

ETHICAL AND LEGAL IMPLICATIONS OF SEX ROBOT: AN ISLAMIC PERSPECTIVE

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Abstract: Technologically, robots have been identified as useful resources in all aspect of human endeavor due to the numerous advantages associated with such system. They reduce labor hardship in several manufacturing processes, help in dirty operation and dangerous mission to human life, ease several domestic activities and generally improve efficiency in many engineering processes. However, several ethical and legal issues have been identified in the literatures with respect to applications of such system in various aspects of human activities. One of such area that is less attended to in the literature is in the application of robot in sex activities. The birth of sex robot has introduced several dimensions into the concept of sex which implicitly has several ethical and legal implications. This study first review the state of the art in sex robot and its associated ethical and legal issues. Secondly the issue is evaluated from Islamic perspective together with position of Islamic law (Shariah) towards the deployment of robot in sexual activities. The social effect of robot sex to the institution of marriage in particular is examined. The study will apply qualitative and quantitative methods throughout the discussion and analysis. The test samples and data were taken from selected countries in Africa, the Middle East and Asia including in Malaysia. In the end, useful suggestion would be suggested in the finding in order to discover undocumented facts and experts' view towards the robot sex. Also, the outcome of this study is expected

to unraveled the mystery of sex robot and provides solution to the robot sex.

Keywords: Sex Robot, Shariah, Code of ethics, United Nations.

INTRODUCTION

The current trend in research and development on human-like robot (humanoid/android) stimulated by advances in various aspect of Mechatronics engineering, intelligent machines, Biomechatronics, evolutionary computing etc has generated concern on possible consequence of having robot replacing human being in various field of endeavor.[1] Positive argument has been advanced in favor of robot development in terms of numerous benefits of robot helping human being in carrying out various tasks especially dirty and dangerous assignments. Substantial success has been recorded in favor of this argument, now robot is been employed in car-production plants capable of huge range of delicate and accurate actions, in the painting, welding and assembly of cars, unmanned aerial vehicles for deadly and dangerous missions, robotic police and military (robocop/roboarmy) for various security and combat missions, domestic robot for household jobs.[2]

Another striking application of robot is in the human sex with emergence of sex robot (sexbot).[3] Sex robot refer here to any robot with sexual functionality like human being, similar to human categories,

malebot and fembot represent sexbot with masculine and feminine artificial genitalia respectively⁸. Presently sophisticated humanoids with human-like appearance has been developed and launched into market. [4] Apart from advances in various engineering and science, several social and economic factors have come into play in favor of this trend. For instance, sexbot with similar human characteristic has been as an alternative to human sex workers. It is argued that the use of robot as sex worker would secure the clients from the inherent danger of incurring disease, at the same time avoid the legal prohibition of the business. [5] Also potential economic returns of sexbot for hire has also been identify as a positive factor. The problems of divorce, need for polygamy or concubine etc are among other social factors that are contributing to positive progress the interest in sex robot. [6] This emerging trend in human-like robot with application in sexual activities of human being has generated several social and ethical issues and debates among the stakeholders. [7] It is noted that little attempt has been made in the literatures in addressing these emerging despite its potential revolutionary impact in all aspect of human life from social, economics to politics.

As contribution to this emerging event, this study review the major ethical and legal implications of sex-robot based on the present achievement and future direction in order to establish the legal and ethical challenges posed by this emerging revolution in human history. These challenges are then analyzed and discussed based on Islamic principles and law in order to offer useful suggestion that may preventively guide and prepare the society and stakeholders in handling this event, and avert its possible negative impact.

Ethical and Legal Implications of Sex Robots

Several ethical and legal issues have been associated with the emergence of sexbots and their possible deployment in various human sexual life. As the saying: "prevention is better than cure", just as the telecommunication and internet advancement have shaped the way we live, communicate, plan and behave, such is expected with the upcoming age of sexbot. Our perception of various issues associated with sex with be challenged, traditions will need to be reviewed, and laws are to be re-interpreted. Among the envisioned implications of sexbots appearance in line with possible areas of deployment is hereby identified in this section. It should be noted that, the following are not an exhaustive exploration of issues surrounding this emerging technology imperativeness, rather, an attempt to contribute to the little ongoing study and pave in the nearest future.

Robot prostitutes

One of the fast growing application and source of ethical and legal concern is in the area of sexbot replacing the conventional sex workers. With promising economic returns associated with investment in this line of business recorded in the past years on sex-doll business across the countries. [8] coupled with ease of managing robot by both investor and customers when compared to human counterpart, various ethical and legal challenges have been raised and will continue to be of concern along this striking application. Ethically, one needs to know if investing in prostitute business and engaging in prostitutions are ethically wrong, can this be directly applied to sexbot business? and will sexual engagement with robot be tagged as prostitution with same cultural and ethical implication?. This might not be an issue for a free-thinker or in a society dominated by free-thinking ideology, but for a religious person be it a Christian or Muslim or in a society dominated by any of the orthodox religions (Islam and Christianity), this poses a serious ethical challenges to be addressed by the stakeholders involved. This will partly challenge the basis of legality or otherwise of prostitution as defined in the scriptures, and call for re-definition of this concept to answer the questions such as: "is prostitution called prostitution and declared unlawful because it is involves human to human, or because it is to restrict the frequency and mode of sexual enjoyment. For example, commenting on the current status and challenges of robot sex workers Levy D. [9] quoting Korean police from the news web site Chosun.com reported in October, 2006, that the police in Gyeonggi Province were "looking into whether these business (prostitution with sex robots) violate the law. Since the sex acts are occurring with a doll and not a human being, it is unclear whether the Special Law on Prostitution applies". This will by extension leads to the discuss on ethical and legal issues surrounding illicit sex as enshrined in many legislations across different societies.

Robot Concubine

Another dimension of concern is issue of a human being "be-friend" in general term a sexbot; male to fembot and female to malebot as the case may be. Be-friend here may be taken freely as boyfriend and girlfriend affairs are been perceived across various society with little ethical concern. But when the word like: "I had sex with a robot, and it was great" or simply put it, "I had sex with my malebot/fembot friend..." appear around, the next question that follows is whether such action is ethically right or wrong viewing from concept of "pre-marital/extra-marital affairs"?, [10]. To be more explicit, some religious laws which have been incorporated in some

society legislations prohibited pre-marital and extra-marital sex tagged as “fornication” and “adultery” respectively and are punishable with a stipulated punishment. One would envisage a situation where someone sees sexbot as alternative way of satisfying his/her sexual desire, and yet avoid violating the legal restriction or religious decrees. Apart from this legal dimension of pre-marital and extra marital issue, direct or indirect implication of a partner engaging with a sexbot partner on his/her immediate family and society needs to be addressed. Physiological, if law permits it, will my wife/husband permit it? , will this not be an “easier” alternative to marriage of second wife if it is permitted by law, and money is not the problem?.

Marriage with Robot

As follow up to the above implications of sexbot with perfect resemblance of human-being becoming a reality in our time, the question of marriage with a sexbot cant be underestimated. To start with in line with the argument raised in section 3.2, if assuming as may be expected from religious perspective, extra-marital/pre-marital sex with robot is deem illegal, then can marriage with sexbot be an issue? There is need to examine the argument of pro-sexbot, that sexbot may provide solution for people who “find it hard to form relationships, because they are extremely shy, or have psychological problems, or are just plain ugly or have unpleasant personalities” Levy argued further that, although, these set of people may be few or far between, but the fact is that they exist., [11]

As human being is highly unpredictable, and is ever adapting to emerging challenges and opportunities, one would expect exploitation of this as alternative to polygamy. Where it could be raised that, instead of marrying another wife most importantly, if purpose is to augment sexual desire that can't be met by the first one, then, marriage with sexbot could be a better choice. This could also be supported by the first wife whom already nursing natural envy of another human being as her competitor and sees no other alternative of stopping her partner.

Robot and Human Right

It worth mention that, with such advances in deployment of sexbot, and dynamic progress in the fields of artificial consciousness, the issue of “human right” as it is applicable to robot may be another dimension to look into. This dimension has been raised with intelligent machines generally, [12], and by extension it will be of particular interest in the event of sexbot. Of immediate concern is that, if a marriage is to be tied between robot and human being, what legal right is to be demanded or allocated to the robot partner in terms of care, maintenance,

and accommodation etc. This is a future trend that should be expected to follow the “inevitable appearance of robot as sex partners” among us.

Islamic Perspective on Sex Robot

Islamic Law is based on the sources where laws are derived such as *Quran*, *Sunnah*, *Ijma* (consensus of Islamic Jurists), *Qiyas* (analogical deduction), *Istihsan* (equality in Islamic law), *Maslahah Mursalah* (public interest), *Urf* (custom) *Istishab* (presumption of continuity). In addition, *Sadd al-Dhara'i* (blocking the mean) and *Ijtihad* (personal reasoning) are the sources of Islamic law. The derivation of law from all the sources is based on the supremacy and superiority of each source of Islamic law. This is because Quran is independent and prime source of Islamic law and authentic hadith of Prophet Muhammad (s.a.w). The rest are dependent sources that depend on both *Qur'an* and *Sunnah* of Prophet Muhammad (s.a.w). [14] Therefore, the law or punishment of any committed crime must be firstly searched from *Qur'an* and in the absence of provision in the *Qur'an* textually, then, Sunnah is the next source to search for law of punishable crime committed willfully. The priority would be given to the sources of Islamic law accordingly until law shall be derived because it is the duty of the head of state to protect the society from lawless and social disorder. On the other hand, some punishments were prescribed by Almighty Allah and they are unchangeable because nobody is permitted to increase or reduce the punishment such as murderer, theft, adultery or fornication, accusation and other prescribed punishment. [13]

Criminal is considered as sick person who needs treatment attention liked sick person who needs medical attention from medical doctor that prescribes medicine for the patient. The act of criminal is abnormal, irrational, unethical, and unacceptable in society because any rational person will not involve in any irrational behavior, chatter, and attitude such as sex robot because the real sense of enjoyment is lacking. This is because having intercourse with robot is unethical, immoral, uncultured, slap to the marriage institution and disrespect for human being. [15]

Criminal Liability in Islamic Law

Commission or omission of any unlawful or illegal act for which its punishment has been prescribed in the Quran or *hadith* is known as a crime. Therefore, commission or omission of any forbidden act is punishable under the Islamic criminal law. Every offence is considered as *jinayat* regardless whether it entails imprisonment or fine or severe punishment. [16] Based on that, any offensive act against robot should entail severe punishment or imprisonment or

fine on the offender as a deterrent and lesson to others. The Islamic Law has specific conditions and principles that make it different from other legal systems. These differences are specifically highlighted in the discussion on the criminal law provisions over the issue at stake. Hence, the judges in the Islamic courts have the right to pass judgment over the criminal liability of an offense based on the Islamic framework and principles. This framework and principles categorize the crimes in accordance with the punishment prescribed for it.

Hudud as defined is a punishment prescribed by Allah, hence, it is considered part of Allah's right. This assertion denotes that there are various kinds of punishment and among them are the ones prescribed by Allah and these kind of punishment do not allow for *ijtihad* as it cannot be reduced or increased. The implication of this is that the prescribed punishment by Allah must be executed and implemented accordingly regardless of the status of the offender and as such these kinds of punishments can neither be annulled nor changed by the authority. [17] Hence, there is no immunity for anyone in such a prescribed punishment as it cannot be reduced or increased it because it is prescribed by Allah. Therefore, if any person committed sex robot is considered as punishable crime, although, the judge can use his discretion to determine severe punishment against the offender as a deterrent and lesson to others. Commission of intercourse with robot is fall under the prescribed punishment based on analogy and the punishment for adultery or fornication must be effected as a deterrent and lesson to others. Moreover, it is compulsory on the authority to let the execution of such a punishment takes it effect and failure to carry it out the said punishment amount to commission of sin by the authority. The implementation of *hudud* is important and necessary to maintain peace, security, and stability in the society. The essence of this punishment is to prevent the criminal from committing the same offence in future and it also serves as deterrent to others. [18]

Qisas and Diyyah

Literally, *qisas* is defined as equality and equivalence which means that a criminal who commits or violates the rules and regulation by killing another person should be punished in a way that is similar to his action. [19] As for *diyyah*, it is defined as the basic or substantive punishment for quasi-intentional and inadvertent homicide or infliction of wound. This kind of punishment is based on the injunction of Holy Quran that says: "It is not for a believer to kill a believer unless (it be) by mistake. He who hath killed a believer by mistake must set free a believing slave and pay the blood-money to the family of the slain, unless they remit it as a charity". [20]

The message of Allah, Prophet Muhammad (s.a.w.) is reported to have said: "Whoever is killed inadvertently as by flogging or beating with a stick or being hit by stone, his blood-price is a hundred camels.

Based on the above mentioned verse, *diyyah* is legally permitted through the payment of fine or compensation to the victim or victim's family as social justice. Therefore, *diyyah* or compensation can be applied and implemented on crime against victim in a situation where the victim was coerced to have sex with robot at the point of gun or threaten to be wounded or killed. So, if the intercourse with robot inflicted with the victim especially female victim in her private part, the law must take effect. The other crimes that fall into *Qisas* category are willful murder, willful dismemberment of limbs and willful infliction of injury by mistake. [21]

Types of Qisas

Crimes of *Qisas* are five namely, murder, voluntary killing, involuntary killing, intentional physical injury or maiming and unintentional physical injury or maiming. The above are clearly mentioned in Quran and *hadith*. These crimes carries the following punishments namely, retaliation are *diyyah* or compensation in accordance with the Quranic and *hadith* injunctions.[22] The prescribed punishment for any of the above mentioned crimes must be executed and carried out judiciously. So, if the victim dies as a result of sexual intercourse had with robot that inflicted wound into the sensitive part of her body which might result to the victim's death, the offender must be punished accordingly.

Application of Ta'zeer Punishment on Sex Robot

Ta'zeer means chastisement and it is prescribed for such offences that are not categorized as *hudud*. It is a kind of punishment which is not prescribed or mentioned in the Quran or Sunnah. The quantity and kind of such a punishment has been left to the discretion of Islamic judge to determine according to the circumstances which may surround the case. It is a kind of punishment that ranges from minor nature such as admonition and warning to a severe punishment like lashes or capital punishment in case it is a murder case. [23] Therefore, if the judge sees that any prescribed punishment by him will serve the purpose of punishment against the criminal who committed sex robot because it against humanism and abuse to the marriage institution. If such an act failed to be legally and severely curtailing by the authority and it's allowed to spread, many will divorce their wives or husband while some may jettison marriage simply because he or she is enjoying with robot. The punishment of sex robot would be further discussed in subsequent pages.

Ta'zeer as a form of Islamic law punishment is considered as lawful provided that all the rules and regulations guiding are properly taken into consideration when determining the punishment of *ta'zeer*. It's legality was established through the tradition of Prophet Mohammed (s.a.w). [24] The ideal thing is not to allow lawlessness, immoral, and unethical act in society. Otherwise, the rate of crime in society will escalate and society will become lawless society where everyone is free to act in accordance with his or her will. [25]

Difference between *Ta'zeer* and other punishment

There are differences between *ta'zeer*, *hudud*, *qisas*, and *diyat* punishments and they are as follow. Firstly, it has been previously mentioned that certain punishment cannot be changed or amended by judges or jurists. This is peculiar to the punishment of *hudud*, *qisas*, and *diyyah* which have been prescribed by Almighty Allah or the *Sunnah*. Therefore, it is beyond the capacity of the court to amend or change such punishment. Even these punishments cannot be reduced or increased regardless of what may be the status of the offender. Unlike *ta'zeer* punishment which are not prescribed or stated in the *Quran* or *Hadith* but which can be determined through the discretion of the court not only to the offenders but to others as well. Therefore, as court is empowered to award the minimum or maximum punishment on the basis of the circumstances which may surround the offence and in line with gravity of the offence in the best interest of the society and the individual. [26] It can be applied on the crime committed against robot such robot prostitutes, robot concubine, marriage with robot which are all crime under Islamic law and carry punishment.

Secondly, any *hudud* or *qisas* or *diyyah* punishment are irrevocable which mean that the court has no jurisdiction or power to intervene. Rather, it's duty is to pronounce the appropriate punishment and execute it accordingly. This is contrary to *ta'zeer* punishment where the judge or the person in charge has the authority or power to reduce or increase and even pardon the offender as the case may be in the best interest of the society and community. Therefore, it is unlawful for judges to reduce or pardon the criminal due to his or her social status or personality. There is no room for immunity under Islamic law especially on any crime where its punishment has been prescribed by Almighty Allah. Therefore, the punishment must be meted on the criminal. If the judge sees that capital punishment against the married person who committed sex with robot will affect the family or society, then, the judge can use his authority conferred on him to determine lesser punishment. It has to be cleared that the judge

considered family and society interest not the status of the offender. This is based on the ground that robot sex did not clearly stated in the *Qur'an* but based on the punishment is based on analogy.

Thirdly, in *ta'zeer* punishment, the offence and social status of offender are taken into consideration while social status of the offender of *hudud*, *qisas*, and *diyyah* categorized crimes are of no consequences and has no impact on the punishment. [27] Despite the fact that the social status can be considered in *ta'zeer* punishment, nevertheless, light punishment shall be meted on the offender in order to feel guilty, ashamed, and unethical person due to his or her status.

It can, therefore, be summarily emphasized that jurists could determine fornication or adultery with robot on the basis of the principle of *ta'zeer* provided that all the rules and regulations are perfectly taken into consideration.

Types of *Ta'zeer*

Under the Islamic law, there are different kinds of *ta'zeer* punishments which may be imposed on an offender as criminal liability in respect of the crime that might have been committed. However, Islamic law does not prohibit any sort of *ta'zeer* provided that the punishment is able to serve the purpose meant for which to rehabilitate the offender and to deter others. Therefore, any kinds of *ta'zeer* punishment can be meted on the offender as blocking the means of crime in the interest of decent and religious society. [28]

These types of *ta'zeer* are: Capital punishment: This kind of a punishment is not allowed and permitted as *ta'zeer* under the Islamic law because the main objective of *ta'zeer* is to reshape the culprit from further committing or pursue bad conduct and rehabilitate him. Therefore, amputation of limb or death penalty is unlawful and invalid under Islamic law principle in regards to *ta'zeer* punishment. Although, some Islamic jurists permit capital punishment as a form of *ta'zeer* on the argument that if such a penalty would put an end to the crime in society. Such as robot abuse in a way of having sexual intercourse that will tantamount to the abandoning of house wife or husband because of trivial enjoyment or causing fight between couples that resulted to death, then, it is well and good. Classical jurists were different on their views on capital punishment as *ta'zeer*. The Hanafites for example uphold the view that it is improper to award death penalty as *ta'zeer*. This opinion is express by Ibn Taimiyyah, Ibn al-Qayyim and some disciples of Imam Malik as well. On the other hand, Imam Malik, Imam Shafi'i and Imam Hanbal were of the view that capital punishment can be awarded on a criminal who

may be found guilty of the alleged and accused crime or offence. [29]

In this regard, one can say that capital punishment is admissible or inadmissible in case of robot sex but the power should be given to the uncorrupt judge to determine the fate of the offender. This is because it will serve as deterrent and lesson to others. Therefore, this study agrees with the both opinions provided that the judge is given free hands to determine the deterrent punishment after all the considerations have been considered. It should also be bond in mind that death penalty has been prescribed in the Quran and *Hadith*, therefore, no one has authority to go against any of the prescribed penalty.

Second, Punishment of lashes; This kind of punishment is allowed under the Islamic law as *ta'zeer* with the aim of preventing the habitual offenders from committing any of those crimes. According to Imam Malik, an offender may be scourged with more than a hundred stripes despite the fact that the punishment of lashes prescribed on *hudud* does not exceed hundred stripes. On the other hand, Imam Abu Hanifa and Imam Muhammad held the view that lashes should not more than thirty nine while Imam Abu Yusuf said lashes should not exceed seventy-five. [30] This research therefore suggest that if judges can consider the implementation of lashes as *ta'zeer* against a culprit of robot sex, then, it would be appropriate and it might reshape the offender as medical treatment to the offender's psychological illness. The traces of scourges will reminds the criminal whenever he or she intends to recommit similar offence with robot or any other things or animal. [31]

Third, banishment punishment, this is another form of *ta'zeer* punishment for offences that the minimum period of banishment is one day while others are of the view that maximum of banishment should be between 6 months to one year. On the issue of sex with robot, instead of banishing the criminal, it is rather better to imprison the guilty offender as a deterrent and lesson to others. Banishing the criminal cannot reduce his or her unethical fornication with robot in as much the culprit financially capable to buy the new robot wherever he or she finds him or herself. The robot fornicator should be reshaped religiously and ethically during the term of his or her sentence. There should be un-informed cross checking from time to time in order to keep eyes on the offender. [32]

Fourth, death by hanging is mainly for the *hadd* punishment while some scholars are of the view that death by hanging can also be considered as *ta'zeer* punishment. To this study, death penalty by hanging may not be applicable and implementable unless

there are enough and credible evidences to justify the death by hanging of robot fornicator or adulterer.

In addition, admonition and exhortation are also considered as *ta'zeer* under the Islamic law if the court strongly believes that the offender would be rehabilitated by such punishments. Therefore, if admonition and exhortation are found to be suitable as punishment for robot adulterer, it can be adopted provided the case is well carefully and firmly studied by the court and judge. Otherwise, the room would be opened for the national or international human right watch to against the sanctity of Islamic law and Islam at large that might trigger unforeseen negative consequences in society.

Lastly, on monetary fine is also considered as *ta'zeer* punishment under the Islamic law in a situation where a more fine is imposed on the offender as a form of criminal liability. So, if the judge sees that monetary fine is suitable and will serve its purpose, robot fornicator or adulterer that requires a monetary fine (compensation) as *ta'zeer* punishment, he or she should be enjoyed to pay imposed fee. Such monetary fine can be utilized to develop and transform society. The judge should evaluate the financial status and capability of robot fornicator carefully before awarding the monetary fine because the imposed fine must has effect on the offender negatively. Then, it will remind the criminal at all time.

The researcher is therefore of the view that any of the above mentioned *ta'zeer* punishments could be imposed on a person found of to have duly commits adultery, fornication, marriage with robot, and other heinous crime with robot in order to safeguard the society from lawlessness, unethical, irreligious, immoral society and also to protect human dignity and marriage institution. Punishing the robot sex offender is a way of controlling crime maintaining law and order in society. [33]

Shariah rulings against sex robot

Sexual offences

Under the ruling of Islamic law, the married adulterer is liable to the stoning to death while unmarried would be flogged. [34] Stoning the married adulterer will serve as example and strict warning to other married persons who are not adulterer and flogging is to chastise the fornicator and lesson to others. [35] Based on the divine punishment of adultery, sexual crime against robot or with robot or forcing innocent person to have intercourse with robot will incur similar punishment or light punishment that will reprimand the offender and lesson to others from committing similar offence. The reason is that, the Quran provides that the adultery which involve any such of crime related to sexual intercourse against

another person, both adulterer and adulteress shall be punished accordingly. The punishment for adultery should be stoned to death if the criminal is married person, or hundred lashes if the offender is unmarried fornicator. [36]

It has been previously discussed that traditional concept and practice of marriage is a contract between male and female, man and woman or masculine and feminine. Therefore, any marriage contract between the same sex or the same gender or animal is illegal and unlawful under Islamic law even, the contracting parties of such illegal and unlawful marriage would be liable to the severe punishment. Based on that notes, sodomy, homosexuality, lesbian, gay marriage and robot sex, robot marriage, robot concubine, or prostitute is illegal and punishable crime under the tenet of Islamic law. [37] If man and man or woman and woman consented on contract marriage, such unionism contravene the principle of Islamic law and such act punishment has been prescribed that carries death penalty. [38] The act of lewdness is a sin and crime under Islamic law on the ground that committing lewdness is a sign of transgressing and violation prohibited act. The marriage contract is between two different sex not the same or similar sex, nor with animal or robot which is the focus of this study. [39]

The Islamic jurists unanimously agreed that sodomy and homosexuality is a zina (adultery) which is punishable act but the jurists differed among themselves on the gravity and nature of punishment. The majority of classical scholars opined that the punishment of sodomy and homosexuality is fall under (*hudud*) punishment because both are unnatural sexual intercourse between the same gender. On the other hand, Iman Abu Hanifa held the view that sodomy cannot equated with zina (adultery), therefore, is not liable to hudu punishment rather the criminal can be corrected by ta'zeer. Similarly, bestiality is a punishable crime under Islamic law regardless of the criminal social status. According to Imam Shafi'i and Imam Hanbal hold the view that punishment of bestiality is stoning to death and animal subjected to the sexual intercourse should be killed. Contrary to that, Imam Abu Hanifa, Imam Maliki and Zahir were at the view that the bestiality offender should be punished by ta'zeer and animal should be killed but animal flesh is lawful and permissible. [40] Ibn Qudamah argues in support Imam Abu Hanifa and others that offender should be liable to ta'zeer punishment because they are majority. To this study, Imam or judge should be given power to determine deterrent punishment based on his discretion and however, both views can be applied based on the situation, condition, and society. In regards to sex robot, it can be deduced from the

classical jurists' view on bestiality that sex with robot carries similar punishment while judge will be empowered to determine the punishment against the guilty offender. [41]

Marriage with Robot and Human Rights

Marriage is a lawful and legal contract between male and female that signify solemn agreement between the concern parties. The consented agreement will legalizes conjugal relationship between the cupules and procreation as one of the purpose of marriage. [42] It can be inferred from the concept of marriage that it's a union between male and female and any marriage contract with robot or to the same sex is considered as crime and sin. Therefore, marriage with robot is a punishable crime under Islamic law. [43] Article 16 of Human Declaration 1948 provides that men and women of full age have the right to marry with free and full consent of the intending spouses. The article is in harmony and in line with principle of Islamic Law that permit different sex to marry together as husband and wife and against robot sex and similar illegal intercourse. On the other hand, article 17 of Declaration of Human rights also provides that everyone has the right to own property alone well as association with others. [44] It is cleared from article 17 that everyone has the right to enjoying his or her property where acquiring robot is considered as owner's property and he or she has the right to enjoy his or her robot. The question is whether there is ethical limitation to the usage of robot or the owner can enjoy his or her purchased robot without limitation. It must be quickly stated at this juncture that all the creature's act, deed, life, property, enjoyment. Affluence, and other would be held accountable for in the hereafter, therefore, rational conscience must be allowed to overwhelm robot owner when exploiting robot advantages. Otherwise, spoilage limit or illegal usage must be refraining by the robot's owner. [45]

CONCLUSION

Although the emergence of full sexbot as alternative to both human sexes is still at infant stage, its reality cannot be underestimated. Looking at various technological, social, psychological and economic factors that are positively contributing to this trend, it is noted in this study that, dynamic analysis and discussion on ethical and legal implications of this emerging trend are essential as a preventive measure against its possible negative impact. Although, several positive reasons may be advanced in its favor, there is need to weight both size of the 'coin' in order to proffer a sustainable solution that will advance humanity towards social peace and stability.

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