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Decentralized Autonomous Organizations: the "Corporate Wrapper" as an Obstacle Épistémologique

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Abstract
The relevance of this study is driven by the necessity to transform modern civil law doctrine toward a post-non-classical stage. Civil law constantly faces challenges from newly emerging relationships. The new decentralized internet, Web3, has shifted the paradigm for perceiving the elements of civil legal relations; as this article demonstrates, a new legal object exists on the blockchain, even though current civil norms state otherwise. In this regard, decentralized autonomous organizations are not merely a technological phenomenon but also a challenge to existing civil law theories and an instrument for protecting human rights amid the identity crisis of the information society and "surveillance capitalism". The purpose of this work is to substantiate a paradigm shift in research on decentralized autonomous organizations and to analyze their legal status by deconstructing the values they defend: privacy, dignity, and autonomy. The methodology is based on the axiological and historical approaches to Roman law and Kantian ethics to comprehend the depth of privacy problems and the relevance of these decentralized entities, alongside the synergetic method, which views a decentralized autonomous organization as a dissipative structure. The results demonstrate that such an organization is an autopoietic system where the protocol acts as a slaving principle (teleonomy of the code), while in bifurcation points preserving teleology of the community. It is argued that applying general corporate laws is dogmatically flawed due to the absence of affectio societatis (mutual trust) and undermines the very causa finalis of these decentralized systems – advocating for a decentralized internet and a shift of power to users, rather than creating just another form of a limited liability company. Prospects for further research include the proposal to treat these decentralized organizations as a sui generis construct. It is concluded that regulators should create "strange attractors" by applying the legal construct of Zweckvermögen (purpose-bound patrimony) to smart contracts, allowing these structures to participate in offline legal relationships without destroying their unique nature.

Keywords: *Web3; privacy; smart contracts; autopoiesis; Zweckvermögen; legal personality.*

Децентралізовані автономні організації: «корпоративна обгортка» як obstacle épistémologique

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Анотація
Актуальність дослідження зумовлена необхідністю трансформації сучасної доктрини цивільного права в напрямі постнекласичного етапу. Цивільне право постійно стикається з викликами через появу нових відносин. Новий децентралізований інтернет – Веб3 (англ. – Web3) змінив парадигму сприйняття елементів цивільних правовідносин. Як демонструє ця стаття, на блокчейні існує новий об'єкт права, незважаючи на те, що чинні цивільні норми стверджують протилежне. З огляду на це, децентралізовані автономні організації є не просто технологічним феноменом, а викликом наявним цивільно-правовим теоріям та інструментом захисту прав людини під час кризи ідентичності інформаційного суспільства та «наглядового капіталізму». Метою роботи є обґрунтування зміни парадигми в дослідженні децентралізованих автономних організацій та аналіз їхнього правового статусу через деконструкцію цінностей, які вони захищають: приватності, гідності та автономії. Методологія ґрунтується на аксіологічному та історичному підходах до римського права й кантіанської етики для осягнення глибини проблем приватності та актуальності цих децентралізованих утворень, поряд із синергетичним методом, який розглядає децентралізовану автономну організацію як дисипативну структуру. Результати демонструють, що така організація є аутопоетичною системою, де протокол діє як принцип підпорядкування – телеономія коду, а в точках біфуркації зберігається телеологія спільноти. Доводиться, що застосування загальних норм корпоративного права є догматично хибним через відсутність affectio societatis (взаємної довіри) й підриває саму causa finalis цих децентралізованих систем – відстоювання децентралізованого інтернету та передачу влади користувачам, а не створення ще однієї форми товариства з обмеженою відповідальністю. Перспективи подальших досліджень включають пропозицію розглядати ці децентралізовані організації як конструкцію sui generis. Зроблено висновок, що регуляторам слід створювати «дивні атрактори», застосовуючи правову конструкцію Zweckvermögen (укр. – цільового майна) до смартконтрактів, що дозволить цим структурам брати участь в офлайн-правовідносинах без руйнування їхньої унікальної природи.

Ключові слова: *Веб3; приватність; смартконтракти; аутопоезис; Zweckvermögen; правосуб'єктність.*

Introduction

Modern civil law doctrine is undergoing a systemic transformation, caused by a shift of scientific rationality toward the post-non-classical stage. This stage requires not merely a formal-dogmatic analysis of legal rules, but a fundamental examination of the sociocultural context, historical genesis, and axiological foundations of the research object [1, p. 30-32]. Decentralized Autonomous Organizations (hereinafter – DAOs) are no exception; they cannot be grasped exclusively as a technological phenomenon (just as smart contracts are not merely a code and may be recognized as legal contracts) or, even less so, as merely another form of limited liability companies [2, p. 81; 3, p. 73]. DAOs emerge as a synergetic answer to the fundamental crisis of identity in the information society, a crisis which further undermines the basis of a democratic regime [4, p. 27].

To fully comprehend this crisis, one must comprehend that traditional civil law is founded on the anthropocentric paradigm of the Enlightenment, building upon Kant's moral philosophy, treating an individual as an autonomous subject, possessing will and consciousness [5, p. 41-47]. This implies that the individual's acts to enter into civil legal relations possess a volitional character, which is a precondition for their validity, passing through the consciousness of participants and expressing their authentic inner will. However, within the conditions of total digitalization, which is defined by Shoshana Zuboff as "surveillance capitalism", this autonomy is eroded [6, p. 26, 308]. Surveillance by algorithms, the capabilities of artificial intelligence, Big Data collection, and profiling transform the subject of law into an object of manipulation [6, p. 26, 308]. They strip the individual of privacy – the sphere of non-intervention, according to Hannah Arendt, where free will is built [7, p. 71]. Without this protected sphere, the intellectual-volitional character of legal activity is neutralized; the individual ceases to be an active creator of legal reality capable of rational decision-making, transforming instead into a passive object of automated manipulation. Historically, cryptotechnologies emerged to solve this dichotomy of privacy and control: "… for encryption is fundamentally a private act". [8]. However, contemporary legal doctrine frequently attempts to resolve the legal status of DAOs by employing unsuitable formal-dogmatic instruments, without the review of an ontology of DAOs.

Recent scholarship confirms that enclosing DAOs within traditional company law, such as ordinary partnerships or limited liability companies, is dogmatically incompatible with their decentralized architecture [9], and introduces centralized hierarchies that actively undermine the ecosystem's trust and social capital [10]. This proves flawed the regulatory assumption that DAOs operate as conventional businesses rather than infrastructural

assets [11]. While foundational scholars such as P. De Filippi and A. Wright have mapped the regulatory friction of lex cryptographia and the rule of code, their analysis primarily perceives decentralization as a mere institutional hurdle, focusing on the challenges it creates for countries seeking to establish liability and regulate intermediaries [3, pp. 5-7, 208]. Conversely, contemporary cybersecurity literature identifies the chilling effect of mass surveillance and device scanning on fundamental rights [12; 4], yet it lacks a concrete civil law dogmatic solution. Although recent scholarship has begun to shift the paradigm toward a post-non-classical understanding, such as V. Udianskyi's work, demonstrating how DAO ideologies were formulated by their ideologists, alongside F. Santoro's application of complex systems theory and autopoiesis to decentralized networks, an even deeper axiological analysis is required. The prevailing discourse fails to recognize that attempting to enclose DAOs within traditional corporate structures creates an *obstacle épistémologique* (epistemological obstacle).

Therefore, the research on DAO legal status must begin with a deconstruction of the values which DAOs are designed to defend: privacy, dignity, and autonomy. Without this analysis, any DAO legal framework would be insufficient, as it would ignore the very axiology of the object and inevitably lead to the epistemological trap of the "corporate wrapper". This research strives to demonstrate that philosophy, history, and civil doctrine are not disjointed from the study of DAOs, but provide a necessary synthesis to substantiate a paradigm shift in legal research and the application of classical laws to qualitatively new relationships.

The purpose of this study is to expose the existing epistemological obstacle in contemporary legal research and to resolve it through an axiological deconstruction of DAOs. To achieve this, the research builds upon existing genesis explorations of DAOs, and substantiates the autopoietic nature of the DAO by demonstrating the synthesis between the teleonomy of the protocol and the teleology of the community. Furthermore, recognizing that DAOs already exist as autonomous constructs capable of participating in civil transactions without state sanction, this study aims to formulate a "strange attractor" in civil law. By applying the doctrine of *Zweckvermögen* (purpose-bound patrimony), this study lays a further foundation for legal regime proposals that DAOs will naturally strive for to escape the high-entropy grey zone of legal uncertainty, allowing them to interact securely with the offline legal system without destroying their decentralized nature.

Literature Review

The technological and structural basis of DAOs was initially conceptualized in the studies of S. Larimer and V. Buterin. They established that

decentralized communities can function autonomously through smart contracts and internal capital, requiring minimal human involvement [2, p. 70].

The institutional and legal conflicts caused by such autonomy became the subject of research by P. De Filippi, and A. Wright. These scholars analyzed the contradiction between the autonomous legal nature of DAOs and the classical understanding of organizational forms. By describing the formation of lex cryptographia, they highlighted the fundamental conflict between the "rule of code" and the traditional civil law requirement to clearly identify the subjects of legal relations. Nevertheless, within their theoretical framework, these authors view decentralization primarily as an obstacle to state regulation and a problem for law enforcement, rather than a self-sufficient legal phenomenon and ontological idea [3].

Contemporary scholarship increasingly documents the formal-dogmatic failures of attempting to resolve this friction by means of existing corporate structures. B.C. Cantürk proves that classifying DAOs as ordinary partnerships or limited liability companies is dogmatically unworkable within Civil Law jurisdictions, as it imposes catastrophic joint liability and incompatible mandatory provisions. Furthermore, L. Weidener et al. emphasize that when DAOs are forced into traditional "legal wrappers" to mitigate this liability, the resulting hierarchical structures actively alienate participants and destroy the decentralized social capital of the network. This supports the assertion of S.L. Furnari and C. Villani that it is a fundamental flaw to regulate Protocol DAOs as traditional "businesses", since they instead function as neutral "infrastructural assets" [9-11].

Although the technological and organizational dimensions of DAOs have been extensively explored, the specific legal-dogmatic implications of their complex nature remain unresolved. F. Santoro researched the autopoietic nature of DAOs through the lens of complexity theory, substantiating that they function as self-producing and self-maintaining biological-like systems [13].

Furthermore, E. Bordeleau and N. Casemajor utilized the concepts of teleology and teleonomy in their analysis of the BeeDAO project, but applied them to propose a posthumanist, cybernetic governance model intended to automate and remove human decision-making [14].

The research by V. Udianskyi reviews genesis of DAOs as it was understood by the very ideologists, critiques "corporate wrapper" approach, establishes sorites paradox of infinite qualitative searches how much of decentralization a DAO should have and proposes recognizing DAOs as sui generis legal objects under civil law by applying A. von Brinz's doctrine of Zweckvermögen

(purpose-bound patrimony). However, this work is highly impacted by the Ukrainian perception of *Zweckvermögen* and proposes a foundations DAO legal regime for Ukraine [2].

A year earlier M. Schillig proposed to start a debate on *Zweckvermögen* as possible regulatory solution, adhering to the doctrine of A. von Brinz [15].

Materials and Methods

The methodological basis of this research is determined by the shift of scientific rationality toward the post-non-classical stage. This stage necessitates abandoning the exclusively formal-dogmatic approach, which has proven insufficient in contemporary legal doctrine and directly led to the epistemological obstacle of attempting to force decentralized networks into corporate wrappers (traditional corporate structures) [1; 2]. Instead, this study mandates a fundamental examination of the sociocultural context, historical genesis, and axiological foundations of the research object. To grasp the true legal nature of DAOs and to obtain new scientific results regarding their regulation, this study employs an interdisciplinary complex of general scientific, philosophical, and special legal methods, structured across three main stages of research.

In the first stage, the historical-legal and axiological methods are applied to deconstruct the values that DAOs are fundamentally designed to defend. The historical method analyzes the ancient prototypes of the right to privacy (such as the Roman *domus, existimatio*) to demonstrate its continuity, societal importance, and antifragility as an indispensable element of civil legal relations [16-19]. Building upon this, the axiological method, found in Kantian ethics, is utilized to substantiate the modern comprehension of autonomy. By applying the Kantian concept of the moral subject to distinguish between autonomy (free will) and heteronomy (submission to external laws), this method allows the study to evaluate the destructive impact of mass surveillance [5]. Furthermore, applying M. Foucault's metaphor of the Panopticon, this stage proves how surveillance transforms the active legal subject into a passive data source, thereby justifying why the preservation of a H. Arendt's "zone of shadow" via DAOs is an ontological necessity rather than a regulatory defect [7; 20].

The second stage of the scientific work employs the synergetic approach and the principles of complex systems theory to analyze both the external environment in which DAOs operate and their internal architecture. The synergetic method views a DAO as a complex, non-linear system developing through entropy, which requires adaptability and the continuous generation of new attractors [21; 22, pp. 199-205].

To conceptualize the specific organizational nature of DAOs within this environment, the third stage employs the systemic method and N.

Luhmann's concept of autopoiesis is applied [23]. This framework models the DAO as a dissipative structure existing in conditions of disequilibrium without a central governing node.

To substantiate how order emerges from this decentralization, the research applies H. Haken's "slaving principle" to the DAO protocol, evaluating it as a parameter of order – the teleonomy of the code, that subordinates the individual wills of token holders [24]. This approach is chosen specifically to prove why traditional corporate concepts, such as *affectio societatis* (mutual trust), are dogmatically inapplicable to trustless systems.

Finally, to resolve the epistemological obstacle without destroying the DAOs unique nature, the dogmatic method of civil law is applied to construct a theoretical model. This involves re-examining the classical Roman and Germanic legal construct A. von Brinz purpose-bound patrimony. This method is chosen to demonstrate how civil law can offer a "strange attractor" – a voluntary, naturally fitting legal regime that grants DAOs the capacity to participate in offline civil transactions as sui generis objects, successfully bypassing the inaptness of standard corporate liability while preserving their essential decentralized ontology.

Results and discussion

Privacy as the causa finalis of Web3

To comprehend the ontological depth of privacy problems, we must recognize that modern European civilization is built upon the idea of the dignity and autonomy of subjects – something impossible without privacy [16, pp. 1160-1161]. The crux of this idea is that privacy is an antifragile concept that has existed throughout the centuries of the civil law tradition's formation, and it withstood any trials of invasion against it.

Even though there was no definition of a privacy right articulated in Roman law, it already existed in proto-forms: such as the protection of the *domus* (home) and the legal defense of personal *existimatio* (dignity), meaning that privacy in civil law countries is an inalienable right that is imperative to protect [17, pp. 190, 193; 18]. Central to this is the rhetorical and legal legacy of Cicero, namely his oration "De domo sua", delivered in 57 BC before the College of Pontiffs [19]. This speech is not just a *case* on property restitution; it is a manifestation of subjecthood. Clodius attempted to transform Cicero's private space into a public sacred space, thereby symbolically and legally destroying Cicero as a citizen. Cicero argued: "What is more sacred, what more inviolably hedged about by every kind of sanctity, than the home of every individual citizen? Within its circle are his altars, his hearths, his household gods, his religion, his observances, his ritual; it is a sanctuary so holy in the eyes of all, that it were sacrilege to tear an owner therefrom" [19].

This argument has a fundamental significance for contemporary civil law in the following aspects:

1. Cicero defines a home not as a mere economic good, but as a space in which the magistrate's power is extinguished before the owner's power. This serves as the historical prototype for the modern right to privacy [17, p. 194]. Without this sanctuary, a citizen is stripped of their political existence – *bios*, becoming vulnerable to the whims of the mob or the tyranny of the state, and is thereby reduced to "bare life – a *homo sacer* [25, pp. 71-72, 116].
2. Even though Clodius's acts were formally lawful: utilizing the mechanisms of plebiscite and religious law to alienate Cicero's property, Cicero argued that a formal procedure used to intervene in private autonomy is fundamentally null and void. This serves as a direct historical analogy to modern attempts to legitimize mass surveillance through formal legal procedures (such as the recent EU Chat Control initiative), which undermine the very essence of the right to privacy [26, pp. 14-15; 27, pp. 18-19].

As Hannah Arendt subsequently develops this ancient thought, the private sphere, *oikos*, is the necessary darkness from which the light of politics emerges [7, p. 71, 372, 471]. Without a secure haven, devoid of the possibility to be left alone, an individual is unable to form an independent opinion, which is the imperative precondition for equal participation in a democracy [4, p. 28].

In the context of the digital era, the attempts by regulators to gain access to private keys through backdoors or to mandate client-side scanning can be viewed as entirely equivalent to Clodius's invasion into the home. It is the destruction of the boundaries that separate the subject from total control.

Extending this thought into Modern era philosophy, such a logical exercise must be built upon Kantian ethics, which provides the axiological foundation for the contemporary comprehension of autonomy. The Kantian concept of the moral subject necessitates the capacity for free will – autonomy, in strict contrast to heteronomy, which is the mere submission to external laws [5, p. 47, 371]. For the will to be genuinely free, it must be formulated within a sphere free from external coercion or algorithmic manipulation [6].

To understand the mechanics of this algorithmic manipulation, one must look to the paradigm of post-non-classical science. In physics, there is a fundamental epistemological principle: the observer inevitably affects the object of observation [28]. Projected onto social relations, this mechanism is accurately described by M. Foucault through the concept of the Panopticon.

Realizing the possibility of constant surveillance, the individual internalizes this external control and modifies their behavior, turning into a disciplined subject. Under the conditions of continuous monitoring, the subject is deprived of genuine legal autonomy. Instead of exercising free will, the person merely performs the behavioral model expected by the controlling actor [20, pp. 135, 200].

The modern digital world has turned into precisely such a global Panopticon, centralized platforms (collectively referred to as Web 2.0) and states accumulate extraordinary volumes of data, treating human experience as a free raw material for extraction [6, p. 20]. As debates over the EU Chat Control initiative demonstrate, modern technologies, specifically client-side scanning, enable the monitoring of even encrypted messages directly on users' devices. While the stated purpose of protecting children is legitimate, the method itself (the eradication of the privacy of correspondence) creates a precedent for absolute, limitless control [27; 12, p. 5, 8].

Contemporary cybersecurity experts warn that such mechanisms effectively erase the boundary between the private sphere and the public sphere, transforming personal devices into instruments of bulk surveillance [12, p. 5]. This constitutes a direct violation of the Kantian imperative: the human being is no longer treated as an end in itself, but is reduced to a mere instrument – a source of behavioral data for algorithms [5, p. 37]. In the conditions where every transaction and every word is visible, democracy degrades into a mere simulacrum, as citizens are stripped of their capacity for confidential organization and independent political opposition.

From a synergetic perspective, a democratic society is a complex, non-linear system that develops through the entropy of diverse thoughts and actions. Total surveillance drastically decreases this entropy; it unifies behavior and forces the system into a state of excessive order that is rigid and, consequently, highly fragile. To preserve its adaptability and evolutionary robustness, society must exist poised "on the edge of chaos" [29, pp. 862-866, 875]. It requires a protected zone of shadow where fluctuations and new ideas may spontaneously emerge, which may subsequently become new parameters of order – attractors.

The European Declaration on Digital Rights and Principles for the Digital Decade explicitly ties digital transformation to European values, placing the human being at the center and guaranteeing "freedom of choice", "safety and security", and "protection against unlawful and unjustified surveillance" [30]. However, these declarative norms starkly conflict with the technical reality of centralized platforms and state politics. The core epistemological

problem is not merely the surveillance itself, but the "prisoner's" constant awareness of its omnipresent possibility. Through the internalization of this asymmetric power, the intellectual-volitional character of the individual is dismantled, reducing the active civil law subject to a docile body.

However, Web3 possesses the ontological potential to reshape the totalizing mass surveillance trend described above. As Eric Hughes articulated in A Cypherpunk's Manifesto, "Privacy is not secrecy… Privacy is the power to selectively reveal oneself to the world" [8]. Web3 technologies empower participants with the structural ability to actualize this power without requiring the sanction or permission of the state or monopolistic corporations.

Nevertheless, Web3 is not an ideal, self-sufficient category that inherently guarantees a safe harbor for citizens. While proponents herald the paradigm where "Code is Law", foundational scholars such as P. De Filippi and A. Wright warn that this shift can easily lead to an "algocracy" where algorithms dictate human behavior, risking the creation of a dystopian "decentralized panopticon" [3, p. 55-56; 31, p. 19]. Every application, interface, and webpage is ultimately designed by a developer who retains the capacity to control what data is processed and surveilled. Although E. Hughes declared that "Cypherpunks write code", in the context of modern digital monopolies, this can result in a mere redistribution of power from the state to a new corporate "data priesthood" [6, p. 125; 8]. This actively contradicts the emancipatory core of Web3, replacing bureaucratic surveillance with an equally oppressive technological one. DAOs are the structural mechanism ensuring that Web3 never degrades into a mere redistribution of power from one corporation to another.

Herein lies the fundamental significance of the DAO. The pseudonymity and autonomy of a DAO – features that are frequently and systematically eliminated by regulators attempting to impose a formal-dogmatic "corporate wrapper» – are not mere technological side effects [2, p. 73]. They constitute the very *causa finalis* of the construct's existence. To successfully oppose transnational technology monopolies, any Web3 community or decentralized application – DeApp, requires funds, resources, and the legal capacity to conclude offline agreements, enabling it to accumulate capital, remunerate developers, and represent itself in civil transactions. Therefore, it is imperative for the state to develop regulations that preserve, rather than annihilate, the unique ontological features of the DAO.

By utilizing the DAO form, any Web3 applications achieve true decentralization, cementing their purpose into an immutable protocol. This protocol functions as the mechanistical teleonomy of DAO, which ultimately

serves and represents the conscious teleology of the community behind it. This ensures that users themselves can monitor adherence to the principles of Web3, proving that forcing a DAO into a traditional corporate wrapper is an epistemological obstacle that actively destroys its ontology and the very idea to defend privacy and autonomy.

Synergetic Analysis of DAO Structure

By applying the synergetic approach, the legal nature of a DAO can be seen through categories of self-organization and nonlinearity. A classical corporation is an institutional structure that strives for homeostasis (stability) and linearity (predictability) [29, pp. 876-879, 890-892]. It operates as a strict hierarchical system: the shareholders form the will, the board of directors articulates it, and management executes it, with liability and will moving vertically.

In contrast, a DAO is a dissipative structure that exists essentially in conditions of disequilibrium – a lack of thermodynamic balance that forces a system to evolve and change over time [21, pp. 143-145]. Lacking a central governing node, macroscopic order (such as financing decisions or protocol updates) emerges spontaneously from the chaotic, non-linear interaction of thousands of agents (token holders), mediated by the cryptographic code [13, p. 95]. In this context, the DAO protocol acts as an "attractor" – a state toward which the system naturally tends to evolve. However, this attractor does not rigidly dictate specific behavior for the individual agent; rather, it establishes the boundaries and measures of possible conduct [29, p. 863]. Furthermore, an absolute reliance on this slaving principle harbors a significant risk of "algocracy" where human discretionary choice is entirely abolished [3, p. 55-56]. It is precisely at critical moments of systemic instability, what synergetics defines as bifurcation points, that the DAO resolves this clash and reveals its true socio-technical nature [21, p. 160; 22, pp. 199-205].

While contemporary scholarship, notably the work of F. Santoro, has successfully applied the concept of autopoiesis to DAOs, demonstrating their self-producing, self-maintaining, and adaptive characteristics as complex systems, such analyses remain primarily phenomenological. Santoro identifies that a DAO, much like a biological organism, evolves and adapts without central control, pointing to the 2016 "The DAO" case as proof of a system attempting to self-create and self-maintain its structure [13, pp. 96-98].

Autopoietic Nature and Legal Classification

However, to resolve the formal-dogmatic crisis in civil law, it is necessary to deconstruct the internal mechanics of this operational closure through

the synergetic dichotomy between the teleonomy of the protocol and the teleology of the community.

Relying on N. Luhmann's systems theory, an autopoietic system does not interact directly with the external environment; it reacts exclusively to its own internal communications [23, pp. 183-187]. This creates a significant epistemological divergence from traditional jurisprudence. State law operates on the binary code of lawful/ unlawful [23, pp. 183-187]. In contrast, a DAOs operational closure means it functions strictly on its own internal binary code of valid/ invalid. The maintenance of this closed loop is driven by the teleonomy of the protocol – the unconscious, automated, algorithmic execution of smart contracts that realizes program determinism without any conscious expression of will at the exact moment of the transaction.

Herein lies the limit of pure autopoiesis and the necessity of human teleology – the conscious, purposive will of the community. The 2016 intervention in "The DAO" serves as the empirical proof of this dual socio-technical nature. From the perspective of pure algorithmic teleonomy (the absolute application of the code is law principle), the hacker's withdrawal of cryptocurrency was an entirely valid internal transaction. If the DAO were solely an automated agent, it would have mechanistically assimilated this event according to its protocol [2, pp. 70-71]. However, at this critical bifurcation point, the system survived exclusively because the teleology of the community intervened, utilizing social consensus to execute a hard fork that overrode the automated teleonomy of the code.

This demonstrates that a DAO is not merely a smart contract, autonomous agent or decentralized application; it is an organization anchored by human purpose [2, pp. 70-71]. Because of its autopoietic closure, a DAO cannot be regulated by direct external legal commands (heteronomy); state law simply cannot penetrate a system that only reads valid/invalid. Yet, because it is ultimately guided by human teleology, it possesses the characteristics of an organization. This proves that attempting to force DAOs into traditional corporate structures is a fundamental epistemological obstacle.

Strange Attractors as Regulatory Approach

Because state law cannot penetrate this system via direct commands, the resulting unregulated environment of a DAO is characterized by a high level of social entropy: the pseudonymity of voters fosters mistrust, the lack of mechanisms to hold actors liable creates risks of fraud and "rug pulls" (exit scams), and legal uncertainty is a blocker for investments [2, p. 66].

The role of the law is to insert negentropic factors. The recognition of a DAO as a new phenomenon with appropriate regulation is a new parameter of

order that structures the chaotic interactions of actors into predictable legal relationships. The regulator should not determine each step of a DAO, just as it does for joint-stock companies, as this is impossible to do for nonlinear systems like DAOs. However, it should create "strange attractors" – legal regimes that are so beneficial that DAOs will themselves strive for them [29, pp. 863-864, 907].

The linear thought of DAOs being mere corporations is a restrictive way of thinking which does not account for their true nature. DAOs do not need traditional corporate regulation, since they are a blockchain-native phenomenon, which, in contrast to traditional corporations, do not rely on the fiction theory of the origin of legal entities. This object exists not because of the state's will wrapped into formal recognition by the state in the corporate register, but because of the will of a large number of nodes and the participants behind them to create a DAO on a network [2, p. 85]. It may participate in transactions and enter into legally significant relationships on its own behalf, and not on behalf of some entity which is formally recognized by the state. The assumption that DAOs are unable to participate in legal relationships and everyday transactions, or to enter into contracts with counterparts is flawed; this is what DAOs do on an everyday basis. Any transaction on the blockchain is just another form of a simple contract, which is a legal matter of civil law [3, pp. 74-75, 148]. Therefore, regulators should apply strange attractors to account for the unique nature of DAOs and attract them to apply to this new legal regime for legal certainty.

The paradox of DAOs is that they are already active participants of legal relationships as autonomous objects in the online realm. If we were trying to make an analogy with a traditional business that also can create a wallet address on the blockchain, it does not work in the same manner. Any such logic would recognize such a business as a partnership, whereas a DAO is a sui generis structure in which, due to a lack of central control, there can be no partners. A traditional partnership requires *affectio societatis* – the conscious mutual trust to form a joint enterprise; as contemporary doctrine notes, it is "the complex of attitudes brought together by this 'multiform' concept, namely: a voluntary partnership, full equality between the partners, convergence of interests, give the partnership contract its specificity and enable it to be distinguished from other special contracts..." [32, pp. 262-265]. The required mutual trust is objectively absent in a trustless cryptographic network.

Therefore, a DAO is a unique concept, and it should be treated as a sui generis object, not fitting into the idea of legal entities [2, p. 86]. The defining element of a DAO is not its partners, who are pseudonymous

and hard to identify, but the purpose itself, which is the core idea of *Zweckvermögen* [2, p. 86; 15]. This legal construct may grant instruments for a DAO to participate in offline legal relationships, just as transnational corporations do, but in order to actually fulfill the true purpose of the DAO: to protect the individual from mass surveillance and to create an alternative to the coercive state structures [2, pp. 83-84].

Conclusions

Therefore, to overcome the *obstacle épistémologique* in the comprehension of DAOs, four core conclusions are established:

1. A DAO is not merely a technological shift, but a necessary ontological response to the identity crisis of the information society and "surveillance capitalism". This paper establishes that the pseudonymity and autonomy of a DAO are not technological side effects, but the very *causa finalis* designed to protect individual privacy and autonomy against the modern digital Panopticon.

2. The prevailing regulatory trend of imposing a formal-dogmatic "corporate wrapper" onto a DAO is a fundamental epistemological obstacle. Forcing DAOs into these traditional structures actively destroys their decentralized ontology and annihilates their core mission to defend privacy. Furthermore, traditional partnership models are dogmatically inapplicable due to the objective absence of *affectio societatis* in a trustless cryptographic network.

3. A DAO is a closed socio-technical system operating strictly on an internal binary code of valid/ invalid, creating a profound divergence from the state law binary of lawful/ unlawful. This paper introduces a novel deconstruction of this operational closure: while the system is maintained by the blind teleonomy of the protocol, bifurcation points (such as the 2016 "The DAO" hard fork) empirically prove that the system survives exclusively through the conscious teleology of the community. This proves DAOs are genuine human organizations anchored by purpose, not mere autonomous agents.

4. To resolve this epistemological crisis without destroying the DAOs nature and to overcome its incompatibility with the fiction theory of the legal person, the state must offer "strange attractors". This paper concludes that the most adequate civil law solution is to reclassify DAOs as objects of law sui generis through the classical doctrine of Zweckvermögen. Recognizing a DAO as a purpose-bound patrimony will account for the autopoietic nature of DAOs through their teleonomy, expressed in the purpose cemented in the protocol; moreover, at bifurcation points, it will enable the community to take control and express the true, conscious teleology of the people acting behind the technical veil.

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