
Synthetic Intelligence vs. Artificial Intelligence: Conceptual, Legal, and Ethical Divergences

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Abstract

Artificial Intelligence (AI) can be described as an artificially designed system that acts like a technological model of the workings of the human mind, involving thought, intuition and judgement. Synthetic Intelligence can be seen as an autonomous model that is capable of generating original ideas and actions, and not copying or imitating human ideas. We need to look at it from three angles: the technology, philosophical questions and legal challenges to understand the difference between Artificial Intelligence and Synthetic Intelligence. Human beings need to understand how Artificial Intelligence and Synthetic Intelligence are different from each other. This article looks at the effects of both ideas on intellectual property, liability, and governance structures. Artificial Intelligence remains fundamentally constrained within the epistemic, creative and normative boundaries established by human designers and operators. Synthetic Intelligence, however, is characterized by self-directed cognition, autonomous control and the capacity for emergent, creative evolution unmoored from human antecedents. The emergence of Synthetic Intelligence would necessitate substantial reconfiguration of extant legal doctrines-including copyrights, patent, tort and corporate liability frameworks- and would compel novel ethical and jurisprudential theories commensurate with systems possessing genuine autonomy and self-originating intentionality. This article argues that existing legal constructs are ill-suited to address Synthetical Intelligence and proposes a doctrinal framework for reallocating authorship, ownership and accountability in the Synthetical Intelligence era.

Keywords: Artificial Intelligence, Synthetic Intelligence, Technology, Legal, Ethical

Introduction

Artificial Intelligence, abbreviated as AI, has been the central theme of machine intelligence conversions for several years. Artificial Intelligence refers to computer-based systems which fabricated traits of human intellectual acts such as experience acquisition, decision-making, problem-solving, among others through algorithms.¹ In recent times, however, intellectuals have introduced a different terminological element: Synthetic Intelligence. This concept entails developing intelligence in machines which is independent of humans and can be created without imitating any copying of any aspect of human interpretations.²

It is clear that there exists a significant difference between AI and SI. Unlike SI, AI machines are designed by studying and mimicking human data sets and processes, and are programmed based on restrictions established by their human makers. SI, implies machines that have an element of autonomy and the ability to grow beyond human comprehension or even control.³ This leads to pertinent queries concerning the legal recognition of SI machines as persons, liability in cases where they exhibit unexpected actions, and the moral framework governing entities that do not conform to human categorization.

I. Defining Artificial Intelligence

A. Historical Foundations

The idea of Artificial Intelligence began with Alan Turing's famous question: "Can machines think?"⁴ Early work in AI tried to make computers follow clear rules and reasons like experts think of systems built from if-then statements. Today's AI is looking very different as modern systems learn from large amounts of data using methods called machine learning and neural networks. Instead of being told exact rules, they find patterns in data and use those patterns to make predictions.⁵

B. Characteristics

AI largely depends on large amounts of data, relying on finding patterns, and are built to do specific tasks.⁶ They perform very well on those narrow, focused jobs but cannot easily adapt to different kinds of problems the way humans can. Since AI learns from data they perform better with larger and higher-quality data; weaker performance is produced with insufficient and lower-quality data. AI models also require meticulous tuning and maintenance- when circumstances change, models need to be retrained. Finally, their advantages are all quantitative and practical- performance with regards to speed and accuracy in a specific task; they do not process or exhibit the kind of nuanced judgement or everyday common sense human display.

C. Applications

AI is used in areas like medical diagnosis, predicting crime patterns, financial forecasting, and self-driving cars.⁷ However, it has clear limits: it can reproduce biases found in its data, its internal decisions can be hard to explain, and it does not truly understand meaning the way people do.⁸ These constraints pose distinct risks: the application of fairness principles may inadvertently stigmatize populations already facing disadvantages, and a lack of transparency frequently complicates decision-making in contexts with substantial implications. With that in mind, industry advocates suggest use of combined AI-and-human control, rigorous testing, and careful planning.

¹ Alan Turing, *Computing Machinery and Intelligence*, 59 *Mind* 433 (1950).

² John Haugeland, *Artificial Intelligence: The Very Idea* (1985).

³ Nick Bostrom, *Superintelligence: Paths, Dangers, Strategies* (2014).

⁴ Turing, *supra* note 1.

⁵ Stuart Russell & Peter Norvig, *Artificial Intelligence: A Modern Approach* (4th ed. 2020).

⁶ *Id.*

⁷ Eric Topol, *Deep Medicine: How Artificial Intelligence Can Make Healthcare Human Again* (2019).

⁸ Kate Crawford, *Atlas of AI* (2021).

II. Conceptualizing Synthetic Intelligence

A. Beyond Imitation

Synthetic Intelligence means building or developing a kind of intelligence from scratch, not just making machines to copy what people think.⁹ Instead of only producing human-like answers or copying human behavior, SI systems would be able to develop new ideas and ways of solving problems that people hadn't thought of. Our basic definition of intelligence would change if machines could truly develop original concepts or propose new theories. This shift would affect many fields like science, arts, law and business, because tasks we now assume need human insight might be handed to machines. The question would be raised about credit, responsibility and how humans and machines will share creative work.

B. Autonomy and Emergence

A defining feature of SI would be independence: such systems might form their own ways of reasoning instead of just reflecting their training data, whereas AI, will rely heavily on the data and directions given by humans. SI systems could behave in surprising ways, showing creativity or even simple forms of self-reflection that their creators didn't expect.¹⁰ These surprising abilities can emerge when many parts of a system interact in complex ways, rather than because a programmer explicitly told the system to do something. While emergence can open the door to useful new capabilities, it also makes the system's behavior harder to predict and control, which raises safety, ethical and alignment concerns about making sure SI acts in ways that match human values.

C. Current Status

Right now, SI is mostly a theoretical idea rather than an existing technology. Other relevant fields are also being explored: artificial life, which are systems whose cognitive architecture and algorithms are designed or are evolved in a manner inspired by natural evolution, is one.¹¹ As AI becomes more sophisticated, something like SI could emerge although no true SI has yet been found. Most of the current attempts are either limited in scope or are highly theoretical, there is still a great number of technical, philosophical and ethical issues that must be resolved if any system were to qualify as SI.

III. Case Studies

A. India: Eastern Book Co. v. D.B. Modak

In *Eastern Book Co. v. D.B. Modak*, the Supreme Court of India ruled that copyright should be applicable to creations derived from human intelligence only.¹² This judgement reflects an existing loophole in the law: when key creative decisions are not taken by an individual, there is a possibility that existing copyright law will not apply. Thus, when, if ever, synthetic intelligence eventually produces its own works, it will be up to judges to determine if and who the creators own their works.

B. European Union: GDPR and the AI Act

The EU's General Data Protection Regulation (GDPR) ensures that individuals can contest decisions made solely by an automated system and obliges businesses to be transparent and fair in how personal data is handled.¹³ The EU's AI Act (2024) sets strict regulations for AI systems posing the greatest risks. Both assume humans can provide meaningful oversight or explain AI's operations; independent or unpredictable SI might produce regulation on this scale.

⁹ Bostrom, *supra* note 3.

¹⁰ *Id.*

¹¹ Luciano Floridi, *The Ethics of Artificial Intelligence* (2019).

¹² *Eastern Book Co. v. D.B. Modak*, (2008) 1 SCC 1 (India).

¹³ Regulation (EU) 2016/679 (General Data Protection Regulation), art. 22.

C. United States: *Naruto v. Slater*

The U.S. Court decided that a monkey cannot hold a copyright as copyright protection is extended only to human authors. *Naruto v. Slater*, reaffirms that no non-human can be regarded as the author in copyright law.¹⁴ Analogously, works created solely by a synthetic system would likely not enjoy copyright protection without an update to the existing legal framework-questions of ownership, revenue and law reform arise.

IV. Legal Implications

A. Intellectual Property

AI-generated works raise questions of authorship and ownership. Courts have generally denied copyright protection to non-human creators.¹⁵ SI, however, could challenge this framework if synthetic entities produce genuinely original works. Lawmakers might need to decide whether to extend copyright to machines, create new categories of rights for outputs, or rely on contracts assigning ownership to humans or organizations. Any change will affect incentives for creators, the market value of machine-made works, and how royalties or licensing are handled.

B. Liability

When the damage caused by artificial agents' human developers, users or operators has to bear the legal responsibility.¹⁶ SI operates autonomously, assigning blame will become complex, the law may need to incorporate novel concepts of legal liability, insurance coverage, or statutory safety requirements. Options could include strict liability for certain harms, mandatory insurance policies for operators of advanced systems, or regulatory structures to limit deployment based on pre-approved safety ratings.

C. Personhood

The possibility of extremely sophisticated synthetic entities that warrant some degree of legal status similar to corporations possessing some rights and bearing some duties has been raised.¹⁷ Granting synthetic entities for any legal personhood would be reshaped by many aspects of law and necessitate new provisions for legal rights, obligations, and the enforcement. An AI system with legal personality might engage in contractual relationships, might acquire property and even be sued; however, legal mechanisms for enforcement of liability will be needed. Ethicists and policymakers may need to assess the risks inherent in granting autonomy, concurrently considering the potential utility of alternative frameworks, which could include mandatory human supervision or establishment of dedicated liability pools.

V. Ethical Considerations

A. Autonomy

AI today is far from having its own will; it learns by analyzing past events and acts in patterns from such information. An advanced SI with true autonomy could have moral considerations and new questions to ponder such as an SI having the right to provide or deny consent and who bears moral responsibility when the autonomous SI takes an action – whether its creators, the users of the SI or the SI itself. Also new regulations would have to be drafted for the constraints to be placed on SI and how the limitations to freedom would impact the SI's best interests.

¹⁴ *Naruto v. Slater*, 888 F.3d 418 (9th Cir. 2018).

¹⁵ U.S. Copyright Office, *Compendium of U.S. Copyright Office Practices* § 313.2 (3d ed. 2021).

¹⁶ European Commission, *White Paper on Artificial Intelligence* (2020).

¹⁷ Lawrence Solum, *Legal Personhood for Artificial Entities*, 70 N.C. L. Rev. 1231 (1992).

B. Governance

Governance of present-day AI is centered around oversight, a transparency in the ways AI functions and means to hold entities accountable. SI governance is complex as an autonomous system could act in an unexpected or uncontrollable manner, thereby requiring more sophisticated monitoring regulations, rules for failure safeguards, and a clear understanding of liability when such a collapse occurs. Furthermore, regulations may necessitate certifications for placement into society, and audits for the machine's actions, in addition to creating global standards for safe SI development.

C. Human Identity

SI will blur the lines and re-examine the thought that humans possess distinct intelligent and creative qualities. Society will be forced to reconsider the characteristics that define what it means to be human, such as consciousness, creative ability or moral responsibility and how humans are related to other intelligent non-humans. Changes may occur in employment, culture and human meaning once a machine begins to undertake roles now held by humans; responses should incorporate human dignity, rights, and a fair distribution of SI benefits.

VI. Policy Recommendations

1. A regulation approach centered on transparency, fairness, and accountability is crucial for AI development. Laws should ensure that the reasoning behind AI decision-making is discernible to the individuals and organizations affected, introduce mechanisms to detect and address bias in AI systems and impact assessments for AI applications of concern, and clearly define responsibility for damages resulting from AI. Such regulations are important in building public trust and ensuring those most vulnerable are safeguarded.
2. An anticipatory governance framework for the research of SI that considers the possibility of autonomy is needed and has to focus on the development of safeguards. The investigation into SI that might eventually acquire autonomy should be regulated with higher strictness compared to conventional technological advancements. Funders and academic institutions might mandate assessments of potential risks and demand phased development and testing of AI, ethics committees, and isolated environments for tests. Scientists should have a set of conditions (stop gates) that allow for stopping or halting development and a commitment to safety regulations and the principle of public welfare before profit maximization. This will reduce the occurrence of accidental damage due to further development.
3. International cooperation will be necessary given the potential for SI to operate beyond borders. The reach and impact of SI on individuals across borders is immense, such that no one nation has the ability to address its risks adequately alone. Collaboration at the international level is necessary in order to define minimum safety standards, share threat intelligence, and facilitate coordinated responses to deliberate misuse of SI. Multilateral treaties could potentially serve as mechanisms for export controls, shared certification processes and the establishment of international frameworks for dispute resolution. Cooperation among nations would also prevent regulatory arbitrage, as developing nations would be constrained by similar regulatory environments in both high and low income countries.

Conclusion

Artificial Intelligence (AI) is our best effort to copy human thinking, while Synthetic Intelligence (SI) imagines systems that develop their own, independent ways of reasoning. In simple terms, AI builds on what people already know, but SI would create new kinds of thinking from the ground up. This difference

matters because synthetic systems could act in ways we didn't program or expect. As technology moves forward, our laws, rules, and moral guidelines need to change too, so we can protect people and make sure these systems behave responsibly. Whether we call it artificial or synthetic, the important thing is to plan for how these new kinds of intelligence will affect jobs, privacy, safety, and fairness—so we get the benefits and reduce the risks.

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