

Legal and Regulatory Measures to Reduce the Defamation on Social Media

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Abstract

This study aims to explain the most important legal and regulatory measures to limit defamation through social media sites. The study included an explanation of the meaning of defamation in general and electronic defamation in particular, a statement of the ruling on defamation, the means of defamation in the past and present, and a statement of the punishment for defamation in Islamic law and in the Saudi system, in addition to To explain the most important means to reduce defamation on social media sites.

Keywords: *legal and regulatory measures, general and electronic defamation.*

1. INTRODUCTION

Praise be to God, Lord of the Worlds, and may blessings and peace be upon the Master of the first and the last, and God's mercy to all mankind, our Master Muhammad, and upon his family and companions, and those who follow them in righteousness until the Day of Judgment, and after:

Islamic law has considered the dignity of the human being and preserved all his moral and material rights, and one of the moral human rights is not to be subjected to defamation without evidence or proof, without relying on a judicial ruling, or from authorities other than those competent to do so.

With this great development in means of communication, and the wonderful use of social media, many people have unleashed their tongues to delve into people's honor and defame them, without relying on any evidence or evidence, until the matter has become a general problem that threatens societal security and peace.

This study came to shed light on the issue of defamation and the role of forensic sciences in reducing it through social media.

The problem of the study and its questions:

- What is meant by defamation in general and electronic defamation in particular?
- What is the ruling on defamation in Islamic law?
- What are the means of defamation, ancient and modern?
- What is the penalty for defamation in Islamic law and in the Saudi system?

The importance of the research lies in the fact that it focuses on one of the important topics related to preserving the five necessities, as defamation has psychological, social, economic and security damage to individuals and countries, which affects the five

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necessities approved by Islamic law. While the objectives of the study are summarized as follows

- Defining the meaning of defamation in the conventional language and explaining the meaning of electronic defamation.
- Introducing the different means of defamation.
- Explaining the punishment for defamation in Islamic law.
- Statement of means to limit defamation through social media sites.

In this research, I followed the descriptive method and the analytical method.

I hope to God Almighty that I have succeeded in what I have done. I ask God Almighty to grant me good acceptance. To make this work serve His law and uphold His word. Whatever was right in it is from the grace of God - the Almighty - and to Him belongs praise and thanks, and whatever shortcomings or shortcomings were in it are from myself and from Satan, and God forbid we seek forgiveness from God Almighty for that. My excuse is that absolute perfection belongs to God - the Almighty - and that imperfection is the business of humans. O Allah, bless our master Muhammad and his family and his companions until the Day of Judgment.

2. DEFINITION OF SEARCH TERMS:

A. Definition of defamation in language, and terminology:

First: Defamation in the language :

From the triple root, “month” means defamation, and “fame” means the appearance of something in its heinous form so that people become famous for it, and “fame” with the inclusion of the meem means scandal, and “month” means the moon, so called because of its fame and appearance, and it is said that it is famous for such-and-such, meaning to expose it, and its fame among the people has made it prominent (Ibn Manzur, p. 431). 432.(

Fame is the clarity of the matter (Al-Razi, p. 177), and fame, month, and month, that is, it was broadcast and announced, and fame was made public about it, and the matter became famous and spread (Mustafa, p. 498).

Second: Defamation in terminology:

It is worth noting that the meaning of defamation according to the jurists is consistent with the linguistic meaning and hardly deviates from it, as this appears through their definitions, as Imam Al-Sarkhasi defined it as (exposing a person by an act or defect that exposes him and makes him famous among the people) (Al-Sarkhasi, p. 145).

Some have defined it as (broadcasting sad news about a person or entity such as a magazine, school, department, library, or something else). (Al-Khudairi, p. 18)

B. Definition Of social media:

Also called social media or social media, the term social media refers to the use of Internet and mobile technologies to transform communications into interactive dialogue. Andreas Kaplan and Michael Hanlin define social media as “a set of Internet applications that build on the ideological and technological foundations of the Web 2, and which allow the creation and exchange of user-generated content” (Wikipedia).

C. Means of defamation, past and present:

The means of defamation vary between ancient means and modern means, as defamation was known to ancient jurists, and examples of it were mentioned:

- Calling out the perpetrator, defaming him, and making him heard among the people, as it was narrated that Omar ibn al-Khattab, may God be pleased with him, (brought a false witness, and he stopped him from the people for a day until the night, saying, “This is so-and-so who testified falsely, so recognize him.” Then he imprisoned him) (Al-Bayhaqi, p. 141).
- Shaving the offender’s head and blackening his face, so that his matter becomes known to the people, and they warn him (Al-Mawardi, p. 283).
- Stripping the person being mourned of his clothes, except for what covers his private parts, making him public, and calling out his sins when they repeat them and do not stop doing them (Al-Mawardi, p. 239).

Modern Means of Defamation Include:

- Defaming the perpetrator through local newspapers, accompanied by his personal photo. (Amer, p. 459)
- Defaming the perpetrator on radio and television channels.
- Imposing the sentence issued against the offender around his activity or the place where he committed the crime so that his matter becomes known. (Amer, p. 459)
- Defaming people and officials via social media sites, or what is called electronic defamation.
- Defamation through platforms. (Al-Khulaifi, 2008: pp. 82-85)

D. The ruling on defamation in Islamic law:

The basic principle regarding the ruling on defamation is the prohibition based on the Qur’an, Sunnah, and consensus:

First: Evidence from the book:

1. God Almighty said: (Indeed, those who love for indecency to be spread among those who believe will have a painful punishment in this world and the Hereafter) (Surat An-Nur). As Ibn Kathir said in his interpretation of this verse (Indeed, this is a discipline for whoever hears some bad speech, then some of it comes to his mind, and he speaks of it, so he should not multiply it, spread it, or spread it). (Ibn Kathir, p. 29).
2. The Almighty said: (And those who harm believing men and believing women other than what they have earned have indeed incurred slander and manifest sin.) (Surat Al-Ahzab) In this noble verse, God has expressly forbidden harm of all kinds, and it is included in it as Muslims by defaming them.

Second: Evidence from the Sunnah: There are many hadiths on this topic, including:

1. On the authority of Abu Hurairah - may God be pleased with him - that the Messenger of God - may God’s prayers and peace be upon him - said (Beware of suspicion, for suspicion is the falsest of speech. Do not spy, do not envy one another, do not hate each other, and do not turn to one another, and be servants of God, brothers) (Al-Bukhari, p. 103). Ibn Hajar Al-Asqalani explained that the meaning of his saying - may God’s prayers and peace be upon him - (and do not spy, nor spy) means, do not search for people’s faults, do not follow them, and do not publicize them) (Ibn Hajar, p. 482).
2. On the authority of Jundub bin Abdullah Al-Bajali - may God be pleased with him - that the Messenger of God - may God’s prayers and peace be upon him - said (Whoever hears, God will hear of him, and whoever sees, God will see of him) (Al-Bukhari, p. 2383).

Where Ibn Hajar mentioned that one of the meanings of the hadith is: “Whoever hears about people’s faults and broadcasts them, God will reveal his faults and make him hear what is objectionable” (Ibn Hajar, p. 337).

Third: Evidence From Consensus :

Muslim scholars, past and present, have unanimously agreed on preserving human dignity and on preserving honor among the five necessities considered in Islamic law.

This is the basis of the ruling on defamation, but some forms of defamation are excluded from this and are subject to the ruling of obligation, including:

Defamation by a guardian in border crimes :Where God Almighty said (Let a group of believers witness their torment) (Holy Qur'an, Surah An-Nur). The wisdom of legislating borders is to deter and rebuke, and this cannot be achieved unless it is in full view and hearing of the people.

Concerning this, Abu Al-Hasan Al-Mawardi says: "And if the ruler sees that it is righteous in deterring the fools to publicize and call out their crimes, it is permissible for him to do so" (Al-Mawardi, p. 271).

This includes defaming the perpetrators through various media outlets. There is no doubt that this is necessary to achieve the goal of Islamic law of deterrence and reprimand.

Among the images are those that are considered permissible, such as defaming innovators and those who openly commit sins in order to warn people against their evil and defaming fraudulent and cheating merchants.

3. LEGAL AND REGULATORY MEASURES TO REDUCE DEFAMATION THROUGH SOCIAL NETWORKING SITES.

A. Legal measures to reduce defamation:

Islamic law has a significant role in reducing defamation on social networking sites, through two aspects: a preventive aspect that contributes to preventing defamation before it occurs, and a therapeutic aspect that contributes to alleviating its harmful effects on the individual, family, and society, and we begin to talk about the preventive aspect:

Preventive Means to Reduce Defamation on the Social Media Sites:

This is done through several things, the most important of which are:

First: The call to piety of God and the consolidation of Islamic values in society: piety is considered an internal motivation that prevents a Muslim from committing sins that include defaming people, as he - may God's prayers and peace be upon him - said: (Community of those who believe with their tongue but faith has not entered their heart, Do not backbite Muslims and do not follow their faults, for whoever follows their faults, God will search for his faults, and whoever follows his faults, God will expose him, even in his own house" (Abu Dawud, p. 421).

He said - may God bless him and grant him peace - (A Muslim is one from whose tongue and hand the Muslims are safe) (Al-Bukhari, Hadith No. (10)), and there are many hadiths in this section that urge the Muslim to refrain from insulting and defaming others with his tongue.

Second: The forbidding of harm to others: The Almighty said (And those who harm the believers and the believers other than what they have acquired, then they have been conducted with the rituals of the rituals).

Third: Prohibition of spreading immorality in Islamic society: God Almighty has made it clear that spreading immorality in societies is one of the matters that deserves painful punishment due to its great danger and profound impact. God Almighty said (Indeed, those who love that immorality should be spread among those who have believed will have a painful punishment in this world and the afterlife) (Surat Al-Nur).

Fourth: The Muslim should stay away from suspicion and defamation.

Fifth: Holding courses and seminars on enjoining good and forbidding evil.

Sixth: Regulating the creation of websites and the process of managing and supervising them. Determine the responsibility of the site supervisor for all posts posted on the site.

Treatment methods for defamation via social media:

Islamic law has developed a number of therapeutic methods that contribute to reducing the impact of defamation after it occurs, including:

I. Legislating marginal punishments such as slander: When a person spreads the crime about someone else and slanders him, it is lawful for him to publicize his punishment so that people know his lack of truthfulness, the innocence of the slanderer, and the lapse of justice for the slanderer (Al-Ghufaili, p. 249).

II. Legislating discretionary punishments: up to the guardian, such as flogging, imprisonment, financial fines, and others.

III. Forcing the perpetrator to deny himself regarding those he defamed, and this is done using the same means by which the defamation was made .

4. REGULAR MEASURES TO LIMIT DEFAMATION IN THE KINGDOM OF SAUDI ARABIA SYSTEM:

Defamation of others via social networking sites is considered one of the electronic crimes, and a system was issued in the Kingdom of Saudi Arabia called the Anti-Cybercrimes System. This system stipulates in Article Three that (the penalty shall be imprisonment for a period not exceeding one year, and a fine not exceeding five hundred thousand riyals) Or one of these two penalties: every person who commits any of the following crimes, including: violating private life by misusing mobile phones equipped with a camera, or the like, and defaming others and causing harm to them, through various means of information technology.

The Saudi Public Prosecution threatened a year's imprisonment and a fine of up to five hundred thousand riyals for every person who defames others and causes harm to them, whether by producing, preparing, sending, retransmitting, or endorsing via social media, as an "information crime".

We find that these systems achieve a balance between the human need for modern technologies and social media, and the individual's interest in preserving his reputation and dignity, not exposing his life and secrets, and not defaming him through these sites, and thus reassurance is achieved among individuals within the Islamic community.

5. Results :

- Sharia has preserved the human right to voice, reputation and dignity and has prevented infringement on this right by legislating deterrent punishments such as defamation and discretionary punishments subject to the guardian.

- Electronic defamation: It is broadcasting terrible things about a person or entity, such as a magazine, school, department, library, etc., through various social networking sites.

- The means of defamation vary between ancient means: such as shaving the offender's head and blackening his face, so that his matter becomes known to people, so they warn him, and modern means such as defamation through social networking sites, through television channels, newspapers, and magazines.

- The basic principle regarding the ruling on defamation is that it is forbidden in Islamic law, based on the evidence of the Qur'an, the Sunnah, and consensus, and because of the psychological, social, economic, and security damage that it results as well. However, an exception to that is defamation by the guardian of those who commit punishments and major felonies, so it takes the ruling of obligation, and permissible defamation is defamation of deceitful and lying merchants. In their dealings, and defaming innovators in order to warn people of their evils.
- Islamic law has put in place several legal measures to limit defamation in general, including defamation via social media sites, including preventive measures to limit its occurrence, and remedial measures after it occurs, which also contribute to mitigating its effects.
- The Kingdom of Saudi Arabia is considered one of the first countries to establish a system that combats cybercrimes, as it issued the (Cybercrime Combating System), which is one of the advanced and advanced systems in this field .

6. Recommendations:

- It is necessary to compile statistics, in cooperation between concerned parties, on the number of defamation crimes and the methods used in them, and to study these cases by psychologists, sociologists, and Sharia and regulatory scholars, to come up with proposals and recommendations to reduce defamation through social media sites.
- Holding conferences, scientific seminars, and educational lectures to introduce the seriousness of the crime of defamation from a legal and regulatory perspective and its impact on the individual, family, and society.
- Establishing systems that control the process of creating websites and tightening control over them to achieve security and reassurance for members of the Islamic community, and benefit from the pioneering experience of the Kingdom of Saudi Arabia in this field .

May God's blessings be upon our master Muhammad and all his family and companions.

Acknowledgements

"The authors extend their appreciation to the Deanship of scientific Research at King Khalid University for funding this work through General Research Project under grant 43 : number:44-439-RGP1.

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