



Research Paper

Responsibility of Liking Others' Obscene Message in Cyberspace, Based on Principle of Abetting Sin

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Abstract

Virtual space has provided multi-way interactions, exchange and data sharing. A specific aspect of the virtual space is to "like" messages of others. As publishing of messages in social networks has specific goals and different reasons, liking messages may also be done for different reasons and purposes; rather, in many cases, people like images and messages without knowing their content. Is liking obscene messages of others, which are against morals, Shari'a and law, a violation of law, making the person responsible for their liking? If the responsibility is proven, will the punishment be only in the Hereafter or both in this world and the next world? Does the intention of the liker have an effect on creating responsibility? Using the descriptive-analytical method, along with explanation, analysis and conclusion, this research shows that if a criminal or obscene message that is published in a virtual public space by a user is liked by other users, the worldly and Hereafter responsibility of the liker is proven based on the law on prohibition of aiding and abetting sin. Also, the condition of intention is not valid, because some jurists do not consider the intention to be a condition for abetting sin. However, in cases where the distribution and liking a message is via a private page that does not conflict with the security and public order of the society, according to the divine order in terms of not spying people's personal affairs and respecting the privacy of others, the principle of acquittance (*barā'at*) is implicated and so the liker has no (worldly) responsibility.

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Extended Abstract

1- Introduction

Cyberspace has not only provided a place to share opinions, comments and thoughts but also facilitated the sharing and exchange of ideas and personal data with others. Presence and Living in a cyberspace may take presence for various reasons. One of the most important of these is liking people's messages published in instant messaging systems (messengers apps). Unfortunately, liking other people's posts, in most cases, is done without reading and viewing the published posts. If fact, a person unintentionally likes posts that are against morality, the Shari'a, or the law.

In order to be able to consider appropriate punishment for such an action (i.e. liking other people's abominable messages), it must either be criminalized in the laws, or prohibited based on jurisprudence and Shari'a law. Since the law has been silent about this issue, so resorting to jurisprudence rules or principles can be helpful. Among the jurisprudence rules that can prove the prohibition of liking other people's abominable messages in cyberspace is the principles of "assistance in sin". Therefore, by examining the characteristics of "assistance in sin" in cyberspace and establishing a causal link between the aforementioned principle and liking abominable messages of others, we try to explain the (civil and criminal) liabilities of the person in question (i.e. the person who "likes" abominable messages in cyberspace).

The liability or non-liability of liking other people's abominable posts in virtual pages or cyberspace has not been discussed much in the existing research articles. Therefore, that an action will result in liability or acquittal of the perpetrator is debatable. From this point of view, the present research is completely creative and innovative.

This article aims to answer the following questions:

Is "liking" others' abominable posts means confirming their content?

Can approving and liking the abominable posts of others be subject to the principle of "assistance in sin"?

Is intention or lack of intention effective in proving a person's innocence or liability?

If the liability is established, will the person be accountable in all cases?

2- Method

The article based on the descriptive-analytical research method has tried to investigate the liability for linking data in virtual space and social messengers by users, by taking into account the efficiency and applicability of jurisprudential rules, especially the principle of "assistance in sin". Considering that the research is completely novel and innovative and has not been discussed in other articles, first, the authors try to examine the liability for abominable messages of others based on Iran statutory law. Then on the basis of authoritative jurisprudential sources, rationality and narrative (verses and hadiths) and the principle of "assistance in sin", the liability of liking people's abominable messages in the virtual space was proven provided that it was published in a public platform and since it is a newly-emerged legal issues, to the opinions of contemporary Islamic jurist would also help break the impasse.

3- Result

"Assistance in sin" is one of the practical jurisprudence rules which is applicable in virtual space. By applying this rule, necessary restrictions can be imposed on cyberspace, which can ultimately be helpful in jurisprudence and law.

Considering the illegitimacy of "assistance in sin", if a case is included under this rule, especially when it is



related to noble moral traits and the public order of society and social phenomena, the courts of justice can impose appropriate punishment (*ta'zir*) for the perpetrator depending on the case in question.

Approving and liking a published message or post that is against the Shari'a and law is considered an action and since it strengthens the assisted, it will be one of the examples of "assistance in sin". Even if liking a post is not considered an action, the person by consenting to an abominable act bears the burden of his/her guilt (sin).

Negligence claim or lack of intent (*mens rea*) defense of the liker or approver is not accepted because his/her action was due to culpable ignorance and he is guilty and the criterion for the realization of "assistance in sin" is the customary acceptance of the title of assisting. Therefore, liability of liking abominable posts or messages of another will be proved by the principle "do not assist in sin". However, according to the divine order of not spying on the people's personal and private affairs, if immoral and abominable content is published in a private post/page and for a limited number of people and does not conflict with the security and public order of the society, only in terms of abandoning enjoining of the right and forbidding the wrong will have the possibility to be blamed in the afterlife, and liability will not be applied to the users.

4- Conclusion

According to the aforementioned, it seems that liking abominable message/post of others is considered an action and any action has a proportional ruling from the Islamic Shari'a perspective. Hereby users notify the publisher of abominable messages/posts that they like his posts/messages and want to continue this behavior as well. Therefore, they are not only an introduction to the occurrence of an illegitimate act but also an incentive

and stimulus for the person who posts messages to achieve his illegitimate purposes (political, economic, or religious). Accordingly, approving and liking the others' posts/messages can be subject to the principles of "assistance in sin".

Since the criterion in realization the principle of "helping to sin" is the customary acceptance of the title of assisting, there is no need to establish the intention. The intention is implied based on to the type of action. Therefore, the *mens rea* (intent) is not considered to be effective in proving a person's acquittal or liability.

The liability for liking someone's abominable message is proved only through the principle of "assistance in sin" only if it happens in a virtual public space. However, if the immoral content is displayed in a private page and for a limited number of people and is not in conflict with the security and public order of the society, liking users are not liable. Because the holy legislator has ordered not to spy (investigation) on people; except in a situation where there is a conflict with more important issues.

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6- Authors' Contribution

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