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## **HOHFELD'S ANALYSIS OF RIGHTS AND RIGHTS IN METAVERSE**

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The paper explains how the concept of a right and duty, as well as a power and a liability in a digital environment which consists of a virtual and augmented reality which is today's trend, is termed the metaverse. Generally, in today's generation where there are the latest inventions are created to ease human effort. To ease that human effort some extra effort is been put in so that it would be easy for the other further generations. But we humans were able to achieve such success not all the time. There are always repercussions when we faced such major failures also. But in the 21st century, one of the best creations is the creation of a digital environment that works on the concept of both virtual and augmented reality. We have seen games such as Minecraft which gamers experience in a virtual land where they are also able to create but at the same time, they can alter what they create also.

The topic itself is an issue today because the how the concept of rights and duty, as well as powers and liability as to the right duty and a power liability, exists in a physical world but the question arises of how to relate it with a world which is a digital environment will be a question mark. Hence the paper would be made it easy to derive a relationship between an entity that is enforceable, not duty per se but how it is enforceable and how is applicable in a digital network connecting it with a reallife situation would be discussed below.

Generally, we know that there cannot be a right without any existing duty. The breach of an existing duty leads to a liability for the person who breaches such duty. A right in simple words is an entity that is inherent within us. It is like when you are born it is with you. Not all rights are inherent but some of them are such as the right to have a share in the property the moment you are born, and the right to exercise such rights when another person fails to do a duty which is due to an act or an omission of an act which leads to liability. Hence a right comes into existence by one of these means. Then the other part comes into the picture where we term it as a duty. A duty can also be an obligation where a person is supposed to do the work or perform his obligations. If he doesn't perform then it would become a liability on himself and

he is bound to do so or he is supposed to pay damages to the person where it is decided whether to pay compensation or not by the court's decision only.

A perfect right and a perfect duty don't exist all the time because due to some other circumstances, by hook or crook the duty or the right becomes non-mandatory. In simple terms, it doesn't mean that it is compulsory or to put it across it doesn't become absolute. When the concept of exceptions arises in a right it doesn't become absolute. Hence if we see the international law is not absolute to be followed by all the countries as even if they follow, they sometimes have broken the rules set by it.

For example, India tested nuclear weapons in Pokhran through a bar on which nuclear weapons were put on. But that is not necessary all the time because most of the countries have themselves have violated some of the rights which are there in international law itself.

In this paper, we will discuss the concept of the right duty relationship as well as a power liability relationship with a real-life problem and in connection to the digital environment called metaverse. An amalgamation of virtual and real-life experiences which we get in a digital environment is metaverse in simple terms. Though we cannot feel whatever we create in such a digital environment we always have a hand over it when it comes terms to creation, application, alteration, and the last resort destruction also.

What we do in a real-life can be experienced only without the touch or a feel. But we can see it through modes of virtual reality which are easily accessible in today's world. The digital world created by humans is very vast and people have also the right to live, create shelter, acquire property, alter and alienate property as a right but at the same time, it is also the duty of the other person not to encroach upon his property where consequences lead to liability on the person encroaching on the other person's virtual world land which he created. Hence it is an example of how a right exists with a correlative duty.

In a hypothetical situation, we shall consider a series of rights and derive its relationship in a digital environment. We have a right to form a government where the government is formed by the consent of all people. To make it connected to a technological aspect we would term people like avatars. There are avatars in the metaverse. They have the right to move and reside within the territory. The problem arises if there is no particular territory. To make things simple we will have a fixed territory where it will have the land equivalent to the world's largest

country, Russia. Then the world created in the metaverse created is called as State of Rambo land.

Let's say the State of Rambo land has a population of 5 million avatars and there is no form of governance and the avatars have rights which is completely absolute. It is like a state of nature because even if there is an act or omission found which leads to liability it would be a breach of duty. Then every avatar will have a right to take action or enforce to penalize such liability. Those actions can be the use of force where it will not have any physical impact on a person but will harm the avatar which is created by the person.

So, the state of nature which existed on the earth for many centuries would be occurring on the digital level also and this time there would be no physical impact on the person but there would be a possibility of mental issues which the person would have to undergo. Let's say the pain and frustration when our online account in a battle royal game gets banned permanently and in the rarest of the rare cases, by luck, it may get banned temporarily. Hence there would be an adverse effect not physically to all the avatars but to some avatars or most of them mentally. I cannot state that every avatar gets an adverse mental effect in such situations.

But there lies the power liability which is also connected with duty and liability and the power to ban the accounts by the servers or the creators leads to a relationship in simple terms: If you activate cheat codes or make an attempt to hack by inappropriate means it leads to a breach of duty. You have a right to play a game but it is a duty not to perform such actions. Since you performed an act that you were not supposed to do it led to a breach of duty where you are liable and hence the gaming operators would have the power to ban your account temporarily or permanently. This can be an example of how the manifestations of a right exist.

Likewise, if the avatars have inalienable rights, then it would lead to a chaotic situation where everyone would go to any extent using codes where they can verbally and physically assault the avatar created by the person. So, it would be a finger for a finger or ahead for ahead in the digital environment. To exempt the avatars, we would have the avatars unite together to form a particular territory where they could have a definite territory and the avatars would elect someone as their head. We shall consider him as the head avatar where he is also an avatar but he will have one step ahead of all the avatars in that digital environment.

He would be elected only as the head with the consent of all the avatars, where each and everyone's consent would be appreciated and accepted altogether. This is how a representative

government also forms in a country where a government is formed by consent and people elect the person through the electoral college in the real world. After the creation of the head avatar and some avatars belong to one particular world called Rambo land, which would have a fixed territory and they would have a head avatar who runs the government with his subordinates whom he elects amongst the avatars hence it leads to the formation of a state where all the avatars are governed with help of a government to run the state of Rambo land in a virtual digital environment. Hence the right is inherently created after problems have led to a creation of a right.

The problem arises when the rights are absolute. Since our "fundamental rights" which are there in the "Constitution of India" are not absolute as they are subjected to reasonable restrictions. The restrictions should be such that they should not violate the rights of other avatars also. Hence, we will have a restriction that is reasonable on the grounds of decency, public order, and a bit of morality to be taken into consideration when in exceptional circumstances it would be invoked. Now the avatars in metaverse have rights that are subjected to something called "Reasonable Restrictions". Then the right part of the avatars is been covered and next arrives their duties which should be equally followed by all the avatars, including the head avatar who also comes under the right's restrictions.

The duties of the avatars are not to violate their rights themselves and not to violate other avatars' rights. They also owe a duty not to outrage the modesty of female avatars where they are prohibited from such discrimination on grounds of sex. The privileged are given such that to protect the state's interest and not let the purpose defeat the concept of digital world order. Hence these cover the right part of the avatars. Then comes the head avatar who is elected by the other avatars and he has both the powers and duties most importantly he also has a right where it is as equivalent to the other avatars. He owes a duty to safeguard the interests of all the other avatars also, where any external avatar from another world invades the head avatar has to protect avatars of his state from the external one if it is proved it may cause problems to other avatars.

The avatars also have a right to recall the elected head avatar if it is proved by allegations of such misconduct and violates the rights of other avatars. The duty of the avatars is such that it must be proven and make sure that the head avatar commits or omits an act that is bound and not bound to do. He must be given a fair opportunity to be heard himself and if proven guilty he shall step down with immediate effect and if not, he can continue. The problem arises when

there is complete power to all the people. They can blatantly violate the other avatar's rights if needed to do so. In a metaverse, the same shall be followed wherein a real-life situation under Article 21 of the Constitution of India states that no person shall be deprived of his liberty where no avatars shall be subjected to deprivation of their rights and liberties.

If we follow and create the same simulation where the law is applicable here even in a digital environment like metaverse, it is possible because it fulfills the essentials to form a government and to a government by consent. The same can be given to other avatars if needed to do so because at this point right-duty relationship does not extend only to real-world situations but also it can apply to the situation which prevails in a metaverse. If the metaverse functions like day-to-day governance, it can be a meta-democracy where democracy exists in a virtual environment also. It is possible to have laws that prevail in the physical world also can behave as laws in a metaverse as same where there is not a right to a relationship but there is a liability imposed on the avatars if there is a breach of duty.

Hence, I would like to conclude that a right duty relationship can also prevail in metaverse which would follow the same principles but which can be interpreted even for real-life situations wherein cases of breach of privacy, the avatars have the right to report and can impose the punishment if proven guilty by the other avatar. The challenges and limitations have a very wider scope where there is no consequence of a physical impact but it can be inevitable to have a mental impact on such persons.