



# THE DARK SIDE OF METAVERSE - THE RISE OF SEXUAL VIOLENCE THROUGH THE METAVERSE: A CRITICAL ANALYSIS

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## ABSTRACT

The invent of AI or Artificial Intelligence has maybe brought the world closer and people interaction with social media have resulted in the increasing cases of sexual offences. Metaverse is something which one cannot define in a single definition. This is still a vague concept which needs more definition. Before one step into the ambit of sexual offences taking place in the metaverse, one must need to understand the ambit of Metaverse affecting our life, as to how Metaverse can include everything around us within itself. It feels just like another version of the Internet but now it can be better called as “an integrated network of 3D virtual worlds”<sup>1</sup> With the advent of the Metaverse, the virtual reality has become a camouflaged ban amidst the boon to the society. Metaverse is increasing connectedness, and destroying the spatial barriers and opening avenues of equalness for its customers. But the negative impact of such usage is when the Metaverse becomes their “reality” in the real world. Research has shown that the Metaverse has the capacity greater than online portals to facilitate cyber bullying and sexual harassments of users.

The present study will be delving more into the aspects of sexual harassment and cyberbullying of users using the metaverse and how this booming sector is bringing in more convoluted challenges for the legislatures.

**KEYWORDS:** Metaverse, Sexual, Harassment, Virtual, Women and Children.

## INTRODUCTION

Imaging someone sitting in the living room, yet having the feeling of exploring the volcanic bed with your friend who lives on the other side of the world is a possibility in Metaverse. Metaverse is a vision which has helped to create a world where one can see both the real and virtualized world. The term Metaverse is derived from the Greek word ‘Meta’ meaning ‘beyond’ and ‘verse’ signifies totality on something. It creates an alternate experience

<sup>1</sup> Union of India and Ors v. Mudrika Singh Live Law 2021 SC 705

using technology to go beyond our physical selves. In brief we can say that Metaverse is the upcoming version of the internet.

The invent of AI or Artificial Intelligence has maybe brought the world closer and people interaction with social media have resulted in the increasing cases of sexual offences. Metaverse is something which one cannot define in a single definition. This is still a vague concept which needs more definition. Before one step into the ambit of sexual offences taking place in the metaverse, one must need to understand the ambit of Metaverse affecting our life, as to how Metaverse can include everything around us within itself. It feels just like another version of the Internet but now it can be better called as “an integrated network of 3D virtual worlds”<sup>2</sup>

As Mark Zuckerberg says “Metaverse is the internet that you're inside of, rather than just looking at.” We can see that now-a-days the world is accessed through VR headsets where a user can navigate through their body movements like eye movements, voice commands and feedback controller system. Through such features we can see that the users get an experience of physical sensory response of it being a reality. Such sensory response can be told to attach a sense of touch to VR and which makes it better than its better than the old ones.

With the advent of the Metaverse, the virtual reality has become a camouflaged ban amidst the boon to the society. With the increase of the usage of social media, a proportional growth of online bullying and harassment has also manifested. When used properly, the engagement of the metaverse can be very strong. Metaverse is increasing connectedness, and destroying the spatial barriers and opening avenues of equalness for its customers. But the negative impact of such usage is when the Metaverse becomes their “reality” in the real world.

It has been seen that there are individuals who has been addicted to Metaverse much more than others making them susceptible to the vulnerability of the metaverse. Research has shown that the Metaverse has the capacity greater than online portals to facilitate cyber bullying and sexual harassments of users.

The present study will be delving more into the aspects of sexual harassment and cyberbullying of users using the metaverse and how this booming sector is bringing in more convoluted challenges for the legislatures.

## **STATEMENT OF PROBLEMS**

With the increase usage of the Metaverse, we can see a proportional growth in the cases of sexual harassment and cyber bullying. With the increase of such cases, it is getting difficult to assess them. The ‘consent’ in such cases is being questioned and assessing their ambit in such cases is becoming difficult under our penal laws. Thus, it is important to analyze the possible outcomes of Metaverse and its proportionality with a user’s personal protection.

## **RESEARCH OBJECTIVE**

The main objective of this research under study is to analyze the rise of sexual harassment and cyber bullying taking place in the Metaverse. It is to make an in dept analysis as to how our laws are able to curb the above crisis in the technological advancing world.

<sup>2</sup> Union of India and Ors v. Mudrika Singh Live Law 2021 SC 705

## RESEARCH QUESTIONS

1. Whether penal provisions are able to curb sexual offences in Metaverse?
2. Whether both municipal and international laws must be amended to incorporate sexual offences in Metaverse?

## RESEARCH DESIGN

The present research is of a doctrinal type where various primary and secondary sources of data is used for the completion of the study.

## HYPOTHESIS

Metaverse is a digitalization of the real world creating a virtual world which looks like 'real'. With the expansion in the technological advancements in relation to Metaverse it is seen that the virtual reality identifiers like avatars are posing a serious threat towards in the manifestation of sexual harassments and cyber bullying across the world which is difficult for the penal provisions of any country to try such cases.

## SCOPE OF RESEARCH

The scope of the present research is limited to the rise of sexual offences inside the Metaverse and its suggestive methods of minimizing the same.

## THE ADVENT OF METAVERSE AND OPENING ITS AMBIT TO SEXUAL HARASSMENT

Metaverse is a 3D world of digital virtual space designed in a way in which people living in a physical world can interact with avatars through computer operating systems supporting big databases like Artificial Intelligence, Cloud Computing, 5G and other technological advancements in the form of digital identity,<sup>3</sup> which is a digital representation of a particular entity which consists of its personal identifiable data and its supporting format. Digital identity is a simplified systematic data version of a complex human behavior. The avatars are the digital representation of the user in the metaverse. In order to establish the avatars by the users in the metaverse requires data feeding and proprietary algorithms for analyzing complex data of the VR.

## CHALLENGES IN PROVING SEXUAL OFFENCES IN METAVERSE

With the advent of such complex programming codes and operating systems, the vicious cycle of offences under the garb of such prospectus lies within. As per The Centre for Countering Digital Hate (U.S.A.), has reported on frequent cases on minors being exposed to sexual harassment and the use of graphical sexual content on the virtual reality platforms. It is seen that these identifying concerns of bullying and harassment are more severe in the cases of metaverse as the inclusion that occurs with the contact would easily exacerbate as to what we perceive as abuse of social media<sup>4</sup>

<sup>3</sup> SunY." On the Adjustment of the Metaverse and the Intelligent Socio-Legal Order", Legal Research, (2022)

<sup>4</sup> Huddleston, 'This is creating more loneliness': The metaverse could be a serious problem for kids, experts say, CNBC Make It, available at <https://www.cnbc.com/2022/01/31/psychologists-metaverse-could-be-a-problem-for-kids-mental-health.html> (last visited on October 4, 2023)

The Pandemic has increased people's desires to indulge into more ways to connect to other. The advent of Metaverse had accelerated the desires of individuals to engage into activities which made them feel more like the old days. When companies like Google, Apple began to experiment with the technologies like Virtual Reality and Haptic technologies where users can navigate these platforms as avatars thus, allowing to interact with the blended reality gave rise to more offences.

Online gaming is generally presumed to be a predominant male dominated activity where females hold a secondary status. Such activities tend to be the source of sexual harassment. Even though around 45% of gamers in Asia were females<sup>5</sup> yet it can be seen that sexual harassment and offences continues to persist in Metaverse In recent empirical research<sup>6</sup> that was conducted, it was found that out of 609 virtual users around 49% women and 36% males have been previously encountered with at least one case of sexual harassment in the Metaverse.

The metaverse allows to meet users with each other through their avatars irrespective of age restrictions, which is one major concerns towards the institution of sexual offences as many of these platforms or virtual rooms are designed as strip clubs, where obscene activity is encouraged and avatars are seen in engaging and promoting erotic activities. The concern of such sexual material is quite alarming.

Some of the patterns of sexual violence traced out during the course of research of this avenue was the when SumOfUsResearcher in the '*Horizon Worlds*' platform where she was led into a private room in a virtual party and was raped by a user who kept telling her to turn around so that "he could do it from behind and users outside the window could see"<sup>7</sup>. Another incident took place with Maria DeGrazia where she was abused while wearing a hepatic vest when another player groped her avatar's chest in the '*Population One*' platform<sup>8</sup>. Sydney Smith had encountered "lewd sexist remarks" while another player had recorded her voice to "jerk off" in '*Echo VR*'. She also informed as to how difficult it was to report about the player in the game.<sup>9</sup>

Metaverse has attracted the youth to a great extent and it is seen in studies that young children are subjected to sexual offences more than adults. Grooming is one such process through young children falls into the trap of predators who sits camouflaged in the garb of avatars. In such process a relationship s established with an inbuilt intention of sexual harassment. Even if there is an age capping of 13 years, yet there is no verification of the same. Hence, the possibility of a 50year old establishing himself as a 10-year-old or vice versa can take place easily. In such circumstances, the boundary of protection is questionable. In these cases, it is often seen that young children

<sup>5</sup> Yokoi, T, "Female Gamers Are on the Rise. Can The Gaming Industry Catch Up? ", Forbes. (2021, March 4), found in <https://www.forbes.com/sites/tomokoyokoi/2021/03/04/female-gamers-are-on-the-rise-can-the-gaming-industry-catchup/?sh=5df2398af9fe> (last seen on October 4, 2023)

<sup>6</sup> Outlaw, J. Virtual harassment: The social experience of 600+ regular virtual reality (VR) users. The Extended Mind, . (2018, April 4), found in <https://extendedmind.io/blog/2018/4/4/virtual-harassment-the-social-experience-of-600-regularvirtual-reality-vrusers> (last seen on October, 4 2023)

<sup>7</sup>Karthigan Subramaniam, The Emerging Threat of Sexual Offences In Metaverse, found in [https://www.researchgate.net/profile/Karthigan-Subramaniam-2/publication/368875095\\_The\\_Emerging\\_Threat\\_of\\_Sexual\\_Violence\\_in\\_the\\_Metaverse/links/63ff772db1704f343f91c9be/The-Emerging-Threat-of-Sexual-Violence-in-the-Metaverse.pdf?origin=publication\\_detail](https://www.researchgate.net/profile/Karthigan-Subramaniam-2/publication/368875095_The_Emerging_Threat_of_Sexual_Violence_in_the_Metaverse/links/63ff772db1704f343f91c9be/The-Emerging-Threat-of-Sexual-Violence-in-the-Metaverse.pdf?origin=publication_detail) (last seen on October, 4 2023)

<sup>8</sup> ibid

<sup>9</sup> Id at 6

comes in contact with individuals using children-friendly avatars in order to get before engaging into acts like private video chats or offline interacting making children more susceptible to sexual harassment or offences.

## **THE PSYCHOLOGICAL ASPECT OF SEXUAL HARASSMENT IN METAVERSE**

Sexual harassment has been an age-old crime that is taking place on social media. The only gradual change that one has seen is that, previously it was more based on visual and verbal sexual texts but now, with the advent of the metaverse the same has spread its roots to a wider ambit in human life. Sexual violence in the Metaverse can be perceived to emotionally draining as real-life sexual harassment with the advent of Haptic touches. Much beyond the physiological trauma that is caused from such actions, it can also be life threatening in certain cases where individuals have received threats of getting either them or their near ones killed or raped. The advent of Haptic touches manifolds the trauma into a greater level where one is exposed to a touch stimulus. Such kind of uncomfortable circumstances has often left irreparable marks in the lives of many handicapping them from normal life. With the increase of mental health awareness, people are now more sensitive in such issues and such acts have only acted as catalysts in such situations. The prima facie issue of it being in virtual reality makes the situation even more difficult to establish for the common masses to understand whether or not to accept it as a crime or not. The groups receiving non-contact sexual harassment is still seen to overcome the trauma of such offences rather than the ones who have received direct-contact sexual harassment.

Victim blaming is another factor leading to an unattended psychological issue. It is the common intent of individuals to rationalize the behaviors of the perpetrator by attributing a part or the entire blame on the victim.<sup>10</sup> Such kinds of acts have also led into a traumatic inhibition that is caused in the mindsets of the victim. In a large proportion, the victim gender is the female and in a country like India where traditionally the male counterpart is considered as the stronger sect of the society, the victims face a great ordeal in removing such tags from their identity which results into perpetual psychological trauma which remains unshared.

## **THE IMPLICATIONS OF SEXUAL HARASSMENT IN METAVERSE**

Long term sexual harassment to a user can result into an unparalleled sexual trauma which has both short- and long-term implications. Health ailments like shock, trauma and post traumatic stress, withdrawal from society are some common cases of sexual trauma. Along with the same, young children are more prone to diseases like PCOS which affects both their mental and subsequent physical health. Young adolescents develop behaviors like indulging into narcotics or unusual sexual attributes.

<sup>10</sup> Karthingan Subramanyam, The Emerging Threat of Sexual Violence in the Metaverse, found in [https://www.researchgate.net/publication/368875095\\_The\\_Emerging\\_Threat\\_of\\_Sexual\\_Violence\\_in\\_the\\_Metaverse?enrichId=rgreq-5cca893afebcea33af521e3f787c12c1-XXX&enrichSource=Y292ZXJQYWdlOzM2ODg3NTA5NTtBUzoxMTQzMTI4MTEyMzI2NzI4OEAxNjc3Njg2NTY5NzU0&el=1\\_x\\_3&esc=publicationCoverPdf](https://www.researchgate.net/publication/368875095_The_Emerging_Threat_of_Sexual_Violence_in_the_Metaverse?enrichId=rgreq-5cca893afebcea33af521e3f787c12c1-XXX&enrichSource=Y292ZXJQYWdlOzM2ODg3NTA5NTtBUzoxMTQzMTI4MTEyMzI2NzI4OEAxNjc3Njg2NTY5NzU0&el=1_x_3&esc=publicationCoverPdf), (last seen on October 4, 2023)

**LEGAL CHALLENGES IN ESTABLISHING SEXUAL OFFENCES IN METAVERSE**

The understanding of crimes under the Metaverse is a difficult task as it is an ever-evolving sector and as this avenue has no defined definition to itself, it becomes really challenging in booking the same under the statutory definition of a crime. The challenge still persists till the time the statute lacks the adequate elements to constitute a metaverse crime. Metaverse works globally and therefore, the crimes committed within the metaverse cannot be provided by any municipal laws as both the offender and the victim may be subjected to different laws.

Across the internet, women are subjected to a substantial amount of online abuse in the form of both verbal and non-verbal mode. Sexual offences have widely become a prominent issue in the social virtual reality. Virtual reality is bringing out female bodies into the virtual environment in the form of female avatars and female user voices. Unfortunately, this gender biased perception of people, women are more subjected to unwanted sexual attention or other virtual interactions in the virtual reality spaces just on the basis of their gender.<sup>11</sup> The threats that appear on women's physical safety mainly includes descriptions of rapes and sexual violence, unwanted virtual groping or non-consensual sexual activities.

Thus, putting the connotation of rape in the cases of sexual harassment in the metaverse as defined in Section 375 of Indian Penal Code 1860<sup>12</sup> would be more region specific. Moreover, the definition of rape differs across countries and so does its punishments. So, persecuting a cross-border offender might be difficult for the contradiction of the legal principles of the states, and thus proving beneficial for such offenders.

If we consider a man posting any obscene or defamatory content in the virtual platform with an intention to harass a woman, it will be considered as a crime under the Section 67 of the Information Technology Act<sup>13</sup> which enumerates the punishment for publishing any obscene material via electronic form. Moreover, in Section 67A & 67B of the Act<sup>14</sup> also prescribes measures for transmitting sexually explicit act in an electronic mode and transmitting content of children engaging in an explicit act respectively.

Other legal provisions which might come to the rescue in such cases are The Indian Penal Code, 1860, which even though an age-old statute, is trying its best with the help of the Supreme Court in elasticizing its ambit with the current situation. Provisions like Section 294<sup>15</sup>, Section 354(A)(I)<sup>16</sup>. Additionally, The Sexual Harassment of

<sup>11</sup> . Sarah Sobieraj, *Credible Threat: Attacks against Women Online and the Future of Democracy* (Oxford: Oxford University Press, 2020), doi: 10.1093/oso/9780190089283.001.0001.

<sup>12</sup> The Indian Penal Code, 1860, No. 45, Acts of Parliament, 1860 (India)

<sup>13</sup> The Information Technology Act, 2000, No. 21, Acts of Parliament, 2000 (India).

<sup>14</sup> Id

<sup>15</sup> The Indian Penal Code, 1860, No. 45, Acts of Parliament, 1860 (India). Section 294 states *Obscene acts and songs. —Whoever, to the annoyance of others—*

*(a) does any obscene act in any public place, or*

*(b) sings, recites or utters any obscene song, ballad or words, in or near any public place, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.*

<sup>16</sup> Id; Section 354(A)(I) states

*Sexual harassment and punishment for sexual harassment--(1) Aman committing any of the following acts--*

*(i) physical contact and advances involving unwelcome and explicit sexual overtures; or*

women at workplace (Prevention, Prohibition, And Redressal) Act, 2013<sup>17</sup> Defines the employee as a person employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.

Although these ways seem to be a good way to procure but since Metaverse does not have a stipulated boundary, it is really difficult to justify which laws are applicable. Moreover, another question also arises which is the ‘burden of proof’ ambit in such cases as they do not happen in reality but ‘virtual reality’.

In the international sphere, it is also quite difficult to establish as to which laws should be governing the metaverse, as maximum of such cases are dealt with private users seeks to resolve conflicts that arises in the metaverse<sup>18</sup> and it is evident that if any private participant seeks dispute resolution, they will require a distinct set of legal frameworks which can be universally binding looking at the inclusiveness of the Metaverse which is presently still ambiguous in nature.

## RECOMMENDATIONS

After a detailed study of the adverse effects of Metaverse and its promulgation towards initiating sexual offences among individuals, the researcher has identified a few recommendations in trying to minimize the uprising crimes.

a) The children must be kept from a safe hand distance in accessing the Metaverse. An extensive filtration in the metaverse identifying the camouflaged identity of young children. Parents on the other hand must have a close observation while letting their children access the same.

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(ii) a demand or request for sexual favours; or

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(iii) showing pornography against the will of a woman; or

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(iv) making sexually coloured remarks, Th

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shall be guilty of the offence of sexual harassment.

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(2) Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii) of sub-section (1) shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

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(3) Any man who commits the offence specified in clause (iv) of sub-section (1) shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

<sup>17</sup> The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, No. 14, Acts of Parliament, 2013 (India)

<sup>18</sup> Blockchain & Cryptocurrency Laws and Regulations 2023, The Law of the Metaverse., found in

<https://www.globallegalinsights.com/practice-areas/blockchain-laws-and-regulations/16-the-law-of-the-metaverse> (last seen on October 4, 2023)

- b) Parents must be aware of their children's online activity and must ensure whatever gadgets they are using must be under strict monitoring by the parents. It may be beneficial if there is a parental access to the devices the children use in order to keep a silent vigilance over their activity.
- c) A thorough platform for educating both school and college students on the uprise of sexual violence in the virtual world is an important criterion. If the youth who is subjected to direct contact of such virtual platforms are not well informed, issues will never be addressed.
- d) To create a friendly and amicable environment in which the youth feel comfortable in sharing any incident which has taken place. Cooperation from parents and teachers helps them in a great way is seeking phycological relief from the inner guilt a user goes through after being victimized.
- e) Policymakers and creators of such virtual reality platforms must increase the protection filter for users like creation of an invisible protection bubble which can at least relieve users while using such platforms.
- f) Governments both municipal and internationally must start to increase the ambit of the commission of crimes from the real to the 'virtually real' as well. International sanctions or promulgations are an important requirement in applying a holistic protective layer to the vulnerable reality.

## CONCLUSION

The Metaverse is no more a distant theory: primarily it is there to stay, secondly that it will keep on coming and lastly it will keep on evolving with new hurdles on its progression. Therefore, the researcher believes that establishing such criminal activities in the virtual reality is still a by far-fetched reality. Even though Metaverse has been a boon to many, yet its retrospective effects have affected the society at large. The idea of sexual harassment has grown from workplace or public sphere to the arena of Virtual reality, for example Metaverse this makes the future even bleak for equality<sup>19</sup> and Life<sup>20</sup> that is the life without sexual harassment. Hence it is very important for scholars, litigators and policy makers to take care of the mitigating the designs of virtual reality in the Metaverse. Through this expression let us move through the laws towards the world of Virtual Reality and thereby highlighting how advancement in technology squarely overshadows rather than overlaps with the anti-sexual harassment laws

Therefore, the researcher can conclude that the hypothesis that the researcher perceived before beginning the research, stands true and is subjects to refinement.

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