

Legal Regulation of Civil Liability for Rumor Dissemination on Social Media

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Abstracts

Rumors play a significant role in shaping the culture of societies, emerging not as foreign phenomena but as products of the social and economic culture of a community. They serve as the foundation for studying and defining the characteristics and identity of any society. Many countries have even established special intelligence units to monitor and analyze rumors, using them to forecast potential events. It would not be an exaggeration to say that rumors have the power to influence the rise and fall of nations. This study emphasizes the importance of rumors, as they are often used by states to safeguard their interests across various fields through individuals. The researcher employs a comparative descriptive-analytical methodology and concludes with several findings, including that compensation for damages caused by electronic communication falls under tort liability due to the absence of a contractual relationship between the victim and the perpetrator. Such damages are often moral in nature. The penalty for such actions is compensating the victim, which may take the form of in-kind or monetary compensation. Courts have the right to consult experts for assessment. Among the recommendations are establishing a monitoring authority for social media to allow the state to mitigate the harmful impacts of rumors on the state and individuals. Additionally, judicial bodies should establish official communication channels with social media platforms to request user information as provided by these platforms.

Keywords: Civil Liability, Rumor Dissemination, Social Media.

1. Introduction

Rumors are an ancient social phenomenon that have accompanied humanity and evolved due to daily demands and advancements in media and communication. They often align with conflicts and struggles, as well as the use of media as a soft power for control. Rumors also reflect social changes and political and cultural transformations. With the rise of new media and social networks, a new type of media practice has emerged, marked by a large influx of information that leaves recipients uncertain about its authenticity. Rumors arise from various factors, including idleness, the desire for attention, envy towards successful individuals, and, at times, a lack of moral and religious restraint. The widespread use of new media tools in society has also facilitated the spread of rumors, making them easier and cheaper to propagate. Our study focuses on civil liability, though the topic also intersects with criminal liability.

Research Significance

1. Highlighting the impact of social media and how it is one of the primary tools used for rumor dissemination.
2. The study is significant as it addresses an issue related to social stability, particularly in modern times, where rumors have become part of daily life. The ease of information exchange due to technological advancements has made the world a global village.
3. Practically, the study aims to raise awareness among relevant authorities on how to manage such crimes, thereby contributing to combating and containing them and addressing the negative impact of rumors on society.
4. Legally, the study underscores the importance of data protection, which relates to human rights, particularly the right to information and privacy. Protecting personal information on social media is essential, as it reflects an important aspect of privacy that should be safeguarded against unauthorized access.
5. The study also addresses the practical reality that communication and information technologies have imposed, requiring adaptation to the widespread use of social media and the sharing of information.

Research Objectives

1. The motivation for this study stems from the lack of comprehensive legal studies in Iraq addressing the topic in detail.
2. To outline the general principles of rumors and their legal framework.
3. To define the concept of rumors, their types, the damages they cause, the legal framework for rumors, relevant penal laws, and the sufficiency of civil liability for the damages they cause.

2. Research Methodology

The study primarily adopts a comparative analytical method, analyzing the rulings and issues related to the topic in a systematic and comparative manner. The study also combines descriptive and analytical approaches to pave the way for analyzing rulings and drawing conclusions.

Research Structure

To cover all aspects of civil liability for rumors, the study is divided into an introduction, a conceptual framework as the first chapter, effects of liability as the second chapter, and concludes with findings and recommendations.

Conceptual Framework

The dissemination of false and malicious rumors has adverse effects, causing significant harm to individuals and society. Wherever interconnected communities exist, rumors are often prevalent, serving as tools not only among individuals but also at the state level. Social media

has created a stir among users, allowing them to communicate and express societal issues rapidly. Traditional media now struggle to match the direct and influential reach of social media platforms. These platforms have brought about behavior changes, especially among youth and students, who are increasingly influenced by rumors circulated through social media. The advanced techniques used in rumor dissemination make it difficult for many to distinguish between true and false information, often convincing recipients of the rumors' validity and the credibility of those behind them. This study, therefore, requires dividing the chapter as follows:

1. Definition

1.1 Definition of Civil Liability

Linguistic Definition

Civil liability involves actions for which a person is held accountable. The root of the term "liability" in Arabic derives from the letters that form the words for questioner, the one questioned, and the noun form of liability (Ibn Faris, 2001, p. 124). The term itself is derived from "asked," meaning to request something, as seen in phrases where people question each other (Arabic Language Academy, n.d., p. 412). Linguistically, responsibility refers to seeking knowledge, requesting information, or inquiring. It also describes the state of a person accountable for a matter, as in "he is free from responsibility for such and such." In English, it corresponds to the terms Liability or Responsibility (Ba'albaki, 1995, p. 1030), and in French, it is equivalent to Responsabilité (Shams al-Din, 2005, p. 553). For our study, responsibility pertains to accountability, as illustrated in the Quranic verse: "So by your Lord, We will surely question them all about what they used to do" (Surah Al-Hijr, 15:92-93). Responsibility encompasses obligations that require a person to perform certain actions or conform to laws, including penalties and similar measures (Mas'oud, 1964, p. 1371). In this sense, questioning has two aspects: a request for information and an obligation to fulfill a requirement, which refers to accountability and commitment (Bilal, 1988, p. 143). In essence, it is a personal obligation to comply with certain actions or adhere to regulations, even if involuntarily (al-Manawi, 1990, p. 257).

Technical Definition

The term "responsibility" is a modern concept, not found in the language of early Islamic jurists. Instead, it is a contemporary expression adopted by recent jurists. Responsibility here refers to compensating for damage resulting from an unlawful act, which may involve either a breach of contract, known as contractual liability, or harm caused to others, whether intentionally or unintentionally, known as tortious liability. Another definition describes responsibility as a legal mechanism through which an individual voluntarily assumes the burden of damage caused by natural forces.

Civil liability is the responsibility that requires an individual to bear the burden of compensating for damages they have caused to another party, often transferring accountability for acts or impacts related to biology, psychology, or social laws to another person perceived as the liable party (al-Sanhouri, 1946, p. 311). Responsibility involves questioning a person about an action for which they are accountable and obliged to fulfill. If they neglect or fail to meet this

responsibility, they bear the consequences of their commitment. Civil liability is thus defined as the obligation to compensate for harm caused to others, whether prescribed in legal texts or not.

Civil liability can be contractual if it arises from a breach of contract between the liable party and the injured party, or tortious if it arises from a breach of a general legal obligation not to harm others, whether intentional or unintentional. Early Islamic jurists noted that “intent and error are equal in the handling of people’s properties,” meaning the liable party is responsible regardless of whether the act was intentional or accidental (al-Zahili, 2004, p. 203). Civil liability applies in either case—whether the act was intentional or unintentional. Any voluntary action by an individual that causes material or moral damage to another obliges the perpetrator to compensate for this damage, provided it can be proven that the act directly caused the harm (al-Sanhouri, 1968, p. 505).

In Islamic jurisprudence, civil liability is clear and well-defined, commonly referred to as "guarantee" (al-dhaman). There are two types: contractual guarantees, which are equivalent to contractual liability, and harmful act guarantees, which correspond to tortious liability. Islamic law distinguishes between crimes against persons and crimes against property, as well as between criminal and civil liability. It also separates the concept of punishment from compensation, addressing key property-related offenses like seizure and destruction (al-Zahili, 2004, p. 203).

Civil liability serves as a basis for imposing the burden of compensating damages on a specific person, with some scholars defining it as the state of a person who has committed an act warranting reproach. Such an act may be morally wrong due to ethical or religious prohibitions. In these cases, it is known as moral liability, and the perpetrator faces social disdain. The liability may also be specified in statutory law, making it a legal liability subject to legal penalties established by the state’s competent authorities (Saeed, n.d., pp. 85-87).

Furthermore, civil liability is distinguished from guarantees, as guarantees only begin where liability ends. In civil law, any action that harms another person obligates the perpetrator to compensate for the damage they caused. For instance, Iraqi civil law scholars define liability as the breach of an obligation that an individual has to others, legally or contractually, resulting in compensation for the harm caused by the breach (al-Zahili, 2004, p. 203).

In Islamic jurisprudence, civil liability is viewed as accountability and bearing the consequences of one's actions. Responsibility refers to the obligation to bear the outcomes of behavior that violates binding rules, whether the act is positive or negative. This type of liability is divided into three categories: religious liability (commitment to bear the consequences of actions contrary to Sharia), legal liability (responsibility arising from violating mandatory legal norms), and moral liability (for actions that violate social ethics, incurring community disapproval rather than formal penalties) (al-Zahili, 2004, p. 203).

In Iranian law, specifically the Iranian Civil Liability Law, civil liability is defined as an obligation to compensate for harm caused to others. This responsibility arises when a person infringes on another’s rights without legal authorization, causing harm, whether by a crime or quasi-crime. The responsible party is obligated to provide compensation unless the damage falls outside the legal framework. Civil liability is essential for securing civil rights, providing

individuals with tangible access to their rights, and regulating social and legal relationships (Khorshid, 2007, p. 68).

In Iranian civil law, civil liability is discussed under the concept of mandatory guarantee as outlined in Article 317 of the Iranian Civil Code. This article addresses the causes of mandatory guarantee concerning seizure, misuse, waste, substitution, and confiscation. Dr. Katouzian's book also introduces an additional concept, known as unlawful use or unlawful possession, which is crucial because it establishes that no one can harm another or benefit from another's property without legal authorization (Civil Liability Law, 1960, Art. 1).

Islamic jurists have used the term guarantee, which encompasses all types of liability. In Iranian legal literature, civil liability generally refers to the obligation to compensate for damages caused to others. Practically, however, Islamic jurisprudence discusses specific issues under civil liability, but not all aspects of compensation for harm fall under this title (Karki, 1993, p. 76). This broad concept of civil liability, including specific conditions and effects for each case of harm, has led to inconsistencies and foundational conflicts with Islamic jurisprudence. In Islamic jurisprudence, the concept of civil liability does not encompass all cases of harm. Conditions for compensation are stated in various chapters, each with distinct criteria, and there is no unified theory covering all instances of harm. Applying general rules governing harm has thus created divergence between legal and jurisprudential views on the matter (Handi, 1995, p. 211).

Civil liability stems from several key principles, the most prominent being the no harm rule. This rule in Islam prohibits any type of harm, and if harm occurs, the responsible party must compensate to rectify the resulting damage. The primary reason for preventing harm is rationality. This principle is based on intellectual independence, as the human mind can comprehend the prohibition of harm without explicit religious mandate, extending to safeguarding others' property (Iraq, 2013, p. 49).

The guarantee rule, as its name implies, stipulates that a person is responsible for returning the property of others in their possession. This principle, rooted in rationality, obligates an individual to return the property of another when they seize it and makes them liable for any damages or losses incurred. This view, found in the practices of wise individuals, holds that usurping another's right constitutes a liability towards the owner, requiring compensation if harm or loss occurs (Biri, 2009, p. 76).

1.2 Definition of Rumors

Linguistic Definition

The Arabic term for rumor, (*al-sha'i'a*), originates from the root (*sha'a*), meaning "to spread or become public." The term implies the appearance and widespread dissemination of information. In Arabic, (*sha'a al-shay'*) means "to broadcast" or "to make public," and (*al-ishā'a*) refers to news that circulates without verification (Mustafa et al., 2005, p. 503). The term "*sha'i'a*" has also been used historically to mean division, dispersion, and a widely spread but unconfirmed piece of news that circulates among people during certain conditions (Musa & Al-Sa'idi, 1967, p. 345; Malouf, 1996, p. 411).

A "rumor" can be a piece of news that lacks authenticity but is spread verbally, written, or symbolically among the public. Traditionally, there is no specific entry in classical Arabic lexicons that aligns perfectly with the modern concept of a rumor, but older sources mention it in definitions related to widespread and unverified information. The term (sha'a) denotes dissemination, while (al-mashā') refers to something shared and unallocated (Al-Razi, 1999, p. 171; Al-Turayhi, 2009, p. 727). Additionally, early Muslims often referenced Quranic verses that indirectly address the concept of rumors, such as, "When there comes to them some matter touching safety or fear, they spread it abroad" (, Surah An-Nisa, 4:83), illustrating the notion of rumor as information that spreads widely. Another verse alludes to this, stating, "Indeed, those who like that immorality should be spread among those who have believed will have a painful punishment in this world and the Hereafter" (Surah An-Nur, 24:19).

In modern usage, linguistic scholars often define a rumor as a news item that spreads without verification, generally intending to increase its reach and impact. According to Al-Mu'jam al-Wasit, a rumor is "news that spreads without confirmation" (Mustafa et al., 2005, p. 503). Thus, "rumor," "sha'i'a," and "ishā'a" share the meaning of news or information that is spread without verification (Al-Zamakhshari, n.d., p. 530; Al-Jawhari, n.d., p. 1240).

Technical Definition

In a technical sense, a rumor is defined as the deliberate promotion of fabricated news without a basis in reality, or as exaggeration, distortion, or selective reporting of factual information. This includes adding false or misleading details to an otherwise truthful account or interpreting and commenting on true news in a way that deviates from reality (Al-Buraik, 2014, p. 21). The primary objective behind rumors is often to influence public opinion—locally, regionally, or globally—for political, economic, or military objectives, either within a single nation or across multiple nations (Al-Tuhami, 1979, p. 114; Nasr, 1988, p. 227).

A rumor has also been defined as a subjective opinion that is shared with the intention of influencing the beliefs of the recipient, typically passed orally without requiring evidence or proof (Al-Duqouqi, 1990, p. 93). This definition emphasizes that rumors often oppose the truth, aligning them closely with falsehoods. Rumors are commonly regarded as a form of psychological warfare, aiming to undermine the morale of a nation, thereby categorizing rumors as a societal issue that demands countermeasures.

Notably, most legal systems do not explicitly criminalize rumors but instead issue warnings against them, recognizing their potential to alter perceptions without necessarily changing behavior. After reviewing various definitions of rumors, this study adopts the following definition: Rumors are statements and information circulated verbally or through public channels, often originating from unknown or ambiguous sources. These rumors are typically marked by a distortion of reality and may contain elements of truth or be entirely fabricated. They are generally characterized by significance and ambiguity, and their dissemination has an impact on individuals and society.

Rumors can be defined as "any planned and deliberate action issued by a responsible individual through public channels, lacking factual basis, concerning current events, and aimed at inciting fear and panic, thereby threatening the security and stability of society" (Mahfouz, 1976, p. 122).

Another definition describes a rumor as “a piece of news, completely or partially fabricated, spread verbally or through media without any accompanying evidence, intended to undermine morale” (Shafiq, 2014, p. 120). Both definitions link rumors to an underlying purpose of achieving an illicit objective, often centered on influencing others.

The Quran also alludes to the concept of rumor-spreading in verses such as, "Those to whom the people said, 'Indeed, the people have gathered against you, so fear them.' But it [merely] increased them in faith, and they said, 'Sufficient for us is Allah, and He is the best Disposer of affairs'" (Surah Al-Imran, 3:173), and "And when there comes to them information about [public] security or fear, they spread it around" (Surah An-Nisa, 4:83).

In the jurisprudence of the Imamiyyah, the term “rumor” originates from the Arabic word (sha‘a), meaning “to reveal” or “to spread.” This is why smaller kindling that ignites and spreads fire around larger logs is called "shi‘i," and a person who publicly displays their actions during travel is also referred to by a term derived from this root. Moreover, the act of carrying a body openly in a funeral procession, making the deceased’s death evident to all, is called “janasah” (funeral), derived from the same root. Hence, any information that becomes widespread without a verified source is called a "rumor" (Afrouz, 1375 [1996], p. 76).

Generally, a rumor is oral communication of stories, information, or unverified news that gains credibility solely through widespread circulation. As rumors spread, they may change based on the intentions or animosities of those conveying them. In this sense, a rumor may be defined as widely circulated information among people that lacks verification. Importantly, the term “unverified” does not imply “false” or “incorrect,” but rather indicates “lack of concrete and solid support.” This distinction is crucial; a rumor is based on an unreliable source and lacks firm substantiation. A rumor is not necessarily false information, but rather information whose truth is unknown at the time. Over time, it may be possible to ascertain whether the rumor is accurate or not. Often, rumors begin with a cautious statement. Given the harm and negative impact rumors can have on a national level, Iranian organizations and individuals are encouraged to prevent their spread, especially on social media, as part of a serious and growing research focus on soft security (Al-Asfahani, 1412 [1991], p. 112).

In Islamic jurisprudence, the concept of a rumor is somewhat similar to terms like (qazab), (ufuq), (rajaf), (zan), (khars), and (zimman), each with specific connotations. For example, the expression (sha‘a al-khabar) means "the news spread widely and became well-known." Falsehood, or information that diverges from truth and reality, is also termed (batil), indicating a deviation from truth (Imami, 1377 [1998], p. 32). The word (al-murjif) refers to someone who spreads lies to cause anxiety among people. In essence, “rumor” here denotes news that spreads widely, often creating fear or anxiety (Jalali Farahani, 2008, p. 61).

A rumor can thus be defined as "a report indicating the existence of important information disseminated informally, unconfirmed by the publisher, yet with potential to significantly impact the publisher’s stock price." A rumor generally stems from a context that is truthful or close to reality but spreads through unofficial channels, so entirely fabricated information falls outside this definition. This idea implies that the source of the rumor is ambiguous; if the news were legitimate, the publisher would likely attempt to confirm or refute it. The publisher’s hesitation

and the news's circulation signal the dubious credibility of the source (Mirzaei Monfared, 2012, p. 211).

According to Article 32, Clause 1 of the Iranian Market System, confidential information is any undisclosed information, directly or indirectly related to traded securities or their source, that could influence prices or investors' trading decisions upon release (Dehkordi, 2011, p. 121). Clause 6 of the Disclosure Guidelines defines significant information as any news related to events or decisions affecting the issuer, with substantial impact on the security's price or investor decisions. The ambiguity here raises the question of whether rumors qualify as confidential information. Two main views exist: some argue that confidentiality in any legal system does not rely on the information's truthfulness; rather, the key factor is that the typical individual believes in its accuracy. The public belief that information impacts security values distinguishes rumors from confidential information. These proponents support their claim by stating that the definition of confidential information refers to data related to securities transactions or their source, aligning confidential information's origin with the issuer. Furthermore, Article 4 of the Disclosure Directive assigns the issuer responsibility for identifying significant information (Mirzaei Monfared, 2012, p. 211). Under Article 5 of the same directive, the issuer must provide reliable information, contrasting with the unofficial nature of rumor dissemination, which implies a lack of verification (Jalali Farahani, 2008, p. 61).

1.3 Definition of Social Media

Linguistic Definition

The term "social media" is closely linked with the concept of the virtual society and internet networks, having gained prominence globally due to its widespread usage and benefits among users. Social media platforms are among the most popular forms of communication, having a significant influence on various aspects of life, including social, economic, political, and artistic domains. Numerous definitions have attempted to capture the essence of social media, some of which are discussed below.

In linguistic terms, the Arabic root of the word "communication" is derived from (wasl), meaning "to connect or link something" (Dekhoordi, 2011, p. 121). Linguistically, "communication" signifies connection or continuity; it is the opposite of separation and division (Al-Razi, 1979, p. 115). The term also implies interaction and connection, as in the phrase "he connected with his kin," meaning he maintained relations. Socially, "communication" refers to the fabric of social ties and collective relations (Ibn Manzur, 1414 [1993], p. 726). The Quran alludes to the idea of social gathering in the verse: "Indeed, in that is a sign for whoever fears the punishment of the Hereafter. That is a Day for which the people will be collected, and that is a Day [which will be] witnessed" (Surah Hud, 11:103), signifying a day when people will come together. Additionally, the ODLIS dictionary defines social media as "electronic services that enable users to create personal profiles through which they can connect with others" (Fahmi, 2017, p. 4).

Technical Definition

Technically, social media refers to platforms that host large virtual communities, providing a variety of services that facilitate communication and interaction among users, such as friendships, messaging, instant chatting, and the formation of groups and pages for individuals and organizations. These networks allow users to share documents, photos, videos, and more. They are also known as "social networking sites" (Rashid, 2013, p. 19).

In more technical terms, social media can be described as a "continuous and persistent relationship" between participants in a dynamic, uninterrupted connection (Abdul Razzaq & Al-Samook, 2011, p. 24). Social networking involves creating an environment where individuals can establish profiles and interact with others based on shared interests, affiliations, or geographic locations, such as country, university, or company (Fahmi, 2018, p. 19). Social media also facilitates immediate interactions, enabling users to send messages, view profiles, and stay updated with the information others choose to share.

Furthermore, social media is defined as "electronic networks that allow users to create personal accounts and connect with others who share similar interests, often based on school or university affiliations" (Mosri, 2012, p. 149). These platforms enable users to connect globally at any time, through various communication methods like video, voice, and image sharing, fostering social bonds among users.

In Iraqi law, there is no formal definition of social media, though it generally refers to a vast global network connecting millions of computers worldwide, facilitating the exchange of messages, opinions, and information. Social communication is inherently social, referring to the fabric of interpersonal relationships that form the foundation of society. Social media, therefore, holds a prominent place in modern life, reshaping communication and fostering a new cultural dynamic focused on interaction and participation (Sharif, 2015, p. 89).

In Iranian law, social networks are defined as a type of social media akin to human society, enabling individuals to connect with a vast number of people. Terms such as "social network," "online community," "virtual community," and "digital social network" are often used interchangeably. Social media structurally includes multiple functionalities, like content creation, message sharing, and user interactions, forming a network of personal or collective interests (Hammadi & Qassem, 2014, p. 23).

2. Types of Rumors

Organizing rumor types for universal application is challenging, as their categorization may depend on the story's content, motives, duration, or the social impact—whether harmful, beneficial, or neutral. Reviewing various scientific classifications, the types of rumors can be summarized as follows:

1. Creeping Rumors

These rumors spread gradually through whispers and are slowly passed between individuals. They are often pervasive in closed or monitored communities, like prison populations, where they circulate covertly until everyone is aware of them. The slow spread of these rumors is due

to restricted social contact, a deliberate strategy by the originator, or the oddity of the content, which causes skepticism among people. The danger of creeping rumors lies in their subtlety and their slow spread, which keeps them unnoticed until they are widely known (Roquette, 1984, p. 72).

2. Aggressive or Impulsive Rumors

Known for their intensity and rapid spread, these rumors quickly reach a large audience but dissipate just as fast. This type often arises in the absence of official information to clarify issues, as seen in the 1970s with the “Abu Tabr Gang” rumor, which unsettled Iraqi society (Al-Haqbani, 2003, p. 118).

3. Media Rumors

In the digital age, media-driven rumors are some of the most dangerous. These rumors are strategically released through modern communication channels to achieve specific objectives, often characterized by an element of surprise. Their risk lies in the vast geographical reach, facilitated by global communication technology that spreads rumors quickly, even across remote and diverse communities. Journalistic standards may be compromised when news is based on unidentified sources or unverified information, turning media outlets into instruments for rumor dissemination (Al-Saghir, 2001, p. 4).

4. Hate-Based Rumors

Hate-fueled rumors are spread by individuals harboring resentment. Such rumors aim to incite animosity, targeting individuals, groups, or governments. They are often used to provoke sectarian tensions, as illustrated by rumors following the assassination of Indian Prime Minister Indira Gandhi, where stories emerged about Sikh refugees attacking their Hindu hosts (Al-Ghamri, n.d., p. 7).

5. Electronic Rumors

6. Although modern technology aims to enhance decision-making with timely information, it has also created an environment conducive to malicious electronic rumors. These rumors are spread via modern communication platforms, often distorting or exaggerating factual information, or fabricating entirely false narratives. This phenomenon is particularly prevalent on social media, where users engage in discussions and debates, fueling the spread of misinformation (Al-Harbi, 2013, p. 84).

7. Terrorism-Related Rumors

Terrorists frequently use rumors as a psychological weapon, spreading fake news or threats to demoralize their adversaries. These rumors create panic among the public, diminishing trust in authorities, especially during crises. An example is the rumor surrounding the Al-Imam Bridge tragedy in Iraq, where panic from a supposed suicide bomber led to a stampede, resulting in numerous casualties (Al-Zuhaili, n.d., p. 76).

8. Optimistic Rumors

These rumors spread optimistic or idealistic news without a basis in reality, such as speculation about the imminent end of a war due to an alleged shortage of resources in the enemy camp (Maluki, 1980, p. 168).

9. Fear-Inducing Rumors

Fear-mongering rumors are intended to induce panic within the public, often suggesting that an impending threat is imminent. Such rumors became widespread after events like the 2004 Indian Ocean tsunami and Hurricane Katrina. These rumors exploit heightened insecurity and are particularly common when people feel their safety is at risk (Rahman, 1968, p. 505).

10. Stereotyping and Disparaging Rumors

These rumors aim to foster negative stereotypes about certain groups, often targeting people based on ethnicity, religion, or nationality. For example, during World War II, Italian-Americans faced accusations of divided loyalty to the United States. Today, similar stereotypes are directed at Muslims in Europe and the United States, where some groups falsely associate them with terrorism. These divisive rumors threaten social cohesion and national unity, often referred to as "wedge-driving rumors" (Allport & Postman, 1964, p. 58).

3. Civil Liability Claims for Spreading Rumors on Social Media

When civil liability arises from unlawful practices on social media platforms, the harmed party has no recourse other than to seek a judicial ruling to fulfill their legal demands for redress of the harm suffered or to restore a balanced state through mutual obligations set forth in binding contracts. After establishing liability, technology plays a crucial role in ensuring optimal enforcement of judicial rulings, achieving the justice that the injured party sought through litigation. This section examines the challenges in judicial enforcement of rulings resulting from unlawful actions on social media, especially given the rapid advances in technology and the myriad of relationships that platforms foster, which may lead to both contractual and tortious liabilities (Mohammad, 1994, p. 6).

Civil liability implies stability and imposes an obligation to address any imbalance in interpersonal dealings. The antithesis of responsibility is chaos, social disorder, and instability; thus, social security can only prevail through a general principle of liability. The more accountable a person is for their actions, the more they adhere to caution and respect others' rights, fostering a stable society. Conversely, a lack of accountability leads to social chaos and undermines public security (Al-Ameri, 1981, p. 153).

In Iranian law, compensation for damages can only be pursued through legal avenues. The affected party must file a lawsuit within the statutory period specified by law, or the claim will be nullified due to expiration. The Iraqi legislator, in Article 2 of the Civil Procedure Code No. 83 of 1969, defines a lawsuit as "an individual's request to assert their right against another before the judiciary." This unique definition reflects the legislator's intent to leave detailed definitions to legal doctrine and the judiciary, allowing them to fully encompass all aspects and nuances of a claim (Al-Maluki, 2007, p. 61).

3.1 Requirements for Filing a Lawsuit

1. Capacity

Article 3 of the Iraqi Civil Procedure Code specifies that each party to a lawsuit must possess the capacity to exercise the rights associated with the claim. If a party lacks such capacity, a legal representative must act on their behalf. The capacity to sue mirrors the capacity to contract, which applies to anyone over the legal age of majority (eighteen years) unless the law restricts it (Civil Procedure Code, Article 3).

2. Standing or Adversarial Requirement

Article 4 of the Iraqi Civil Procedure Code requires that the defendant be a legitimate party, whose acknowledgment of the claim will result in a judicial ruling. This requirement, known as the adversarial requirement, mandates that the plaintiff have a personal, direct interest in the case, a concept known as "standing" (Civil Procedure Code, Article 4).

3. Interest

Article 6 of the Iraqi Civil Procedure Code stipulates that the lawsuit must involve a clear, legitimate interest that the claimant wishes to protect. A potential interest suffices if there is reasonable fear of harm, and claims for future entitlements are also permitted, with expenses borne by the plaintiff (Civil Procedure Code, Article 6).

The purpose of these conditions is to enable the claimant to obtain a favorable ruling that applies the law and grants judicial protection. The requirements for filing a lawsuit include having a legal right or standing, the occurrence of harm to that right, and the claimant's direct interest. For example, a manufacturer whose business suffers due to false information spread about them on social media may claim financial compensation. Similarly, a claimant seeking to mitigate reputational harm can pursue non-economic remedies to alleviate the damage caused by defamatory content (Waly, 1973, p. 112).

3.2 Iranian Perspective on Civil Liability

In Iranian law, civil liability for harmful conduct on social media platforms is based on fault and the assurance of rights. Victims may claim compensation for both material and non-material damages according to general civil liability principles. Media has a profound impact on society's ethics and social thought, and with this influence comes a duty to report truthfully on events affecting society. Responsibility in Persian means "assurance," "commitment," and "liability," which are essential concepts in the realm of compensatory law (Badeeni, 2014, p. 43).

The core element in establishing liability for defamation in the online space involves an injurious statement that harms a person's dignity. This element consists of two essential conditions: (1) the statement must be false, and (2) it must be defamatory. If a statement is truthful, liability may not arise unless it infringes upon an individual's privacy. For example, publicizing accurate but private family details in a manner that humiliates someone can lead to liability for defamation in the virtual domain (Rahman, 1384 [2006], p. 67).

3.3 Statutory Provisions in Iranian Civil Law

The Iranian Civil Liability Code, as delineated in Articles 311, 312, and 320, encompasses a broad spectrum of negligent and intentional acts that cause harm to others. It includes compensation for physical, psychological, reputational, and material damage. Iranian law views online platforms as part of the media landscape; thus, disseminating lies online constitutes an offense similar to defamation in print media. Consequently, spreading falsehoods online is punishable under Iranian civil law as a criminal act (Iranian Civil Code, Articles 311–320).

The Quran describes the term (*rejaf*) as instability and anxiety, metaphorically likening it to the constant motion of the sea. In this context, it is used to denote the dissemination of falsehoods and rumors aimed at sowing fear and concern among people. Islamic jurisprudence further elaborates that baseless news or exaggerated reports intended to cause social upheaval are described as (*arjaf*). This linguistic interpretation illustrates the deep psychological impact that rumors can have on communities, creating widespread distrust and social disruption (Tabarsi, n.d., exegesis on Quranic verse).

4. Compensation for Spreading Rumors on Social Media

The basis of civil liability for promoting rumors on social media lies in the right of the aggrieved party to seek compensation. The rapid spread of electronic rumors amplifies the harm inflicted upon the victim, often compelling them to seek legal recourse for restitution. Civil lawsuits serve as the primary legal means for the injured party to address damages caused by rumor propagation on social media. Civil liability claims arise from harm inflicted upon others, aiming to rectify damages and compensate the injured party. For the aggrieved party to obtain compensation, they must file a lawsuit in civil court, as compensation—unlike punitive damages in criminal cases—is distinct from criminal liability (Daheemi, 2009, p. 10).

Compensation aims to restore the injured party to their original state, either by removing the harm or by providing a monetary equivalent of the lost benefit, as would be expected if the obligation had been fulfilled in good faith. Thus, a compensation lawsuit is a judicial avenue through which the injured party seeks reparation from the liable party. However, specific criteria, such as legal standing, must be met to file a civil suit. Standing is a general substantive condition that the legislator mandates in civil claims, ensuring that only parties with a recognized legal interest can pursue civil litigation, as with a liability claim for spreading rumors (Al-Sanhouri, 1958, p. 776).

Only parties with a legitimate stake may file a civil liability claim for rumor promotion:

1. The Plaintiff: The aggrieved party who suffered harm due to rumor promotion. If multiple individuals are harmed, each has the right to file a separate claim.
2. The Defendant: The individual personally liable for disseminating the rumor and causing harm. This could be an individual directly spreading the rumor or an entity responsible for facilitating its distribution, such as a media outlet, with liability allocated according to the judge's discretion (Al-Sanhouri, 1952, p. 966).

4.2 Procedural Requirements: Jurisdiction and Venue

To claim compensation for rumor promotion, the lawsuit should be filed in civil courts. While the plaintiff may also initiate a criminal case for defamation, a civil lawsuit can be pursued concurrently, or within the criminal trial, to claim damages. For jurisdictional purposes, the claim is generally filed in the court of the defendant's domicile, or, if there are multiple defendants, in any jurisdiction relevant to one of the defendants (Abu Hamza, 2012, p. 21).

4.3 Compensation in Iranian Law

In Iranian civil law, civil liability entails the duty to compensate for damages incurred, including both material and non-material harm resulting from rumor promotion on virtual platforms. Liability for actions such as defamation, slander, and privacy invasion is grounded in the breach of personal dignity and privacy. The breach of privacy, however, does not always entail liability, especially if justified by public interest. Nevertheless, rumors are viewed as harmful actions, warranting compensation for damages. Remedies for such harm can include both monetary and non-monetary measures, such as public apologies, retractions, or prohibitions on further distribution of the offending content (Al-Ansari, 1386 [2007], p. 32).

4.4 Addressing Legal Gaps in Cyberspace

The need for comprehensive cyber laws is increasingly evident, as existing laws no longer fully meet current demands. Legal voids in cyberspace regulation, particularly concerning rumor management, have led to substantial operational challenges. Reformulating legislation to address contemporary cyber issues is essential to bridge these gaps.

4.5 Islamic Jurisprudence Perspective on Rumor-Related Harm

Islamic jurisprudence recognizes that spreading rumors can cause material and moral harm to the victim, requiring a clear depiction of the harm and subsequent legal judgment on appropriate compensation. Rumor dissemination is not limited to the initial spreader but also includes those who propagate it on social media. The impact of such participation on the extent of damages is significant, especially when it results in missed opportunities for the victim, such as a merchant suffering reputational harm that deters clients (Al-Zuhaili, n.d.).

Islamic scholars differentiate between two types of lost opportunities:

1. **Uncertain Opportunities:** For instance, a merchant whose sales decline due to rumors targeting their business. Since the extent of the harm remains speculative, compensation may not be warranted.
2. **Certain Opportunities:** If a rumor results in a specific missed opportunity, such as a confirmed contract being canceled, some Islamic scholars endorse compensation for the confirmed loss, as outlined in a ruling by the Islamic Fiqh Council (1999, p. 126).

4.6 Compensation for Moral Damages

Moral damages, or harm to one's reputation and emotional well-being, are often predominant in cases of rumor propagation. Islamic law emphasizes the dignity of individuals, as expressed in the Quranic verse, "And We have certainly honored the children of Adam and carried them on

the land and sea" (Quran 17:70). Scholars support punitive measures for those who cause moral harm, while monetary compensation for such harm is a matter of scholarly debate (Al-Ghariyani & Qadri, 2015).

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