

Challenges of Procedural Law in the Age of Autonomous Agents: A Comparative Study of the “Next Friend” Doctrine in Common Law and Imami Jurisprudence

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DOI: <https://doi.org/10.22096/law.2026.2087040.2359>

Received Date: 06/04/2026 - Accepted Date: 03/06/2026

Abstract

The rapid proliferation of autonomous artificial intelligence agents has confronted classical legal systems with fundamental challenges regarding civil procedure and the standing to sue. The recent filing of a lawsuit by an AI agent against a human in a North Carolina court, utilizing the “next friend” doctrine, highlights the urgent need to reevaluate the concept of legal personhood. This article seeks to answer whether existing procedural mechanisms can accommodate smart agents as “plaintiffs,” and if intrinsic capacity is lacking, whether proxy institutions can fill the void. Employing a descriptive-analytical method and a comparative approach, this study evaluates the next friend doctrine in common law against the concepts of “guardianship,” “tutelage,” and the institution of the permitted slave in Imami jurisprudence and Iranian law. The findings indicate that traditional proxy institutions, rooted in the protection of incapacitated humans, cannot be extended to AI due to the absence of legal liability and the capacity to enjoy rights. Consequently, to overcome procedural deadlocks in algorithmic contracts and tech-related litigation, the establishment of a novel framework termed “electronic agency,” modeled on independent legal entities (such as Waqf in Islamic jurisprudence), is proposed.

Keywords: artificial intelligence; autonomous agent; capacity of execution; next friend doctrine; electronic personality; fictitious Dhimmia.

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