

Legal rights for intelligent robots?

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Currently, intelligent robots face a public acceptance issue as some people consider them as job thieves. However, what makes it worse is the action of irresponsible individuals who vandalise the robots and leave them broken.

Scientists and legal right activists have come out with several suggestions to draft a set of laws to protect robots, at least as a property of its owner. At the same time, the necessity of the law to protect humans from the harmful acts of robots has to be prioritised, as proposed by Isaac Asimov in the Law of Robotics.

These measures are in line with the objectives of Islamic Law (Maqasid al-Syariah) to protect the human benefits (masalih) and welfare. In this case, two of the essentials of Maqasid al-Syariah need to be highlighted, namely the protection of life (hifz alnafs) and the protection of wealth or property (hifz almal).

If the intelligent robot is to be regarded as an object under human possession and responsibility, then it would bring into the picture the Islamic concept of ownership and accountability. To safeguard a property means to protect it from damage, harm, theft, exploitation, or injustice. This means any property, including robots, owned by humans is protected by property laws.

The suggestion to create "robot rights" in this case is favourable as it will give a chance for robots to stay safe and protected in many ways. At the same time, it will also promote the protection of human property (hifz almal) from the action of irresponsible persons or group of persons.

On the other hand, the person or group of persons in charge of the robot is obliged to bear responsibility, in case of violation. The second caliph, Umar al-Khattab, during his reign had shown in his judgement an important aspect of accountability of the owner.

There was a case where a slave stole food for which he was not punished. Instead, the caliph took his master to task for his failure to provide enough subsistence to satisfy the slave's needs. Consequently, his master had to pay double the amount stolen by the slave as a punishment. This story showed fair and good judgement by the ruler or the government, which emphasises the accountability of the owner for what they own.

There is also a lesson one can learn from a historical event mentioned in the Quran related to the ruling on the destruction of property during the time of Prophet Daud, and Prophet Sulaiman. There was a case where sheep owned by certain individuals had destroyed crops belonged to another group of people. Prophet Sulaiman ruled that the owner of the sheep was obliged to pay compensation in kind until the field was restored to its former state (al-Anbiya 21:28).

At the same time, he also took into account the loss of benefits while waiting for the field to be restored. A similar approach might be applied to the robots in case of violation.

In order to protect human life and property from the loss caused by a robot, the owner of the robot must take full responsibility to pay compensation if applicable. If the recovery or return process takes some time, then additional compensation must be included to cover the loss of benefits during this period.

More specifically, the criterion of bearing rights and duties in Islamic law is legal capacity (ahliyyah), and it is possessed by the human person who can understand the meaning of responsibility.

A question then arises as to the time when ahliyyah is vested in a human being, to which the Muslim jurists have responded that the starting point of ahliyyah is as of the time when a foetus possesses life.

Yet, an unborn foetus has only a receptive legal capacity (ahliyyah al-wujub) in that it can receive a right but cannot bear an obligation. An unborn foetus, for example, can receive inheritance. It thus appears that life itself is the criterion of ahliyyah.

When this test is applied, it would appear that a robot does not possess ahliyyah. But, since robots can do an act that may bring benefit or loss, like the animals, the most one can say legally is to equate it with an animal.

Liability for loss is, therefore, ascribed to the owner or manufacturer of the robot. But, this may still be subjected to further development in technology — hence, a tentative opinion.

The issues of legal rights involving both human and robot are not limited to the examples mentioned above. We need more suggestions and appropriate approaches that favour both human and intelligent robot to have suitable legal rights that could harmonise their interaction.

The Islamic concepts of ownership, accountability, protection of life and protection of property may provide important indicators to guide future research to develop a suitable legal rights framework for robots.

However, the construction of this framework should not be limited to these concepts, but remain open to other beneficial concepts that could further strengthen it. More research may be needed as the technological advancement is rapidly evolving.

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