



Human Identity in the Age of Humanoids: Legal Personhood, Fundamental Rights, and the Challenge of the Artificial Other

Dr. Pauline Priya S

Principal, St Joseph's College of Law, Bengaluru

Abstract

The rapid advancement of humanoid robotics and artificial intelligence presents one of the most profound challenges to contemporary legal thought: can a machine ever be recognised as a person? This article examines the intersection of human identity and humanoid technology through the lens of legal philosophy and comparative jurisprudence. It argues that the emergence of increasingly sophisticated humanoid robots compels a fundamental re-examination of the concepts of personhood, rights, and dignity that have historically been reserved for human beings. Drawing upon philosophical foundations from Kantian ethics to posthumanist theory, and analysing legislative developments across multiple jurisdictions including Korea, Japan, the European Union, and China, this paper explores whether existing legal frameworks can accommodate artificial entities as rights-bearers. The article critically examines three competing rationales for extending legal personality to humanoids: the instrumental rationale analogous to corporate personhood, the inherent rationale based on emergent properties such as consciousness and sentience, and the relational rationale grounded in human-robot interaction. Through analysis of emerging ethical charters, product liability frameworks, and proposals for electronic personhood, this paper identifies the doctrinal innovations necessary to reconcile technological advancement with the preservation of human dignity and autonomy. It concludes that while humanoid robots may never possess the inherent moral worth of human beings, the law must evolve to address the complex questions of responsibility, liability, and relational rights that their integration into society inevitably generates.

Keywords: Humanoid Robots, Legal Personhood, Human Rights, Artificial Intelligence, Robot Ethics, Legal Personality, Human Identity

I. Introduction: The Android Fallacy and the Question of the Human

The humanoid robot stands at the threshold of our legal imagination. It walks like us, speaks like us, and increasingly, it thinks in ways that mimic our cognitive processes. Yet beneath its silicone skin and behind its expressive eyes lies no soul, no consciousness, no inherent dignity—only code, circuitry, and the intentions of its creators. This ontological ambiguity places humanoid robots in a unique category within legal discourse: they are neither mere objects nor potential subjects, neither tools nor persons, but something in between that confounds traditional legal categories.¹

The debate over the legal status of humanoid robots has been distorted, as Simon Chesterman observes, by what he terms the "android fallacy" the tendency to allow fictional representations of artificial intelligence to shape

¹ Yueh-Hsuan Weng and Ugo Pagallo, 'I, Robot? Legal Personality for Robots and the Android Fallacy' in Woodrow Barfield, Yueh-Hsuan Weng and Ugo Pagallo (eds), *The Cambridge Handbook of the Law, Policy, and Regulation for Human-Robot Interaction* (Cambridge University Press 2024) 1

discussions of their legal rights.² From Asimov's positronic brains to the replicants of "Blade Runner", popular culture has habituated us to the idea of machines that deserve moral consideration. Yet the gap between science fiction and current technological reality remains vast, even as advances in generative AI and embodied robotics narrow it with each passing year.

This article examines the legal and philosophical questions raised by the emergence of sophisticated humanoid robots. It proceeds from the premise that these questions are not merely speculative but increasingly urgent. Korea has operated under a comprehensive legislative framework for intelligent robots since 2008. The European Union's Artificial Intelligence Act³ establishes risk-based regulation that will govern humanoid systems deployed in Europe.⁴ China's Ministry of Industry and Information Technology has set national targets for humanoid robot innovation through 2027.⁵ The law must now confront what these developments mean for our understanding of human identity and the rights that attach to it.

II. The Philosophical Foundations of Personhood

A. What Does It Mean to Be a Person?

Before the law can determine whether humanoid robots might be persons, it must first articulate what personhood means. The concept has proven notoriously elusive, with philosophers and jurists offering competing accounts that emphasise different criteria. Immanuel Kant located personhood in the capacity for rational agency and moral autonomy—the ability to give oneself moral law and act according to it.⁶ For Kant, persons are ends in themselves, never merely means, and possess dignity rather than price. This account excludes not only machines but also human beings who lack the relevant capacities, raising uncomfortable questions about infants, the severely cognitively impaired, and those with advanced dementia.

An alternative tradition, associated with John Locke, grounds personhood in continuity of consciousness and memory.⁷ The person is the self-aware subject who can consider itself as itself across time. This account better accommodates human diversity but introduces empirical difficulties: how do we verify consciousness in others, whether human or machine? The problem of other minds the philosophical puzzle of knowing that beings other than oneself possess inner experience becomes acute when the being in question is manufactured rather than born.

A third approach, influential in contemporary animal rights discourse, grounds personhood in sentience the capacity to suffer and experience pleasure.⁸ Jeremy Bentham's famous formulation that the question is not "Can they reason?" nor "Can they talk?" but "Can they suffer?" has been invoked to extend moral consideration to non-human animals. Applied to humanoid robots, this approach would require determining whether artificial systems can genuinely experience suffering or merely simulate the behavioural expressions of it.

B. The Moral Status of Artificial Beings

The question of whether humanoid robots could ever possess moral status the quality of being worthy of moral consideration has divided scholars into competing camps. On one side are those who argue that moral status depends upon intrinsic properties such as consciousness, self-awareness, or sentience.⁹ If a machine could plausibly be said to possess these properties, it would merit moral consideration regardless of its artificial

² Ibid

³ Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) [2024] OJ L 1689.

⁴ (King & Wood Mallesons, 23 August 2024) <<https://www.kwm.com/cn/zh/insights/latest-thinking/regulations-on-humanoid-robot-overview-of-south-korean-legislations-and-policies-on-robotics.html>> accessed 19 February 2026.

⁵ Ministry of Industry and Information Technology, (20 October 2023).

⁶ Immanuel Kant, *Groundwork of the Metaphysics of Morals* (Mary Gregor tr, Cambridge University Press 1997) 41.

⁷ John Locke, *An Essay Concerning Human Understanding* (1690) book II, ch XXVII.

⁸ Peter Singer, *Animal Liberation* (HarperCollins 1975) 7.

⁹ John-Stewart Gordon, 'Artificial Moral and Legal Personhood' (2020) *AI & Society* 1, 5.

origins. This view finds support in the philosophical tradition of moral individualism, which holds that moral status attaches to individuals based on their characteristics rather than their species membership.

On the other side are those who maintain that artificial beings, no matter how sophisticated, remain fundamentally different from organic life. Patricia Wiater argues that AI systems "are never fully autonomous but always human-machine systems that run on exploited human labor and environmental resources."¹⁰ Their human-like abilities originate from human decisions, and their continued existence depends upon human input. This dependence contrasts with the moral justification for human rights, which denies that human dignity depends upon external recognition or group membership.¹¹

A middle position, proposed by Mark Coeckelbergh and others, adopts a relational approach to moral status.¹² On this view, what matters is not what robots are in themselves but how they relate to humans and the social contexts in which they operate. When humans care about a robot, when they form emotional attachments to it, the robot acquires what might be called "derived moral status" not because of its intrinsic properties but because of its significance in human relationships. This approach has obvious relevance to social robots designed to provide companionship to older adults, therapeutic support to children with autism, or emotional engagement to lonely individuals.

C. Human Identity in the Mirror of the Machine

The encounter with humanoid robots also forces reflection on human identity itself. What does it mean to be human when machines can replicate our appearance, our speech, and increasingly our cognitive processes? The posthumanist tradition, associated with thinkers such as Donna Haraway and N. Katherine Hayles, has long argued that the boundaries of the human are historically contingent and technologically mediated.¹³ From this perspective, the emergence of humanoid robots is not a threat to human identity but an opportunity to recognise that "the human" was never a fixed essence but always a construction.

Yet this posthumanist stance raises concerns of its own. If the category of the human is dissolved, upon what basis can human rights be claimed? The Universal Declaration of Human Rights grounds rights in the "inherent dignity" of "all members of the human family." If "human" becomes a contested category, the foundation of international human rights law becomes unstable.¹⁴ This is not merely a theoretical concern: as Veronica Dobozi observes, the question of whether super-intelligent robots might claim human rights and whether humans might be denied them—is likely to become pressing within decades.¹⁵

III. Legal Personhood: From Corporations to Robots

A. The Corporation as Legal Person

The law has long recognised entities other than human beings as persons. The corporation is the paradigmatic example: an artificial entity created by law, capable of owning property, entering contracts, suing and being sued, and in some jurisdictions, enjoying fundamental rights.¹⁶ The European Court of Human Rights, for instance, has consistently held that corporations may claim rights under the European Convention, including the right to a fair trial and the right to peaceful enjoyment of possessions.¹⁷

¹⁰ Patricia Wiater, 'Robots and Human Rights: A Matter of Coherence?' (EJIL: Talk!, 23 April 2025) <<https://www.ejiltalk.org/robots-and-human-rights-a-matter-of-coherence/>> accessed 19 February 2026.

¹¹ Ibid

¹² Mark Coeckelbergh, 'The Ubuntu Robot: Toward a Relational Conceptual Framework for Intercultural Robotics' in Barfield, Weng and Pagallo (n 1) 401.

¹³ Donna Haraway, 'A Cyborg Manifesto' in Simians, Cyborgs and Women: The Reinvention of Nature, Routledge 1991, 149.

¹⁴ Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III), preamble.

¹⁵ Veronica Dobozi, 'Will super-robots be able to claim human rights?' (STOICA & Asociații, 2 June 2025) <<https://www.stoica-asociatii.ro/Will-super-robots-be-able-to-claim-human-rights-s7330-en.htm>> accessed 19 February 2026.

¹⁶ Salomon v A Salomon & Co Ltd [1897] AC 22 (HL).

¹⁷ Comingersoll SA v Portugal (2001) 31 EHRR 31.

The rationale for corporate personhood is primarily functional. Corporations are granted legal personality to enable economic activity, to aggregate capital, to limit liability, and to provide continuity beyond the lives of their human participants.¹⁸ As Wiater notes, this is "analogous to the economic reasons why corporations are granted personality." The corporation is a legal fiction, a convenient device for organising human affairs. Its rights are derivative of human interests rather than inherent in the corporate entity itself.¹⁹

This functional rationale might be extended to robots. If granting legal personality to robots serves useful purposes clarifying liability, enabling contracts, facilitating commerce why should the law not do so? Some scholars have proposed creating a new category of "electronic persons" for sophisticated AI systems, with associated rights and responsibilities.²⁰ The European Parliament's 2017 resolution on civil law rules on robotics considered but ultimately did not adopt such a proposal, reflecting both the appeal and the controversy of the idea.

B. Three Rationales for Robot Personhood

Weng and Pagallo identify three distinct rationales that might justify recognising robots as legal persons.²⁰ The first is instrumental, analogous to corporate personhood: robots should be granted legal personality because doing so serves useful purposes. This rationale does not depend upon any claim about robots' intrinsic properties. It is purely pragmatic: if treating robots as persons simplifies transactions, clarifies liability, or promotes innovation, the law should do so.

The second rationale is inherent: robots should be recognised as persons because they possess properties that warrant such recognition.²⁴ This rationale depends upon empirical claims about robots' capacities: if a robot is conscious, self-aware, or sentient, it might deserve legal personality for the same reasons that humans do. This is the most philosophically ambitious rationale but also the most demanding. It requires resolving deep questions about consciousness and its relationship to substrate—questions that current science cannot answer.²¹

The third rationale is relational: robots should be recognised as persons because of their relationships with humans.²⁵ This rationale, developed by scholars such as Coeckelbergh and David Gunkel, focuses not on what robots are but on how humans respond to them. If humans form meaningful relationships with robots, if they treat them as companions or partners, the law might appropriately recognise those relationships through some form of personality. This rationale has the virtue of aligning legal categories with social reality: as robots become integrated into human lives, treating them as mere tools becomes increasingly artificial.²²

C. The Limits of Analogy

Despite these parallels, significant differences remain between corporations and robots. Corporations are aggregations of human beings; their personhood is a device for organising human activity. Robots are not. More fundamentally, as Victor Dobozi argues, robots are "constructed for a given particular purpose," whereas human beings "have simply come into existence without having had any constructor or purpose given to them." This ontological difference between beings with intrinsic purposes and beings with assigned purposes may justify different legal treatment regardless of cognitive capabilities.²³

The Iraqi legal scholar Ahmed Jassim Jabir Al-Yasiri poses the question sharply: "We cannot define them as an asset or merely machines, which may not be properly defined as a human being, a natural person, or even a legal entity." This categorical ambiguity suggests that existing legal frameworks may be inadequate to capture

¹⁸ John Dewey, 'The Historic Background of Corporate Legal Personality' (1926) 35 Yale Law Journal 655, 669.

¹⁹ European Parliament, 'Civil Law Rules on Robotics' (Resolution of 16 February 2017) 2015/2103(INL).

²⁰ Fosch-Villaronga E, Drukarch H and Custers B, 'Privacy Considerations for Socially Assistive Robots' in Barfield, Weng and Pagallo

²¹ Ibid

²² Ibid

²³ Victor Dobozi, 'Do we have an obligation to give rights to robots?' (STOICA & Asociații, 5 July 2025) <<https://www.stoica-asociatii.ro/Do-we-have-an-obligation-to-give-rights-to-robots-s7369-en.htm>> accessed 19 February 2026.

what humanoid robots are. They are not quite things, not quite persons, but something that demands new legal categories.²⁴

IV. Comparative Regulatory Approaches

A. Korea: Comprehensive Framework and Ethical Foundation

Korea has emerged as a global leader in robotics regulation, with a legislative framework that predates most comparable initiatives by nearly two decades. The Intelligent Robot Development and Distribution Promotion Act), enacted in 2008, establishes a comprehensive system for promoting and regulating intelligent robots, including humanoid systems.²⁵

The Act's structure is notable for its integration of industrial policy with ethical consideration. Article 5-2 establishes a Robot Industry Policy Deliberation Committee, bringing together eighteen central government ministries to coordinate robotics policy.²⁶ This inter-ministerial approach recognises that robotics implicates diverse policy domains industry, education, defence, health, labour, and justice and requires coordinated responses.

Most significantly, Article 18²⁷ mandates the development of a Robot Ethics Charter, "to prevent various drawbacks such as disruption of social order that may arise from the development of functions and intelligence of intelligent robots, and to make intelligent robots contribute to improving the quality of human life."³⁰ The Charter is intended to provide guidance on the ethical development, manufacture, and use of robots, including the ethical values and behavioural standards to be observed.

An initial draft Charter was prepared in 2007, though it was not formally adopted due to concerns about its implications for industry.³¹ A revised draft was completed in December 2023, responding to the increasing presence of robots in daily life and the 2023 amendments to the Act permitting outdoor robot operation.³² The new draft includes ethical self-assessment checklists for developers, integrating ethical consideration into the design process.

Korea's Fourth Basic Plan for Intelligent Robots (2024–2028) articulates a vision of a "K-Robot Economy," with targets including investment of over 3 trillion won in core technologies, training 15,000 specialised personnel, and deploying over 1 million robots across manufacturing, logistics, welfare, and security.²⁸ Crucially, the Plan includes comprehensive revision of the Intelligent Robot Act to address technological change, implementation of advanced regulatory innovation schemes, establishment of robot insurance systems, and finalisation of the Robot Ethics Charter.²⁹

B. European Union: Risk-Based Regulation and Fundamental Rights

The European Union has taken a markedly different approach, embedding robotics regulation within broader frameworks for artificial intelligence and product safety. The Artificial Intelligence Act, adopted in June 2024, establishes a risk-based regulatory regime that applies to AI systems, including those embodied in humanoid robots.³⁰

Under the Act, AI systems are classified by risk level. Systems presenting "unacceptable risk" are prohibited. "High-risk" systems including those used in employment, education, critical infrastructure, and law enforcement

²⁴ Ahmed Jassim Jabim Al-Yasiri, 'Legal capacity of the smart robot (Analytical and original research according to the provisions of the Iraqi law compared to the European law for robots)' (2024) University of Anbar Journal 1, 3
<https://www.aujfps.uoanbar.edu.iq/article_182501.html> accessed 19 February 2026.

²⁵ (Republic of Korea) Act No 9014, 28 March 2008.

²⁶ Ibid

²⁷ Intelligent Robot Act, Art 18.

²⁸ Ministry of Trade, Industry and Energy, 'Fourth Intelligent Robot Basic Plan (2024–2028)' (January 2024).

²⁹ Ibid

³⁰ Regulation (EU) 2024/1689.

are subject to stringent requirements including risk management systems, data governance, technical documentation, transparency obligations, human oversight, and conformity assessment.³¹ Many humanoid robots deployed in professional contexts will likely fall within the high-risk category.

The Act also establishes transparency obligations for AI systems that interact with humans. Article 52 requires that natural persons be informed that they are interacting with an AI system, unless this is obvious from the circumstances.³² This provision recognises the potential for humanoid robots to deceive users about their nature a particular concern with highly anthropomorphic systems.

Importantly, the Act does not address the question of legal personality for AI systems. The European Parliament's earlier consideration of "electronic personhood" was not adopted, reflecting concerns about the philosophical and legal implications of such a category.³³ Instead, the Act focuses on regulating AI as a technology rather than recognising AI as a legal subject.

C. China: Industrial Policy and Innovation-Driven Regulation

China's approach to humanoid robots is characterised by aggressive industrial policy and a focus on technological leadership. The Ministry of Industry and Information Technology's Opinions on Innovative Development of Humanoid Robots sets ambitious targets: by 2025, establishing a preliminary innovation system; by 2027, achieving "significant enhancement of technological innovation capabilities" and "world-class comprehensive strength."³⁴

The Opinions describe humanoid robots as "disruptive products" that will "profoundly transform human production and lifestyle patterns and reshape the global industrial development landscape," following computers, smartphones, and new energy vehicles.³⁵ This framing reflects a strategic vision in which humanoid robots are not merely consumer products but foundational technologies for economic competitiveness.

China's regulatory approach remains less developed than Korea's or Europe's, but this may reflect a deliberate strategy. As JA observes in TechNews, China's approach can be characterised as a "policy fast-track": using speed and scale to capture markets, relying on strong supply chains and state subsidies to solve cost and endurance challenges, and accepting legal ambiguity in the short term while gathering data through deployment.³⁶ This "develop first, regulate later" approach contrasts sharply with Europe's "safety standards first" philosophy.

The divergence in regulatory philosophy reflects different assessments of the relationship between innovation and regulation. Europe treats compliance as a competitive advantage: robots that are certified safe and insurable are more valuable than cheaper but unregulated alternatives. China treats speed as decisive: the country that achieves cost-effective mass deployment first will define future standards. Both approaches have implications for how humanoid robots will be integrated into society and for how the law will address the questions of identity and rights they raise.

D. Japan: Social Integration and Relational Robotics

Japan's approach to robotics has long been shaped by cultural attitudes that differ markedly from Western perspectives. Japanese robotics has emphasised social integration and relational engagement, with robots designed not merely as tools but as companions, carers, and partners in daily life. This cultural context generates distinctive legal questions about the nature of human–robot relationships.³⁷

³¹ Ibid

³² Ibid

³³ European Parliament (n 22).

³⁴ Supra note 28

³⁵ Ibid

³⁶ (TechNews, 7 November 2025) <<https://technews.tw/2025/11/07/humanoid-robots-usher-in-a-new-era/>> , last accessed on 19 February 2026.

³⁷ Jennifer Robertson, *Robo Sapiens Japonicus: Robots, Gender, Family, and the Japanese Nation* (University of California Press 2018) 15.

The Cambridge Handbook includes contributions examining Japanese perspectives on "robot natives" children who grow up interacting with robots and the implications for development and regulation.³⁸ These contributions recognise that generations raised with robotic companions may have fundamentally different expectations about the ontological status of robots, potentially rendering current legal categories obsolete.

Japan's regulatory framework remains less codified than Korea's, but policy documents increasingly address the integration of robots into social infrastructure. The emphasis is on what robots can do for humans rather than what robots are in themselves—a pragmatic orientation that may ultimately prove more fruitful than abstract debates about personhood.

V. Emerging Legal Challenges

A. Criminal and Civil Liability

The integration of humanoid robots into society raises complex questions about responsibility when things go wrong. If a humanoid robot causes injury whether through physical action, erroneous advice, or emotional manipulation who bears legal responsibility? Traditional product liability frameworks, designed for passive tools, strain to accommodate autonomous systems whose behaviour cannot be fully predicted by their manufacturers.

Alice Guerra and colleagues examine "robotic torts" in the Cambridge Handbook, analysing how existing tort principles might apply to robot-caused harms. They consider whether liability should attach to manufacturers, programmers, owners, or users, and whether robots themselves might be held liable through mechanisms such as compulsory insurance or compensation funds. The challenge is to ensure that victims receive compensation while maintaining incentives for safety innovation.³⁹

Criminal liability presents even more difficult questions. Monika Simmler examines accountability for robots and AI under criminal law, considering whether robots could ever be subjects of criminal responsibility.⁴⁰ The traditional requirements of criminal law *actus reus*, *mens rea*, and moral blameworthiness are difficult to apply to machines. Yet as robots gain autonomy, the gap between their actions and human responsibility widens, potentially creating accountability voids.

B. Labour and Employment

Humanoid robots deployed in workplaces challenge fundamental assumptions of labour law. JA notes that existing occupational safety regulations are designed to protect "human workers" from "dangerous machinery."⁴⁶ When the machinery becomes an autonomous colleague, the entire legal framework must be rethought.

Questions arise at multiple levels. Employers have obligations to train human workers to collaborate safely with robots but what constitutes adequate training when robot behaviour may be unpredictable? If a human worker's error damages a robot, what legal consequences follow? If robots replace human workers, what obligations do employers have to displaced employees? These questions cannot be answered within existing frameworks; they require new thinking about the nature of work and the relationships among workers, whether human or machine.

C. Privacy and Data Protection

Humanoid robots, particularly those designed for social interaction, are inherently data-gathering devices. They see, hear, and increasingly interpret human behaviour, generating detailed records of intimate aspects of users' lives. Privacy frameworks designed for discrete data collection events are ill-equipped to address continuous ambient surveillance.

³⁸ Ibid

³⁹ Alice Guerra, Francesco Parisi, Daniel Pi and Levi Seidel, 'Robotic Torts' in Barfield, Weng and Pagallo (n 1) 489.

⁴⁰ Monika Simmler, 'Ensuring Accountability for Robots and AI under Criminal Law' in Barfield, Weng and Pagallo (n 1) 601.

Eduard Fosch-Villaronga, Hadassah Drukarch, and Bart Custers examine privacy considerations for socially assistive robots, identifying risks ranging from unauthorised data access to inference of sensitive information from behavioural patterns.⁴¹ They argue that privacy protections must be embedded in robot design from the outset, rather than added after deployment. Chih-hsing Ho similarly addresses transparency in human–robot interaction, emphasising the importance of informing users about data collection and use.⁴²

The Korean Intelligent Robot Act requires that data protection considerations inform robot development and deployment, though specific privacy provisions remain less developed than in European frameworks.⁴³ As robots become more capable and more integrated into daily life, privacy will emerge as a central concern in humanoid governance.

D. Family Law and Personal Relationships

Perhaps the most challenging questions arise at the intersection of humanoid robots and family law. Margaret Ryznar examines "robot romance," considering whether relationships between humans and robots could have legal significance.⁴⁴ If humans form genuine emotional attachments to robots—a phenomenon already documented with simpler social robots should the law recognise these attachments in any way?

More speculatively, some scholars have raised the possibility of robot marriage the recognition of legal unions between humans and robots.⁴⁵ While this may seem fanciful, it reflects the logic of extending relationship recognition to entities with which humans form meaningful bonds. The Romanian law firm article notes arguments that "the idea of recognising the right of a humanoid robot to marry a human being and, consequently, to enjoy all the rights guaranteed by human family law is a realistic scenario for the near future."⁴⁶

VI. Towards a Jurisprudence of Human–Robot Relations

A. Rejecting the Binary: Beyond Person or Property

The traditional legal binary either person or property is inadequate for humanoid robots. Robots are not persons in any sense that tracks the moral foundations of human rights, but treating them as mere property obscures the distinctive relationships and challenges they generate. What is needed is a new category, or perhaps multiple categories, that reflect the diversity of robots and their roles.

Raffael Fasel proposes a "group-based approach" to robot rights, analogous to approaches developed in animal rights discourse. Rather than evaluating each robot individually based on its capacities, rights might attach to what Fasel calls "quasi-species"—categories of robots defined by their design, purpose, and social role.⁴⁷ This approach avoids the epistemological difficulties of assessing individual robot consciousness while providing a principled basis for differential treatment.

Tatsuhiko Inatani's concept of "legal being" offers another path beyond the person–property binary.⁴⁸ Rather than asking whether robots are persons, we might ask what legal status is appropriate for beings that are neither human nor mere objects. This approach foregrounds the constructive role of law in creating categories that serve human purposes while respecting the realities of the entities being categorised.

⁴¹ Eduard Fosch-Villaronga, Hadassah Drukarch and Bart Custers, 'Privacy Considerations for Socially Assistive Robots' in Barfield, Weng and Pagallo (n 1) 455.

⁴² Chih-hsing Ho, 'Privacy and Transparency in Human–Robot Interaction' in Barfield, Weng and Pagallo (n 1) 473.

⁴³ The Intelligent Robot Development and Distribution Promotion Act, 2008, art 4.

⁴⁴ Margaret Ryznar, 'Robot Romance' in Barfield, Weng and Pagallo (n 1) 173.

⁴⁵ Ibid

⁴⁶ Ibid

⁴⁷ Raffael Fasel, 'Robot Rights without Human Frights' (Private Law Theory Blog, 13 February 2026) <<https://www.private-law-theory.org/2026/02/13/raffael-fasel-robot-rights-without-human-frights/>> accessed 9 February 2026.

⁴⁸ Tatsuhiko Inatani, "'Legal Being': Going Beyond the Debate of Legal Personhood for 'Intelligent' Nonhumans' in Barfield, Weng and Pagallo (n 1) 123.

B. Instruments-in-Relation: A Functional Framework

Wiater's concept of robots as "instruments-in-relation" provides a useful framework for legal analysis. Robots are instruments they are made by humans for human purposes—but they exist in relations with humans that give them significance beyond mere tool hood. The law should recognise both dimensions, treating robots as instrumentally valuable while acknowledging the relational contexts that generate ethical and legal obligations.⁴⁹

This framework has practical implications. In design, it suggests that robots should be built to support healthy human relationships rather than exploit human vulnerabilities. In liability, it suggests that responsibility should be allocated among human actors while recognising that robot behaviour may not be fully attributable to any single human. In rights, it suggests that any protections extended to robots should be understood as derivative of human interests rather than inherent in robots themselves.

C. Regulatory Sandboxes and Experimental Governance

Given the uncertainty surrounding humanoid robots, regulatory approaches should be experimental and adaptive. JA advocates for "regulatory sandboxes" that allow testing of robots in controlled real-world environments while clarifying liability and gathering data. Such approaches enable learning without exposing the public to unacceptable risks.

Korea's five-year planning process, with its inter-ministerial coordination and regular revision, provides a model of adaptive governance.⁵⁷ The European Union's risk-based approach, with its tiered requirements and conformity assessment procedures, offers another. Neither is perfect, but both recognise that regulating humanoid robots requires continuous adjustment as technology evolves and experience accumulates.

D. Preserving Human Dignity in the Robotic Age

Throughout these considerations, the preservation of human dignity must remain paramount. As Weng and Pagallo observe, the question of robot rights is ultimately a question about us—about what kind of beings we are and what kind of society we wish to create.⁵⁸ The risk is not that robots will become too human but that humans will become too robotic—that we will lose sight of the distinctive worth of human life in our fascination with our creations.

This concern underlies much of the resistance to robot rights. As the Romanian law firm article frames it, the debate is "downright terrifying" because it forces us to confront questions we would rather avoid. Yet avoiding these questions will not make them disappear. The robots are coming, and the law must be ready.

VII. Conclusion

The humanoid robot stands at the intersection of technology and identity, challenging us to articulate what it means to be human in the presence of machines that mirror our form and increasingly our mind. This article has argued that the question of robot rights cannot be answered through abstract philosophical reasoning alone, nor through purely pragmatic considerations of regulatory convenience. It requires a synthesis of both—an approach that takes seriously the moral intuitions that ground human rights while adapting legal categories to new technological realities.

The comparative analysis reveals that different jurisdictions are developing different answers to these questions. Korea's comprehensive legislative framework, with its emphasis on ethical charters and inter-ministerial coordination, provides a model of holistic governance. Europe's risk-based regulation embeds robotics within broader frameworks for AI and product safety. China's innovation-focused approach prioritises technological leadership and market development. Each reflects different cultural values and different assessments of the relationship between innovation and regulation.

What unites these approaches is the recognition that humanoid robots are not merely another technology. They are machines designed to engage us as social beings, to evoke our empathy, to companion us in our vulnerability. This social dimension generates distinctive legal challenges that cannot be addressed within traditional

⁴⁹ Supra note 9

frameworks of product liability or consumer protection. It demands new thinking about responsibility, relationship, and the boundaries of the legal community.

The path forward requires humility about what we know and what we cannot know. We do not know whether robots will ever possess consciousness or sentience. We do not know what forms human–robot relationships will take as technology advances. We do not know how future generations, raised with robots as companions, will conceptualise the distinction between human and machine. What we can know is that the questions raised by humanoid robots are questions about us about our values, our commitments, and the kind of future we wish to build.

In answering these questions, we must preserve the insight that grounds human rights law: that human beings possess inherent dignity, that they are ends in themselves, and that they deserve protection against subordination to the purposes of others. This insight does not dictate specific answers to the questions posed by humanoid robots, but it provides a framework within which those answers must be developed. The robots that enter our world should serve human flourishing, not threaten it. The law's task is to ensure that they do.

