must also be paid to issues of legal regulation and the "personal" activities of AI, for example, related to the development and establishment of norms that, at various levels (theoretical, legislative, practical), regulate and govern the activities of AI while "adhering" to ethical and safety rules. Additionally, the issues of determining and establishing responsibility for so-called "errors" (in a broad sense) in AI activities, especially considering the damages caused by its actions, cannot be overlooked. In all these areas of "relationships," it is necessary, despite the "authority" of AI, to adhere to existing standards and develop new ones, if needed, regarding the protection of humans and personal data. There are also new challenges that affect all components of the general understanding of law: these include questions of AI's legal personality, the responsibility of its developers and users, and perhaps the most complex issue – differentiation in establishing "personal" responsibility. It is essential to always remember the main provisions of the aforementioned "bat theory," which here too can (may) help to "understand" the "real intentions" of AI as accurately as possible, rather than those we imagine. In any case, there is not only a "relationship" but also, to some extent, an "interdependence" between AI and the legal system, as the legal system, through all its "levers," regulates AI's activities, while AI, in turn, helps (likely helps) the legal system become more efficient, primarily by contributing to its better adaptation to new challenges.

AI has developed fairly extensive "relationships" with the field of criminal justice, where a subject-specific evolution can also be observed (Bernazyuk, 2025). For example, at the very beginning of a pre-trial investigation, this may manifest in data processing that allows for identifying a suspect or reconstructing the events of an offense. In court proceedings, this involves the systematization and processing (analysis) of evidence, drafting court decision projects, and more. At the same time, even here, when AI "enters" the field of criminal justice as a "subject," there are, so to speak, both "traditional" and "new" problems. For instance, AI can be used as a "tool" for committing criminal offenses, such as "cybercrimes." Or, in these "relationships," attention must be paid to the thorough verification of any AI conclusions, especially when they "form" the basis of a conviction. Thus, on the one hand, AI is a powerful tool in the criminal justice system; on the other hand, it requires strict regulation of its "manifestations" to minimize risks related to the application of criminal liability and to ensure justice. All these provisions also have their manifestations in the "relationships" between AI and criminal law. Criminal law should be considered not only in its normative dimension but also as an important part of humanitarian knowledge, as it combines, alongside legal aspects, social, ethical, psychological, and cultural dimensions aimed at ensuring law and order and social peace. I will focus only on certain points. For example, AI "independently" (the "bat theory") or "someone" using AI commits criminal offenses that infringe on the most significant

social values: human rights and freedoms, the functioning of society, and state security. Here, on the one hand, everything "seems" clear, but on the other, significant questions arise. For instance, criminal law is not always prepared for such "modern" socially dangerous challenges, or the danger of already "known" actions significantly "increases" due to, for example, their anonymity and/or scale, as well as the presence of not always visible "boundaries" between intentional actions and technical errors in the operation of relevant systems. This, by the way, requires not only criminal law measures to address the issue. Understanding this allows for the use of AI in the development of so-called predictive models of socially dangerous offenses, which can serve to prevent them at the earliest stages of counteraction.

An important and complex issue for criminal law is the so-called criminal legal personality of AI, i.e., how this mandatory condition for a subject of legal relations is (or can be) implemented in criminal law specifically "in relation" to AI. Here, there are two important components: the first is "direct," and the second "derives" from this general problem. The first component is related to the fact that "today," it seems, everything is clear: AI cannot be a subject of criminal law, and responsibility "for its actions" lies with developers, owners, or operators. But what about "tomorrow"? This is not a simple question, as we must be prepared in advance for changes that often occur "stealthily." For example, not so long ago, domestic legal doctrine categorically rejected "non-personal" responsibility of "non-human" subjects, providing clear arguments (Baulin et al., 2010). However, now significant changes are being observed, often without arguments, with the necessity of "copying" "other" experiences being proclaimed. Therefore, at present, considering the provisions of the "bat theory," we approach the "personalized" responsibility of AI with caution. But what will happen next? Perhaps, as is often the case, it will be recognized that the only "weapon" capable of countering the "conscious arbitrariness" of AI is criminal law. The search results provided do not directly address the specific issue of AI's criminal legal personality or its implications. However, they do touch on general legal principles and criminal law concepts, which could be relevant for further exploration of this topic. If you need additional clarification or a deeper analysis, feel free to ask! Of course, it is unnecessary to jump too far ahead, but at the same time, it is important to recognize that the problem exists and requires careful attention. The second component, seemingly "deriving" from the first but in fact no less important and already beginning to be discussed today, is related to the fact that, in criminal law, the so-called "bat phenomenon" is starting to emerge, so to speak. The idea lies in the notion that, for the legal assessment (qualification) of a criminal offense, it will no longer be necessary to thoroughly determine the internal attitude of an individual toward their committed act (the subjective component). It will suffice to rely on the "perception" of the essence of such "external" actions by the person applying the law, and this will be entirely adequate for a comprehensive "objective" assessment of another person's actions. In other words, figuratively speaking, "hanging upside down during the day and eating flies at night" – the essence of the bat is fully understood. However, this position carries numerous purely negative consequences. Not to mention that such an evaluation of "external" actions is at the very least incomplete, with all the associated implications, as the Supreme Court of Ukraine (Supreme Court of Ukraine, 2025) constantly emphasizes. It should also be considered that such an approach would render human "sensitive" evaluation of another person's actions entirely unnecessary. Yes, I entered a list of data obtained into the computer program and that's all – you get the so-called qualification of actions. Not to mention the viciousness of this approach in law, it can become widespread in other industries. For example, it will make an unnecessary "human" diagnosis in medicine, including the need for a consultation (compatible discussion) in difficult cases. It is enough to enter the results of the obtained analyzes into the computer program – and we "get" both the diagnosis and the course of treatment. But, in my opinion, in all such cases, it is an artificial "simplification" of complex processes of assessing the human essence with the use of a complex method. In addition, if you evaluate this at a more significant level, people, so to speak, have their own "efforts" transfer their basic powers to computer technology, which is still a concern today ("Artificial Intelligence May Soon Replace Humans in 10 Fields," 2024). But when the time comes that the world will be controlled by the world (the technological singularity was mentioned above), and people will, at best, in the second positions, we need to understand that we are guilty of this, because they created all the "prerequisites" for this. There is something to think about both in terms of criminal law and at a significant level.

4. Conclusion

In my opinion, today we are only beginning to truly enter into "relationships" with AI, with all the predictable and unpredictable prospects, including both positive and negative aspects. Moreover, as English experts believe, humanity is currently primarily focused on accelerating the implementation of AI rather than on the consequences of such "relationships," which may take various forms. However, this should be approached calmly, because, firstly, our "relationships" with AI will only continue to develop, and secondly, it is important to consider that any relationship may have certain peculiarities in its development.

The content and nature of such relationships are directly related to the legal sphere. At the same time, humanity must consider that from the very beginning, we should build these relationships according to the well-known principle: "with love, but with firmness." In any case, humanity must take on the responsibility of developing (proposing) appropriate substantive and organizational rules and mechanisms that should ensure productive coexistence and risk prevention in our relationships with AI.

Bibliography

1. "Humanitarian Knowledge – Vaccination Against Ignorance." (n.d.). Retrieved from <https://osvitoria.media/experience/gumanitarne-znannya-vaktsynatsiya-proti-neviglastva/>.
2. Miroschnychenko, V. I., Hanba, O. B., & Zborovska, L. A. (2016). *Philosophy of Law: A Textbook*. Khmelnytskyi: NADPSU Publishing House.
3. Sydorenko, L. I. (n.d.). Philosophical understanding of humans. Retrieved from <http://www.philsci.univ.kiev.ua/biblio/sid-phil-human.htm>.
4. "Mental Activity of Humans and Factors Influencing It." (n.d.). Retrieved from <https://www.miyklas.com.ua/p/biologiya/8-klas/vishcha-nervova-diialnist-377208/rozumova-diialnist-mova-navchannia-378842/re-0c8f90ec-b7d2-4663-a947-629348d77c26>.
5. "Psychology: Mental Activity of Humans." (n.d.). Retrieved from <https://osvita.ua/vnz/reports/psychology/29162/>.
6. "The Process of Solving Problems." (n.d.). Retrieved from <https://studfile.net/preview/5769942/page:30/>.
7. "Consciousness." (n.d.). Retrieved from <https://www.psykholoh.com/post/>.
8. "Thinking, Mind, Intelligence." (n.d.). Retrieved from <https://kumlk.kpi.ua/arch/node/1391>.
9. "The Smartest: What Kind of Intelligence is Needed for Life Success." (n.d.). Retrieved from <https://tsn.ua/lady/psychologia/ona/nayrozumnishiy-yakiy-intelekt-potriben-dlya-zhittievogo-uspihu-1557726.html>.
10. Bernazyuk, Y. (2025). Artificial Intelligence and the Justice System of Ukraine. *Legal Newspaper of Ukraine*, 1(1535), 18–20.
11. Baulin, Y. V., Borysov, V. I., Tyutyugin, V. I., & others. (2010). *Criminal Law of Ukraine: General Part* (4th ed., revised and supplemented). Edited by V. V. Stashys & V. Ya. Tatsiy. Kharkiv: Pravo.
12. Supreme Court of Ukraine. (2025). Case Review No. 122989146. Retrieved from <https://reyestr.court.gov.ua/Review/122989146>.
13. "Artificial Intelligence May Soon Replace Humans in 10 Fields." (2024). Retrieved from <https://blog.sikorskychallenge.com/2024/03/Shtuchnyi-intelekt-nezabarom-zmozhe-zaminyty-liudei-u-10-sferakh.html>.