

## **Artificial Intimacy and Islamic Jurisprudence: Legal and Ethical Perspectives on Sex Robots**

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**Abstract:** In light of the integration of artificial intelligence and the substantive progress in the robotics industry, a type of robots called sex robots has emerged, which some see as an alternative to natural sexual relations. A man finds a "female robot" as an alternative to a real woman and has a sexual relationship with the female robot, and the same applies to women. Therefore, this research aims to present the jurisprudential view on having sexual relations with robots. The research used the descriptive analytical method based on describing the nature of sex robots, then extrapolating the jurisprudential view of this sexual relationship from jurisprudential sources. As for the results and conclusions, the research concluded that the jurisprudential vision of this topic is represented in the prohibition of having sexual relations with robots in all their forms, and it is not permissible to use a robot for sexual purposes except when necessary; so that if a man or woman does not have to either use a robot or commit adultery, then use is permissible out of necessity; based on the opinion of the jurists of the Hanafi school, which sees masturbation as permissible in the event of fear of adultery, and the opinion of the jurists of the Hanbali school that masturbation is not permissible except when necessary. The scientific contribution of this study is evident as it deals with a realistic issue that has become widespread in contemporary times. This issue is not known to many researchers as well as the general public. Thus, it was necessary to present the jurisprudential perspective. Moreover, this study may be the first of its kind to address this topic.

**Keywords:** Artificial Intimacy; Robots; Sex; Masturbation; Islamic Jurisprudence.

### **Introduction**

**I**n 2009, RealDoll created one of the first sex robots, Realbotix. Since then, technological advances have developed sex robots that are more human-like and thus popular with consumers (Yalcinkaya et al., 2023; Appel et al., 2019). The sex technology industry was valued at \$30 billion in 2017, and sex robots are sold for a price between \$5,000 and \$15,000 (Cox-George & Bewley, 2018). During the coronavirus pandemic, sales of sex technology devices increased by more than 50% in Germany and 60% in both the United States and Italy. Sex robots and sex toys have become acceptable in some societies, and this is evident in consumer markets. These robots are expected to become more widespread in the coming decades (Mainenti, 2020).

Therefore, the problem of this research paper seeks to clarify the jurisprudential rulings related to the sexual uses of robots, by answering a few questions: What are sexual robots, and what are their pros and cons? What is the jurisprudential conclusion of having sexual relations with robots? Are there historical evidence and examples of alternative sexual tools in Islamic civilization? What are the suspicions raised about the permissibility of sexual relations with robots, if we adopt the jurisprudential opinion regarding the permissibility of masturbation? Therefore, the problem of this research paper seeks to clarify the jurisprudential rulings related to the sexual uses of robots, by answering a few questions: What are sexual robots, and what are their pros and cons? What is the jurisprudential conclusion of having sexual relations with robots? Are there historical evidence and examples of alternative sexual tools in Islamic

civilization? What are the suspicions raised about the permissibility of sexual relations with robots, if we adopt the jurisprudential opinion regarding the permissibility of masturbation?

A growing body of research has explored the implications of sex robot usage from various perspectives. Bisconti (2021) investigated the hypothesis of whether interactions between humans and sex robots influence users' abilities in human-to-human sexual relationships, as well as the mechanisms underlying such interactions. Meanwhile, Eichenberg et al. (2019) conducted an exploratory survey to assess the attitudes of sex therapists and medical professionals regarding the potential therapeutic benefits of sex robots.

Several studies have examined the role of sex robots in supporting specific populations. Pasciuto et al. (2023) analyzed the potential advantages of sex robots for individuals with autism spectrum disorders, while other scholars (Sparrow et al., 2023; Bianchi, 2021; Boni-Saenz, 2021; Fosch-Villaronga & Poulsen, 2020) have investigated the impact of sex robots in the care of individuals with disabilities and the elderly. Specifically, Jecker (2021) addressed the potential benefits of sex robots for elderly individuals with disabilities, highlighting their implications for improving quality of life.

Moreover, the discourse on sex robots extends to emotional and ethical considerations. Döring and Poeschl (2019) examined the relationship between love and sex in human-robot interactions, while Carvalho Nascimento et al. (2018) explored ethical dilemmas associated with sex robots, such as sexual deviance and their potential role in exacerbating loneliness. Similarly, Earp and Grunt-Mejer (2020) critically analyzed the ethical dimensions of sexual activity between humans and robots, raising concerns about moral and philosophical implications.

Despite the breadth of research on sex robots spanning psychological, medical, social, and ethical perspectives, a significant gap remains in the academic literature regarding their evaluation from an Islamic jurisprudential standpoint. A comprehensive review of university theses and peer-reviewed journal articles revealed a conspicuous absence of independent studies addressing this issue. The existing discourse is largely confined to scattered fatwas, which lack systematic academic analysis.

This study seeks to bridge this gap by providing a rigorous examination of the issue through the lens of Islamic jurisprudence. The increasing prevalence of sex robots as a contemporary phenomenon necessitates scholarly engagement, particularly given its ethical, legal, and theological implications. However, this topic remains underexplored among both the general public and Islamic legal scholars. Therefore, this research aims to contribute to the academic discourse by elucidating the Islamic jurisprudential stance on sex robots and demonstrating the adaptability and relevance of Islamic legal principles in addressing modern ethical dilemmas.

## Literature Review

### The Concept of Sex Robots

Robots can be defined as the application of computerized electronic control systems to mechanical devices and are designed to replace humans in performing certain tasks (Koverola et al., 2020; Carvalho Nascimento et al., 2018). As for the sex robot, it is an artificial robot designed to be used for sexual purposes, and this robot is characterized by several characteristics, namely: its external shape resembles the human body, it is designed to move its upper and lower body, it has a vibration property in the reproductive organ, and it exhibits human-like movements and behaviors with the aim of creating a sense of interaction or communication with a real human. Additionally, it has a relatively advanced artificial intelligence system. These three characteristics distinguish sex robots from sex toys, especially sex dolls. Although sex robots resemble sex dolls, they are equipped with sensors, actuators, and artificial intelligence. The first sex robot was introduced to the market in 2010 (Taqwa et al., 2023; Ma et al., 2022; Dubé et al., 2022; Döring et al., 2020).

## Sexual Objectives from Using Sex Robots

These robots can perform sexual behaviors, such as intercourse between a human male and a female robot. The female robot simulates sexual ecstasy through facial expressions, vocal sounds, and tactile stimulation of the genitals. Both males and females purchase these robots for pleasure, and some women believe that sex robots can improve their sexual experience (Eichenberg et al., 2023; Li, 2022; Fosch-Villaronga & Poulsen, 2020). Proponents of these robots see potential benefits in their use, such as reducing the spread of sexually transmitted diseases and decreasing sexual abuse of children. Since some individuals have deviant desires toward children, the availability of child-like sex robots is believed to reduce real-world abuse (Grigoreva et al., 2024; Pasciuto et al., 2023; Wolff, 2021; Danaher, 2019; Mars, 2018; Torjesen, 2017).

## Islamic Jurisprudence

Islamic teachings govern all aspects of life and are generally divided into three aspects: belief, ethics, and Islamic jurisprudence, which is the practical aspect of Islam (Daud, 2021). Four major jurisprudential schools have emerged in Islamic history and are still present today. The Hanafi school was founded by Abu Hanifa al-Nu'man bin al-Mundhir, who died in 767. The Maliki school was founded by Imam Malik bin Anas, who died in 795. The Shafi'i school was founded by Imam Muhammad bin Idris al-Shafi'i, who died in 820. The Hanbali school was founded by Imam Ahmad bin Hanbal, who died in 855. One of the main reasons for the emergence of these schools is the difference in understanding of Qur'anic and Prophetic texts (Wimra et al., 2023; Abu Afifa, 2023; Gulam, 2017).

The topic under discussion is considered a new issue that was not addressed by classical jurisprudential schools. However, deriving legal rulings for new and unprecedented issues follows structured principles known as *usul al-fiqh* (principles of jurisprudence). These principles serve as guidelines for extracting legal rulings from Islamic sources, considering the objectives of Islamic law (*maqasid al-shariah*), which are the fundamental goals intended to be preserved by Islamic legislation (Alasmari & Aljohani, 2024; Rohayana & Muhtarom, 2021). These diverse sources enable Islamic jurisprudence to determine legal rulings for contemporary issues in every era (Rohayana & Muhtarom, 2021).

## Method

Regarding the research methodology, the researcher used the qualitative research strategy by extrapolating and collecting data from reliable scientific sources. This research strategy enabled the researcher to gain an in-depth understanding of the core research problem through the use of self-evaluation (Bell et al. 2022). Moreover, the researcher relied on direct texts from the Holy Qur'an and the Sunnah of the Prophet to support the arguments, as well as referring to the original jurisprudential books in the different schools of jurisprudence. Then, the data was analyzed descriptively to delineate the jurisprudential ruling on the use of robots for sexual purposes.

## Results and Discussion

### Sex Robots: Between Technological Innovation and Ethical Challenges

Sex robots can be defined as mechanical entities with a human-like appearance that are used for sexual purposes. They are produced in different appearances [mostly female] and can be modified according to the user's desire in terms of height, hair and eye colors. Sexual robots are distinguished from other sexual tools such as sex dolls. These robots aim to create a vivid impression of real interaction with another person by executing human movements and behaviors and artificial intelligence, by simulating and expressing different emotional states and human moods. (Oleksy & Wnuk, 2021; Kaufman, 2020; Appel et al., 2019)

As for the pros and cons of the use of sexual robots, among its most prominent positive aspects include: (i) reducing the spread of the phenomenon of prostitution in societies, (ii) limiting the sexual

exploitation of children, (iii) in addition to preventing the spread of sexually transmitted diseases through the provision of female sexual robots made of anti-bacterial fibers. (Richardson, 2016; Yeoman, & Mars, 2012). Conversely, the negative aspects include, from a medical point of view, sexual activity with robots can be defined as masturbation, and some studies indicate that this type of sexual activity leads to isolation from society. (Cox & Bewley, 2018; Facchin et al., 2017)

In addition to the above, Sarhan, Senior Consultant Psychiatrist, explained that these images and behaviors reflect a way to relieve normal or abnormal sexual desires, as their effects are similar to masturbation by imagining or watching pornographic films. Sarhan added that the psychological effects may be acceptable if they are within reasonable limits, but if they become preferred over normal sex, they will lead to sexual and psychological problems. This is the case where the spouse does not become sufficient to arouse and satisfy the aforementioned desires, and the use of robots may lead to the consolidation of abnormalities. Many people who become accustomed to these practices have psychological problems such as social phobia and isolation, some may suffer from depression and psychological anxiety, and entering into these practices becomes a reason for the deterioration of the mental state. (Sarhan, 2023)

### **Islamic Jurisprudence Ruling on Using Robots (Alternative Means) for Sexual Purposes**

The early scholars dealt with the subject of provisions for sexual alternatives and the use by some men and women of tools to satisfy their sexual needs, for example: having intercourse with animals. Among these scholars: Ahmed bin Abdul Halim bin Taymiyyah, deceased in 1328 AD, stated in one of his books that there are men who fulfill their sexual needs with animals such as: female dog or donkey, as well as listing some sexual tools used by women. It was evident that women used phallic-shaped tools and inserted it in their vaginal cavity (Ibn Taymiyyah, 2001, p. 254). Also, amongst them is Mustafa bin Saad bin Abdu Al-Suyuti, deceased in 1827 AD, added to what Ibn Taymiyyah mentioned in reference to the sexual relationship between women and animals. He referred that some women would have intercourse with a monkey (Al-Suyuti, 1994, p. 182; Al-Abadi, 2006, p. 389). In addition to the reference of some sexual devices in the jurisprudential heritage, as mentioned by one of the Muslim scholars, Muhammad ibn Abi Bakr ibn Qayyim Al-Jawziyah, deceased in the year 1350 AD, such as the "Al-Akrabeh" tool, which is a phallic-shaped tool made of leather that the woman inserts into her vaginal cavity. Moreover, Ibn Qayyim cited that some women similarly use cucumber or squash for such purposes. Also, some men make a statue in the image of a woman and carve orifices out of dough or leather, then insert his penis into the opening to satisfy his sexual desires. (Ibn Al-Qayyim, 2004, p. 1470-1471)

### **Qualifying the Deed and its Punishment under Islamic Jurisprudence**

It should be noted that the penal system in Islamic jurisprudence is divided into three levels. The first being Retribution, which is based on reciprocity, so the murderer is punished in-kind with retribution, and the second level: the "had" or prescribed punishment, which is related to major crimes that threatens the security and stability of society, such as the crimes of theft, adultery, and the corresponding prescribed punishments are characterized by being fixed, in other words it is not possible to alter the ruling as the punishment is fixed. As for the last level, which is the broadest level, it is the reprimand or "Ta'zir", which is a legitimate punishment for the purpose of discipline for a criminal act, but it is not a fixed punishment as the conditions of the prescribed punishment are not fulfilled, and the punishment is not explicitly specified under Islamic law, but it is subject to the discretionary authority of the judge. (Al-Muwaziri, 2022; Al-Salibi & Al-Tatar, 2021; Al-Ani, 1998, p. 85-87).

As for the nature of sexual relations with the robot; It can be shown in the following situational relations: The first is having a sexual relationship between a male robot with a "human" woman, the second is having a sexual relationship between a "human" man and a female robot, and the third is having a sexual relationship between a male robot and a "human" man. As for the jurisprudential rulings for these situational relations, the researcher showcase them as follows:

The practice of a sexual relationship between a male robot and a "human" woman, as well as the practice of a sexual relationship between a "human" man and a female robot, which can be said to be similar to a sexual relationship with an animal. This act is prohibited in jurisprudence, and many Muslim jurists have stated that if a man tramples on an animal, the punishment for adultery is not imposed on him. And they inferred a rule: there is no punishment for the one who comes to the beast (Abu Dawood, 2009, p. 514). Equally, if a woman enables a monkey to trample herself and trample it, her ruling would be the same as a man's sexual intercourse with an animal. The act in itself is a prohibit in jurisprudence, but it is not measured according to the jurisprudential law as adultery. Since the most important condition for qualifying the act as adultery is that the full sexual relationship takes place between a man and a woman, and the "male and/or female" robot is not human. Therefore, the punishment is reprimand (Ta'zir), which is left to the discretion of the judge. It may be imprisonment and/or a financial fine, or it may be set to render community services, or it may be otherwise in light of what the judge deems appropriate. (Al-Ragheb, 2018; Al-Jawarna, 2018; Al-Abadi, 2006, p. 389; Al-Damiri, 2004, p. 109; Al-Rafi'i, 1997, p. 144; Al-Suyuti, 1994, p. 182; Ibn Abdeen, 1992, p. 26; El Hefnawi, 1986, p. 497).

Furthermore, having a sexual relationship between a male robot and a "human" woman, this act can also be adapted as a form of masturbation, and it is prohibited according to most scholars from the Hanafi, Maliki and Shafie Schools, because it is a fulfillment of desire by other than the permissible means. Where Islam limited that through marriage and prohibited every other means that leads to the fulfillment of desire with someone other than the spouse, such as masturbation, fornication, or the use of industrial machines. For instance, God Almighty said in (QS. Al-Mu'minūn [23]: 5-7): "And those who guard their Chastity (private parts) [Verse 5] except with their wives or those 'bondwomen' in their possession,<sup>1</sup> for then they are free from blame [Verse 6] but whoever seeks beyond that are the transgressors [Verse 7]. And the Messenger of God, Peace be Upon Him, said: "Whoever is able to do the prayer, let him marry, for it lowers his gaze, and protects the private parts, and he who does not obey. He has a destination." (Al-Bukhari, 2002, p. 459) The Prophet, Peace be Upon Him, only guided the person with lust if he were unable to marry to perform fasting, and if there was a permissible way other than that, it would have been mentioned. However, the Hanbali school of jurisprudence includes another opinion, which is: masturbation is permissible, when necessary, namely for fear of adultery and not being able to marry; a person -who is not able to marry- has two options; first masturbation, second, adultery; masturbation in this case is justified and permissible. It is based on the rule of Necessity. The Rule of Necessity renders prohibited matters permissible. According to Islamic Jurisprudence, Forbidden Issues becomes legitimate due to dire need or necessity (Setiyawan, 2022; Mud, 2022; Manna, 2017; Qayyim, 2004, p. 1470- 1471).

The practice of a sexual relationship between a male robot and a "human" man, after researcher have explored the jurisprudential heritage, they found that the early scholars took an example close to this situation, which is a man inserting his finger into his anus. The jurist Ahmed Bin Ghanem Al-Nafrawi, deceased in 1714 AD, stated that it is not permissible for a man to put his finger in his anus because it is one of the heresies that is forbidden, as it is deemed a form of sodomy (Al-Nafarawi, 1995, p. 132). The researcher believe that this act is a prohibit in jurisprudence based on the principle of blocking the excuses, which is one of the foundations of legislation in Islamic jurisprudence. It is based on the fact that if the means or the way it leads to a profane act, then the means and the method are prohibited in order to prevent the consequences of subsequent evils (Al-Bukhari, 2021; Ali, 2020; Al-Taj, 2019). As the establishment of sexual relations between a male robot and a "human" man is a pretext and a path to a forbidden act, which is sodomy. Thus, it is the elimination of lust by other than the legitimate path, which is marriage.

Moreover, the researcher believe that it is possible to rely on one of the fundamentals of legislation in Islamic jurisprudence, which is the consideration of outcomes. One of the most prominent Islamic jurists, Ibrahim bin Musa El Shatbi, deceased in 1388 AD, showed that looking into the outcome is considered a standard for establishing intent (El Shatbi, 2004, p. 837). The basic principle is that the jurist must before ruling that the act is permissible or prohibited; consider the actual or expected consequences of that act,

then issuing the judgment according to what achieves the greatest purpose of the Sharia, which is to bring benefits and ward off evil (Hammad, 2020; Al-Masri, 2019). Therefore, if we assume that having sexual relations with a robot is permissible, according to *fiqh*, this will lead to the fulfillment of sexual needs through illegal means. Thus, the rate of marriage will decrease, and then the rate of reproduction and procreation will decrease. This is something that conflicts with the major guiding principles of Islamic Law for the purposes of marriage. Marriage provides a healthy environment to maintain cordial relations between spouses and mutual love between them, and it is the only legitimate means for reproduction and preservation of lineage. Through marriage, men and women fulfill their sexual needs free from diseases and live in peace. God Almighty says: And one of His signs is that He created for you spouses from among yourselves so that you may find comfort in them. And He has placed between you compassion and mercy. Surely in this are signs for people who reflect." (QS. Ar-Rum [30]: 21) (Laluddin, 2014). Some of the examples of the effect of resorting to sexual substitutes to couples/spouses is sex dolls. From a realistic statistic, sales of sex dolls have increased in Japan leading to a significant decrease in the fertility rate, reaching 1 at the beginning of 2020, while the lowest natural rate should be 2.1 (Population of Japan, 2022). Saying that sexual relations with a robot are permitted will lead to men and women being adverse to marriage; The origin of the existence of marriage is destroyed, if we say that the man is not married, but if a married man or a married woman has a sexual relationship with a robot, it will lead to spoiling the relations between the spouses and creating problems between them, and it contradicts with the origin of the relationship between them, which is the intimate bond bringing them together as the Holy Qur'an portrayed by saying : "Your spouses are a garment<sup>1</sup> for you as you are for them." (QS. Al-Baqarah [2]: 187).

### **Addressing the Issue of the Permissibility of Using Sexual Robots Based on the Interpretation of Permissibility of Masturbation**

As long as the jurisprudential interpretation of the use of sexual robots in most of its forms is masturbation, can it not be said that it is permissible? Based on the jurisprudential opinion of the permissibility of masturbation, as some of the Sunnah books narrated some of the exceptions that indicate the permissibility of masturbation. This refers to what was narrated on the authority of Mujahid: He said: "In the past, they used to allow their young men to masturbate, and the woman likewise." It was, also, narrated on Amr Ibn Dinar that he said: "I condone the practice of masturbation" (Al-Razzaq, 1983, p. 391)

In addition, Ibn Hazm Al-Dhahiri's adoption of the opinion that masturbation is disliked, but not prohibited, as he said: "Masturbation is the same for men, because a man touching his penis with his left hand is permissible, and a woman touching her vagina is just as permissible." The whole nation, since it is permissible, there is no more than what is permissible, except for intentional emission of semen. This is not forbidden in the first place, because Allah Almighty said in the Noble Quran: "...And He has already explained to you that He has forbidden to you." (QS. Al-An'am [6]: 119). It is lawful, due to the Almighty saying: "He is the One Who created everything in the earth for you." (QS. Al-Baqarah [2]: 29) Except that we despise it, because it is not of good morals nor of virtues. (Ibn Hazm, p. 407).

The researcher discusses this issue as follows: Firstly, relying on the opinions of some followers who say that masturbation is permissible. The researcher responds that the Sahaba [Prophet (peace and blessings of Allah be upon him) Companions] who are the highest rank of the followers, clearly said that it is forbidden to masturbate. On the authority of Ibn Abbas (may Allah be pleased with him), he said: Ibn Omar was asked about it, meaning to shake (or stroke), and he said: "That is the one who does it himself." (Ibn Abi Shaybah, 1989, p.33). Ibn Omar's phrase is a phrase of slander, contempt, and severe alienation from this act.

Secondly, these sayings transmitted by the followers did not mean by them the absolute permissibility, even if the apparent meaning of their expression suggests that, but rather they meant the permissibility of this act in the event of fear of falling into adultery, and the impossibility of marriage, and there is no doubt that whoever falls between two options, either adultery or masturbation. Masturbation

<sup>1</sup> Garment: (libas) is a metaphor for comfort, chastity, and protection.

is less harmful, as Ibn Abbas was asked about a man who plays with his penis until he ejaculates. Ibn Abbas said: "This is better than committing adultery." (Al-Razzaq, 1983, p. 391)

Thirdly, the response to Ibn Hazm: Ibn Hazm built his opinion on two premises. The first premise that this is done by the man touching his penis, and the second: that he deliberately ejaculates semen; the first premise is permissible unanimously. The second premise is permissible as well, because he did not go beyond what is permitted in the first matter except deliberately ejaculating semen, so that is not forbidden in the first place, and this is not from what has been explained for us as prohibition. It is despised because it is not good morals nor virtues.

The researcher responds by saying that this posits that he made permissibility a principle in masturbation, which is wrong. Because the principle in marriage and in intimate relationships is prohibition except for what is permitted by the Sharia, according to the Almighty's saying in Surat Al-Mu'minūn, Verses 5 to 7: "And they who guard their private parts (5). Except from their wives or those their right hands possess, for indeed, they will not be blamed (6). But whoever seeks beyond that, then those are the transgressors (7)" Thus, since there is no text permissive of marriage of the hand (i.e., Masturbation), so the principle remains that the ruling on what it is, which is the prohibition. (Ibn Aqil Al-Dhahiri, 1982, p. 120-122)

## Conclusion

The ruling on engaging in sexual relations with robots in any form is generally prohibited. However, their use for sexual purposes may be permissible in cases of necessity – specifically, when an individual has no other option but to choose between using a robot or committing adultery. In such circumstances, the permissibility is based on the principle of necessity. This ruling aligns with the opinion of Hanafi scholars, who allow masturbation in cases where there is a genuine fear of falling into adultery (Ibn Abdeen, 1992, p. 399). Similarly, Hanbali scholars state that masturbation is prohibited except in cases of necessity, and this ruling applies equally to both men and women. A woman, therefore, may use something comparable to a male organ if she fears committing adultery (Al-Mardawi, 1995, p. 466; Ibn Taymiyyah, 1987, p. 439). Furthermore, Islamic jurisprudence upholds the principle that the greater harm must be removed by the lesser harm. When two harms exist, and one must inevitably be committed, a Muslim is required to choose the lesser of the two evils while avoiding the greater harm (Ibn Najim, 1999, p. 75; Al-Borno, 2003, p. 268). Adultery is a major sin and causes significant harm, while masturbation is also prohibited but considered a lesser harm in comparison. Therefore, if a person is at risk of committing adultery, masturbation – within the context of this discussion, the use of sex robots – may be deemed permissible as a means to prevent a greater sin.

## Conflict of Interest

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