

The Civil Liability of the Sender of Messages Via Social Media Platforms

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Abstracts

Social media has become an integral part of our daily lives, facilitating communication among individuals. However, this increased usage has introduced legal challenges, particularly concerning the civil liability of senders. Civil liability pertains to compensating for harm caused by unlawful acts or harmful deeds, such as spreading rumors, false information, or defamation, which may result in material or moral damage to individuals. To establish civil liability, three elements must be present: first, the existence of a harmful or unlawful act; second, that this act directly or indirectly causes harm to the victim, whether material or moral; and third, the presence of a causal link between the act and the harm. Potential damages include financial compensation and moral damages related to reputation and honor. Additionally, the sender may face legal penalties related to incitement of hatred or the dissemination of discriminatory content. The primary challenge in this context is the rapid spread of information online and the difficulty in tracing its source, complicating law enforcement. Nevertheless, modern laws concerning cybercrimes are working to establish regulations to govern such behavior. In conclusion, the use of social media must strike a balance between freedom of expression and legal responsibility. Individuals should be aware that the content they publish may have legal consequences if it causes harm to others.

1. Introduction

In the age of digital technology, social media has become an inseparable part of our daily lives, with millions of people using these platforms to communicate, share information, and express their opinions. With the increasing use of these platforms, numerous legal challenges have arisen concerning their usage. The issue of legal responsibility for those who send messages via social media is critical, as such messages can be a source of abuse, defamation, and even the spread of misinformation. Therefore, it is essential to examine the legal framework governing these responsibilities, as well as the penalties and legal actions that may arise from such uses.

Research Problem

As the use of social media increases and reliance on it for communication and information exchange grows, many legal challenges have emerged concerning the content posted or sent through these platforms. Individuals may find themselves facing legal issues due to their unawareness of the legal consequences that may arise from sending offensive, misleading, defamatory, or hate-inciting messages.

The research problem centers on the following question: What is the legal responsibility of individuals when sending messages via social media, and what is the legal framework governing these responsibilities both locally and internationally?

The aim of this research is to shed light on the issue of users' lack of awareness regarding the laws governing the use of social media, as well as the challenges faced by legal systems in monitoring and regulating the use of these platforms. This includes adapting to the rapid evolution of digital media platforms to protect rights and ensure the security of the content being posted.

Research Significance

The significance of this research lies in highlighting the legal aspects of the everyday use of social media, which can have a direct impact on the lives of individuals and society. Given the irresponsible spread of these platforms, there is an urgent need to understand how to delineate responsibilities and the legal consequences for individuals acting unlawfully with their messages or posts. This research also contributes to raising legal awareness among individuals and users about their rights and responsibilities when using social media.

Research Objectives

To define the legal framework governing liability for messages sent through social media platforms. To explore the legal consequences that may arise from the unlawful use of social media. To provide recommendations for educating individuals on the safe and lawful use of social media platforms. To review the role of both local and international legislation in regulating this domain and protecting individuals from exploitation.

2. Research Methodology:

The descriptive-analytical method will be employed to review and analyze the legislation and laws governing the legal liability of individuals on social media platforms. This approach will aid in understanding both local and international laws relevant to the subject and analyzing the legal texts related to it.

Introduction:

In the digital age, social media has become an integral part of our daily lives, with millions of people using these platforms to communicate, share information, and express their opinions. However, with the growing use of these platforms, various legal difficulties have arisen regarding their usage. The issue of legal responsibility for individuals who send messages on

social media is particularly significant, as such messages can be a source of abuse, defamation, and even misinformation. Therefore, alongside the legal framework regulating these responsibilities, it is crucial to study the penalties and legal measures that may result from such uses.

Chapter One: Civil Liability for Sending Messages via Social Media

With rapid technological advancement and the increasing use of social media, these platforms have become a vital means of communication and information dissemination. Due to this widespread distribution, numerous legal challenges have emerged concerning the content of messages transmitted through these means. Some messages may result in violations of privacy, defamation, or even incitement to violence and hatred. Therefore, to protect individuals' rights and ensure safe usage, it is essential to consider the legal responsibilities of individuals and the legal consequences of their use of social media, in accordance with both local and international laws governing this area. Users must employ these platforms responsibly.

Section One: Definition of Civil and Moral Responsibility

Legal responsibility is a legal obligation that arises when a person (or organization) causes harm to another person or their property, prompting the victim to seek compensation for the damage inflicted. Civil liability differs from criminal liability. The former aims to compensate the victim for the harm caused, while the latter seeks to punish the perpetrator for an unlawful act. Legal responsibility can be divided into two main types:

1. **Contractual Liability:** Arises from the breach of terms in a contract between two parties. For example, if one party fails to fulfill its obligations under the contract, it may be held legally accountable.
2. **Tort Liability:** Arises from harmful acts committed by a person with no contractual relationship with the injured party, such as causing a traffic accident or damaging another's property.

The purpose of civil liability is to restore balance and provide compensation to the harmed party, whether through monetary compensation or other means.

Section Two: Types of Messages Sent via Social Media

Messages sent through social media platforms vary based on the type of content and the purpose behind them. The main types of messages transmitted through these platforms include:

1. **Personal Messages:**
 - **Private Chats:** Direct communication between two individuals through private or direct messages.
 - **Voice and Video Messages:** Sending recorded voice or video messages.
2. **Promotional Messages:**
 - **Commercial Advertisements:** Messages aimed at promoting products or services.

- Offers and Discounts: Messages providing information on special offers or discounts.
3. News Messages:
- Updates and News: Sending information about new events or updates on topics of interest to the user.
 - Analyses and Reports: News accompanied by analyses or reports on specific fields.
4. Social Messages:
- Comments and Shares: Commenting on posts or photos and sharing them with friends.
 - Greetings and Well-Wishes: Messages of congratulations sent during occasions such as holidays and birthdays.
5. Interactive Messages:
- Polls: Messages containing surveys or questions to gather opinions from the target audience.
 - Games and Quizzes: Messages inviting users to participate in fun games or quizzes.
6. Official Messages:
- Institutional Communications: Messages from companies or institutions regarding official activities or communication with clients.
 - Official Notifications: Important information such as account updates or policy changes.
7. Provocative or Abusive Messages:
- Hate Speech and Insults: Messages containing misleading or inflammatory information against individuals or groups.
 - Threats and Extortion: Messages involving threats or attempts at blackmail.
8. Educational Messages:
- Educational and Training Content: Messages containing educational information or lessons on specific topics.
 - Articles and Resources: Sharing useful articles or resources on particular subjects.
9. Spam Messages:
- Spam: Unsolicited or excessively repetitive commercial messages.

- **Fraudulent Messages:** Messages designed to deceive users into providing confidential or financial information.

Each of these message types may carry different legal and ethical consequences. Therefore, it is essential for users to be aware of the laws and regulations governing the use of these platforms.

Chapter Two: Identifying the Person Responsible for Sending Messages

Determining the individual responsible for sending messages via social media depends on several factors. First, the person is identified based on the user account from which the message was sent, and message logs can be used to trace the source. Anyone who publishes defamatory or offensive information may be held accountable. Cybercrime laws impose penalties for such acts, particularly in cases involving messages related to cybercrimes. If an account is hacked, the incident may be investigated as a cybercrime. International regulations, such as the General Data Protection Regulation (GDPR), set rules to protect data and limit liability for unauthorized use of personal data. In complex cases, cooperation with judicial authorities may be required to ensure proper identification of responsibility and the imposition of appropriate penalties.

Section One: Direct Responsibility for Sent Messages

Direct responsibility for messages sent via social media implies that the individual or organization is held accountable for the published or sent content that may result in legal harm. The law outlines how individuals are held liable based on the nature and details of the message.

Anyone who posts or circulates defamatory or offensive information in any form will be held liable. This provision sets forth penalties for those who disseminate information that damages the reputation of individuals or institutions.

In the context of combating cybercrime, messages containing insults, incitement, or the spread of misinformation are subject to criminal penalties, with the sender held accountable for any harm resulting from such messages.

The law provides for the imprisonment of anyone who spreads false news with the intent to defame a person, and it stipulates that the sender bears direct responsibility for misleading or offensive content.

The General Data Protection Regulation (GDPR) governs how personal data is used online and states that individuals or organizations responsible for unauthorized publication of personal data may face penalties.

Under these laws, direct responsibility for sent messages can be determined by analyzing the content, identifying the sender, and ensuring compliance with relevant legislation.

Section Two: Vicarious Liability

Vicarious liability refers to the responsibility one assumes for the actions or conduct of another person, such as employees or agents, who act under the supervision or approval of a particular individual or entity. In the context of messages sent via social media, vicarious liability means that individuals or organizations can be held accountable for damages caused by actions taken under their supervision or authority, even if they did not directly commit the act.

Legal Provisions Supporting the Concept of Vicarious Liability:

1. Liability for Employee Actions:

It states, “An employer is responsible for acts committed by the employee while performing their duties, provided that they fall within the scope of their responsibilities.” This means that the employer is legally accountable for the actions of their employees, including any illegal messages posted on social media.

2. Agency Responsibility:

The law provides, “A merchant is responsible for damages caused by the agent or representative while performing their duties.” This article holds merchants or agents liable for any actions that may occur during business activities, including the dissemination of news or information via social media.

3. Liability for Content Posted on Electronic Platforms:

Article 21 of the Cybercrime Law stipulates that “the account owner or manager is responsible for the posted content.” The person responsible for the platform or account is indirectly liable for any illegal or harmful content published through it.

4. Vicarious Liability in International Law:

The Berne Convention for the Protection of Literary and Artistic Works states that institutions or individuals can be held liable for the actions of their employees, including the distribution of content online, if they have control or authorization.

5. Liability for Damages Caused by Those Unable to Assume Responsibility:

The law states, “The supervisor or guardian is responsible for any damage caused by minors or those prohibited from acting.” This article reflects the concept of vicarious liability for damages that may occur due to individuals who do not bear direct legal responsibility.

In light of these laws, individuals or organizations assume vicarious liability when those under their supervision or guidance commit illegal or harmful acts through social media. The extent of liability depends on the level of control and authority granted to them.

Chapter Three: Legal Implications of Sending Harmful Messages via Social Media

Sending harmful messages through social media can result in various legal consequences for individuals or organizations responsible for such acts. These implications encompass a wide range of legal issues:

1. Criminal Liability:

Criminal penalties can be imposed for sending harmful or unlawful messages via social media:

- **Defamation:** Messages that contain slander or false statements about individuals may be subject to criminal prosecution. For instance, anyone who publishes information damaging to another’s reputation will face punishment.

- **Threats and Extortion:** Messages containing threats or attempts at extortion may lead to imprisonment under Article 22 of the UAE Cybercrime Law.

2. Civil Liability:

Civil liability includes financial damages imposed on individuals or legal entities harmed by harmful messages:

- **Insult and Abuse:** Individuals who have been insulted or defamed through messages may seek financial compensation for the harm caused. Article 226 of the Egyptian Penal Code allows plaintiffs to file claims for damages.

- **Privacy Violation:** Individuals whose privacy has been breached by the dissemination of private information without permission can seek compensation. Under the General Data Protection Regulation (GDPR), financial compensation can be awarded to individuals whose personal data has been compromised.

3. Regulatory Actions:

Social platforms can take regulatory actions against individuals who disseminate harmful messages:

- **Account Termination:** Platforms can terminate the accounts of individuals who violate policies against harmful messaging.

- **Bans:** Individuals may face permanent or temporary bans from using the platform.

4. International Legal Actions:

In some cases, international laws may intervene to combat harmful online messaging:

- **The Budapest Convention on Cybercrime** encourages international cooperation to combat cybercrime, including malicious messaging. International penalties may involve collaboration between authorities to identify and punish individuals who send harmful messages across borders.

5. Data Protection Laws:

The General Data Protection Regulation (GDPR) stipulates that individuals or organizations can be held accountable for breaches of personal data, with penalties including substantial fines.

Sending harmful messages via social media can lead to criminal and civil penalties, regulatory actions by platforms, and international legal obligations regarding cross-border cooperation and data protection. These legal practices aim to safeguard individuals and communities from the damages caused by irresponsible or malicious use of social media.

Section One: Civil and Criminal Penalties

Sending messages via social media may result in both civil and criminal penalties, depending on the nature of the message and the violations committed. The division of potential penalties is as follows:

Criminal Penalties:

1. Insults and Defamation:

Publishing defamatory information that damages individuals' reputations may result in penalties such as imprisonment or fines. Different sanctions, ranging from imprisonment to fines, are imposed on individuals who defame others or spread false news.

2. Threats and Extortion:

Using social media for threats or extortion is a criminal offense and can lead to lengthy prison sentences and fines.

3. Incitement to Violence and Hatred:

The U.S. Anti-Violence Law penalizes hate speech on the internet, with penalties including imprisonment and fines.

United Arab Emirates: Federal Law No. 15 of 2016 on Combating Discrimination and Hatred stipulates that publishing inflammatory or racist content is punishable by imprisonment and fines.

Civil Penalties:

1. Insults and Defamation:

United Kingdom: Individuals defamed online may file a civil lawsuit to claim compensation for damages suffered. Courts may impose financial compensation and additional penalties.

2. Data Breach:

European Union: Under the General Data Protection Regulation (GDPR), individuals whose personal data has been compromised in a cyber breach may seek compensation, with penalties reaching up to €20 million or 4% of annual global turnover.

3. Property Damage:

United States: Individuals or companies harmed by damaging messages on social media may file a lawsuit seeking financial compensation for the harm caused by such messages.

Additional Regulations:

1. Platform Actions:

Social media platforms may take regulatory actions against those causing harm, such as closing accounts or banning users who send harmful messages.

2. International Cooperation:

For cross-border violations, countries may cooperate under the Budapest Convention on Cybercrime, allowing for cross-border sanctions and the exchange of information between relevant authorities. These penalties aim to deter harmful online actions and protect individuals from damage caused by illegal or harmful use of social media.

Chapter Two: Legal Procedures

Sending messages via social media requires adherence to several legal measures designed to protect individual rights and regulate digital communications. These measures pertain to data protection laws, prevention of harassment, intellectual property protection, and spam regulation.

Privacy and Data Protection:

The General Data Protection Regulation (GDPR) in Europe governs the collection and use of personal data, requiring explicit consent from individuals before communicating with them. For instance, in Saudi Arabia, Article 3 of the Personal Data Protection Law regulates data processing and ensures confidentiality of information.

Spam Prevention:

Laws such as the CAN-SPAM Act in the United States regulate online advertising messages and require an opt-out option. In some countries, spammers may be penalized with fines.

Prevention of Abuse and Insults:

Various online abusive behaviors, such as slander and incitement to violence, are criminalized by law. In the UAE, Article 20 of the Cybercrimes Law imposes penalties ranging from imprisonment to hefty fines on individuals who publish offensive or insulting content online.

Child Protection:

The Children's Online Privacy Protection Act (COPPA) in the U.S. prohibits the collection of information from children under the age of 13 without parental consent. Other countries are introducing similar laws to protect minors in digital environments.

Intellectual Property Law:

Sending or posting content protected by intellectual property rights without the rights holder's consent may result in legal action. Article 22 of the Intellectual Property Protection Law in Saudi Arabia safeguards authors' rights and criminalizes online infringement.

Sending messages via social media is subject to numerous laws designed to protect personal data, prevent spam, safeguard intellectual property, and combat defamation and abuse. Individuals and businesses must comply with these regulations to ensure that their communications are lawful and secure.

Conclusion:

Social media communication has become an integral part of daily life for many people. With the widespread use of these platforms, the need to establish clear legal responsibilities for those who send messages through them has intensified. Improper use of these tools can lead to serious legal consequences such as defamation, incitement to hatred, invasion of privacy, or the spread of fake news. Therefore, it is essential for individuals to be aware of the laws and regulations governing online behavior and to take responsibility for their actions.

3. Findings:

1. Rise in Cybercrime: There is a steady increase in cases of harmful or illegal content being disseminated through social media.
2. Growing Importance of Cyber Legislation: Governments are increasingly enacting laws to protect society from the negative effects of irresponsible social media use.
3. Differences in National Legislation: Legal responsibilities vary across countries, which can create difficulties in enforcing laws across borders.
4. User Responsibility: Individuals must become more aware of broadcasting laws and take responsibility for what they post or share on these platforms.

4. Recommendations:

1. Increase Legal Awareness: Campaigns should be launched to educate individuals about the laws governing social media use and the associated legal responsibilities.
2. Enhance International Cooperation: Countries should work together to establish a unified international legal framework that regulates social media use and addresses cross-border crimes.
3. Create Platforms for Monitoring Electronic Violations: Special units should be established to monitor electronic violations and provide legal assistance to those harmed through social media.
4. Encourage Companies to Strengthen Usage Policies: Social media companies should be encouraged to adopt strict policies that limit the spread of harmful or illegal content and provide users with guidelines on how to use platforms safely and legally.

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