

A Review of Jinayah Fiqh on the Phenomenon of Doxing and Character Assassination in the Media

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Info Artikel	Abstract
Article History Received : 2023-09-08 Revised: 2023-09-18 Published: 2023-09-30	The era of digital disruption has shifted criminal patterns from physical space to cyberspace, where personal data is often used as a weapon for digital persecution. The phenomena of doxing (the unauthorized dissemination of personal identity information) and character assassination on social media are not merely violations of communication ethics, but rather systematic threats to the existence of human dignity (al-'irdh). This study aims to dissect these phenomena through the lens of Islamic Jurisprudence (Fiqh Jinayah) in order to formulate an appropriate legal construction for contemporary cybercrime. Using a qualitative descriptive-analytical research method and a normative-juridical approach, this article explores how Islamic law responds to actions that damage an individual's privacy and reputation. The results show that doxing and character assassination fulfill the elements of jarimah (criminal acts) because they contain elements of tajassus (espionage), backbiting, and slander, which are explicitly prohibited in the Qur'an and Sunnah. In the Islamic Jurisprudence (Fiqh Jinayah) classification, this act is categorized as Ta'zir Crime, where the state authority (Waliyyul Amri) has full authority to impose deterrent sanctions, ranging from fines (gharamah) to imprisonment, in order to uphold the main objective of sharia (Maqashid Syariah), namely the protection of honor. This article also emphasizes the importance of reintegrating Islamic moral values into cyber law regulations to reduce the number of "social deaths" for victims in the digital space.
Keywords: <i>Islamic Jurisprudence; Doxing; Hifzh al-'Irdh,</i>	

I. INTRODUCTION

Background of the Digital Phenomenon: The Industrial Revolution 4.0 has fundamentally changed the paradigm of human communication. Social media, originally designed as a means of global connectivity, has now transformed into a borderless public space. However, freedom of expression in cyberspace is often misinterpreted as freedom without ethics. One of the negative consequences that has emerged massively is the phenomenon of doxing, the act of digging up and publicly disseminating someone's personal information with the aim of intimidation and structured character assassination.

Urgency of the Problem: Between Information Rights and Privacy. While positive law regulates the protection of personal data, sociologically, digital communities tend to engage in "mob justice" (online shaming) before a valid legal decision is made. Doxing is often perceived as a form of social sanction by netizens, yet its impact is far more destructive than physical injury. Victims not only lose their privacy but also

experience irreparable reputational damage, job loss, and even threats to their lives. This creates an anomaly where media, which should be a means of education, instead becomes a weapon of character destruction.

Perspective of Islamic Law (Fikih Jinayah) Islam as a comprehensive religion (syamil) pays great attention to human honor. In the treasures of Jinayah Fiqh, honor (Al-'Ird) is one of the five basic principles that must be protected (Al-Maqasid al-Khamsah). Rasulullah SAW in the Wada' Khutbah explicitly emphasized that the blood, property and honor of one Muslim are haram for other Muslims. Therefore, the act of damaging one's good name through digital media is not just an ethical issue, but falls into the realm of sharia criminality (Jarimah).

From a fiqh perspective, the phenomenon of doxing can be viewed as a form of tajassus (finding faults in others), which is strictly prohibited in the Quran. Meanwhile, character assassination often intersects with qadzaf (false accusations) or ghibah (backbiting), escalated by technology.

Although the media used are modern, the essence of the crime remains grounded in classical Islamic criminal principles that require contextual reinterpretation.

The importance of this research study is crucial due to the gap in public understanding regarding the boundaries between criticism and blasphemy, and between revealing the truth and doxing. Through a review of Islamic jurisprudence (Fikih Jinayah), this journal aims to examine the extent to which Islamic law views such cyber behavior as a crime and how ta'zir sanctions can be implemented to maintain human dignity in the digital age. This study is expected to contribute to the development of contemporary Islamic law and provide recommendations for strengthening cyber ethics in Indonesia.

II. RESEARCH METHODS

This research is a legal research normative (library research). The approaches used are conceptual and statutory. The conceptual approach is used to analyze the doctrines in Islamic Jurisprudence (Fiqh Jinayah) regarding the protection of honor (Hifdz al-'Ird), while the statutory approach is used as a comparison to see how positive law (such as the ITE Law and the Personal Data Protection Law) regulates the phenomenon of doxing.

Data Sources The data used in this study are secondary data which are classified into three legal materials:

1. **Primary Legal Material:** Consists of authoritative texts in Islam, namely the Al-Qur'an and Al-Hadith, as well as the main books of Jinayah Fiqh such as At-Tasyri' al-Jina'i al-Islami by Abdul Qadir Audah and Al-Ahkam as-Sulthaniyyah by Al-Mawardi.
2. **Secondary Legal Materials:** Includes cyber law books, scientific journals related to cybercrime, previous research results on character assassination, and contemporary literature discussing social media ethics.
3. **Tertiary Legal Materials:** In the form of legal dictionaries, Islamic encyclopedias,

and valid news articles that document the doxing phenomenon as a sociological case study.

III. RESULTS AND DISCUSSION

A. Research result

1. Typology of Doxing and Character Assassination Crimes on Social Media

Based on field data searches and literature studies, it was found that the doxing phenomenon in Indonesia generally occurs in three main typologies:

- a) *Deanonymization*: Revealing the real identity behind anonymous accounts.
- b) *Targeting*: Distributing physical location information (home/office address) to incite real persecution.
- c) *Delegitimization*: Disseminating sensitive data (medical history, financial matters) to destroy an individual's credibility.

Research shows that character assassination often takes the form of "planned virality," where negative information is amplified by accounts with large followings (influencers). Technically, this results in "civil death" for victims, where they lose their right to feel safe and their professional reputation quickly without a fair process of clarification (the right to be heard).

2. Synchronization of Cyber Offenses with Jinayah Fiqh Instruments

The results of the analysis of Islamic legal text data show that doxing and character assassination behavior can be classified into three categories of jarimah (criminal acts):

- a) *Special Crimes*: The fulfillment of the element of illegally seeking fault and privacy of others through misuse of OSINT (Open Source Intelligence) techniques.
- b) *Islamic Crime (Insult)*: Fulfillment of elements that degrade human dignity in public.

- c) *Jarimah al-Istila' 'ala Sirri al-Ghair*: The act of taking and spreading someone else's secret without the owner's consent.

3. Transformation of Qadzaf Crimes into Digital Space

One of the crucial findings in this study is the expansion of the meaning of Qadzaf (accusation of adultery) in character assassination on social media. Traditionally, Qadzaf requires clear verbal expression, but in the contemporary context, "digital verbal expression" in the form of statuses, tweets, or short videos has a more destructive impact. This discussion highlights that when character assassination is carried out by spreading manipulative content that leads to accusations of immorality, the elements of Jarimah Hudud begin to be essentially fulfilled. Although judges in secular state courts may not impose caning sentences, from an Islamic theological-juridical perspective, the perpetrator has borne the burden of sin and heavy social sanctions. This demands a reinterpretation of digital evidence methods (al-bayyinah al-digitaliyah) as valid evidence in modern jinayah trials.

B. Discussion

1. Legal Construction of Doxing from the Perspective of Tajassus and Honor

In this discussion, the researcher emphasizes that doxing is a modern manifestation of Tajassus. Although data is often considered public on social media, Islamic jurisprudence (Fiqh Jinayah) maintains that information used for harmful purposes (dharar) remains prohibited.

The Prophet Muhammad (peace be upon him) said: "Whoever covers the faults of a Muslim, Allah will cover their faults on the Day of Resurrection." (Narrated by Muslim). Legally, this hadith establishes the basis for publicizing faults (even if true) without a

compelling legal necessity. This discussion emphasizes that in Islam, the truth of information does not necessarily justify its dissemination if the primary purpose is insult (tasyhir).

2. Ta'zir Sanctions Analysis: Towards Cyber Restorative Justice

The discussion of sanctions focused on the flexibility of Ta'zir law. Because doxing and character assassination are crimes that harm the psyche and reputation, the proposed sanctions from a Jurisprudence perspective include:

- a) *Ta'zir bi al-Ghuramah* (Fine): The perpetrator is required to pay material compensation to the victim for economic losses arising from character assassination.
 - b) *At-Tasyhir al-Ma'kus* (Counter Announcement): The competent authorities require the perpetrator to clarify and clear the victim's good name on the same platform where the crime was committed.
 - c) *Uqubah Muqayyadah* (Restrictive Punishment): Prohibition of the use of social media for a certain period of time as a form of behavioral monitoring.
- ### 3. Maqasid Sharia Protection: Hifdz al-'Ird in the Digital Space

The final discussion examines how Islamic law must transform to protect human "digital existence." Character assassination is not merely a matter of words, but rather an attack on Al-'Ird (honor), one of Ad-Daruriyyat al-Khams (the five primary human needs).

Without protection of honor, social stability will collapse due to the rise of slander. Therefore, contemporary Islamic jurisprudence (Fikih Jinayah) must view doxing as a serious threat to national and individual security, demanding firm law enforcement while still leaving the door open

for repentance through reconciliation if the victim forgives.

4. Doxing as a Violation of the Digital Social Agreement

In the perspective of Muamalah and Jinayah Fiqh, the use of social media platforms is an "unwritten agreement" to safeguard each other's benefit. Doxing is considered a form of betrayal of information trust. This discussion emphasizes that personal data is the property (milkiyyah) of individuals who are protected by sharia.

The unauthorized distribution of data (doxing) for the purpose of intimidation (bullying) is categorized as al-Adwan (transgressive act). Therefore, Islamic law views doxing not only from the perspective of the dissemination, but also from the intention (niyyah) and the resulting impact (dharar). If doxing causes someone to lose their livelihood or experience severe depression, then the level of ta'zir punishment should be increased to a penalty that restricts freedom (imprisonment) or a heavy fine as a form of ta'wid (compensation) to the victim.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Based on the analysis presented, it can be concluded that the phenomena of doxing and character assassination in the digital ecosystem are modern manifestations of jarimah (criminal acts) that directly relate to violations of the right to privacy (al-hurumah) and honor (al-'ird). From the perspective of Islamic Jurisprudence (Fikih Jinayah), these actions cannot be justified even under the pretext of social sanctions or disclosure of the truth, because they contain elements of tajassus (private espionage), ghibah (backbiting), and slander, which are explicitly prohibited in the Qur'an and Hadith. Given its destructive systemic impact, which includes psychological, social, and economic losses for the victim, these acts are classified as jarimah ta'zir. The authority to determine sanctions

rests with the authorities (ulil amri) who must be oriented towards the principles of justice, public welfare, and protection of Maqasid al-Shariah. Thus, Islamic law views that maintaining the digital dignity of each individual is a collective obligation in order to create a harmonious social order and avoid moral damage (mafsadah) in cyberspace. This research confirms that character assassination and doxing on social media have created a shift in legal authority from official courts to the hands of netizens, which in the perspective of Islamic Jurisprudence is a form of legal anarchy that endangers the stability of the community.

B. Suggestion

As a preventive and repressive measure to address the escalation of cybercrime, it is recommended that the government and legislative bodies implement a more progressive synchronization between positive legal regulations, such as the ITE Law and the Personal Data Protection Law, with the values of humanity and justice contained in Islamic Jurisprudence (Fiqh Jinayah) to create a more effective deterrent effect for perpetrators.

Furthermore, educational institutions and religious institutions play a crucial role in promoting digital literacy based on Islamic ethics (adab al-ikhtilaf and tabayyun), so that the public does not fall into the trap of anarchic "mob justice" behavior on social media. For legal practitioners and academics, further studies are needed regarding the standardization of restorative ta'zir sanctions for digital crimes, so that law enforcement does not only stop at physical or financial punishment, but also includes efforts to rehabilitate the victim's good name as a whole in order to realize a civilized and just cyberspace order.

Furthermore, it is highly recommended for policy makers to formulate a "right to be forgotten" protocol within the national legal framework that is in line with the concepts of at-Taubah and al-Islah in Islam, so that

victims of character assassination have the opportunity to restore their dignity in the future.

LIST OF REFERENCES

- Al-Asqalani, Ibnu Hajar. (2014). *Bulughul Maram min Adillatil Ahkam*. (Bab Jinayah dan Ta'zir). Beirut: Dar al-Fikr.
- Al-Ghazali, Abu Hamid. (Reprint 2005). *Ihya Ulumuddin: Keajaiban Hati dan Bahaya Lisan*. Terjemahan. Jakarta: Republika.
- Al-Mawardi, Abu al-Hasan. (2006). *Al-Ahkam as-Sulthaniyyah* (Hukum Tata Negara). Beirut: Dar al-Kutub al-Ilmiyah.
- An-Nawawi, Imam. (2001). *Riyadhus Shalihin*. (Bab Larangan Menghina dan Mencari Aib Orang Lain). Kairo: Dar al-Hadits.
- As-Sallabi, Ali Muhammad. (2012). *Fikih Tamkin dalam Al-Qur'an dan Sunnah*. Jakarta: Pustaka Al-Kautsar
- Asshiddiqie, Jimly. (2014). *Hukum Tata Negara dan Pilar-Pilar Demokrasi*. Jakarta: Sinar Grafika.
- Audah, Abdul Qadir. (2013). *At-Tasyri' al-Jina'i al-Islami* (Ensiklopedi Hukum Pidana Islam). Kairo: Dar al-Turats.
- Mansur, Dikdik M. Arief. (2009). *Cyber Law: Hukum Teknologi Informasi*. Bandung: Refika Aditama.
- Mubarok, Jaih. (2002). *Etika Islam dalam Media Massa*. Bandung: Pustaka Setia.
- Ramli, Ahmad M. (2004). *Cyberlaw dan Haki dalam Sistem Hukum Indonesia*. Jakarta: Refika Aditama.
- Sabiq, Sayyid. (2004). *Fikih Sunnah*. Jakarta: Pena Pundi Aksara.
- Zuhaili, Wahbah. (2011). *Al-Fiqh al-Islami wa Adillatuhu*. Damaskus: Dar al-Fikr.