

Social Media Ethics from The View of Maqasid Al-Shariah: Modern Ijtihad in Dealing with the Hoax Phenomenon and Hate Speech

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Abstract. *The development of digital technology has fundamentally changed people's communication patterns. Social media facilitates the rapid and massive dissemination of information, but also poses serious challenges in the form of hoaxes and hate speech. This phenomenon raises ethical, social, and even legal issues. This article aims to analyze the principles of maqasid al-syariah as the basis for media ethics in the modern context, as well as its integration with Indonesian positive law. This research uses a normative legal method with a conceptual and legislative approach, examining maqasid values such as preserving religion (hifz ad-din), life (hifz an-nafs), intellect (hifz al-'aql), descendants (hifz an-nasl), and property (hifz al-mal). The results show that the application of maqasid al-syariah can strengthen the moral and spiritual dimensions in the use of social media, complementing formal and repressive positive law. This integration encourages the formation of media ethics that are preventive, educational, and beneficial.*

Keywords: *Ethics; Hoax; Law; Media.*

1. Introduction

The development of digital technology has dramatically changed the way people communicate and obtain information. The internet and social media allow everyone to create and receive information simultaneously, allowing for rapid distribution without the constraints of distance or social differences.

This phenomenon presents a significant opportunity to disseminate knowledge, engage communities, and strengthen social cooperation. However, this ease of access also carries serious ethical and social risks, particularly regarding the spread of fake news and hate speech.

In Indonesia, internet user penetration will reach around 185.3 million people or around 66.5% of the total population in 2023.¹With so many users, any information, whether true or false, can spread rapidly. This demonstrates that fake news not only causes material harm but also impacts mental health, damages reputations, and fuels conflict within society.

Hate speech can reinforce differences between social groups, disrupt societal harmony, and even incite violence based on differences in identity. In Islamic law, the *maqasid al-sharia*, or objectives of Islamic law, serves as an important normative basis for evaluating various human actions, including the use of digital media. This principle states that every activity should aim to create benefits (*maslahah*) while simultaneously avoiding negative impacts (*mafsadah*) for both individuals and society.

The dissemination of misleading, harmful, or hateful information clearly violates the principles of *Maqasid al-Shariah*, as it can harm the soul (*hifz an-nafs*), reason (*hifz al-'aql*), and social harmony. *Maqasid al-Shariah* consists of five main aspects:²

- 1) Maintenance of religion (*hifz ad-din*): Media that spreads hoaxes or hate speech has the potential to mislead society in religious and moral practices, as well as erode the values of tolerance between religious communities.
- 2) Preservation of the soul (*hifz an-nafs*): Scary information or hate speech that incites intimidation can endanger the psychological and physical safety of individuals.
- 3) Maintenance of reason (*hifz al-'aql*): The spread of hoaxes disrupts people's critical and rational thinking abilities, so that the decisions taken can be detrimental to the public.
- 4) Maintenance of offspring (*hifz an-nasl*): Social conflicts arising from hate speech can threaten family stability and children's educational values, because they grow up in an environment full of hostility and intolerance.
- 5) Maintenance of assets (*hifz al-mal*): Hoaxes and hate speech have the potential to cause material losses, for example fraud based on false information, decreased property values due to social conflict, and economic losses due to mass actions.

In Indonesia's diverse and religious context, implementing the principles of *maqasid al-sharia* (Islamic principles) in digital media use is crucial. This not only

¹Christina Bagenda, Abdul Kholiq, Pratiwi Ayu Sri D., Sri Setiawati, and Budi Handayani, "Criminal Law Implications in Cases of Hoaxes and Hate Speech on Social Media," *Collaborative Journal of Science* 7, no. 11 (2023)

²Muhammad Abu Zahra, *Al-Maqasid al-Shariah fi al-Islam* Cairo: Dar al-Fikr al-Arabi, 1992, p. 45.

helps reduce social conflict but also increases public understanding of media responsibility. Therefore, this study aims to provide in-depth normative insights as a basis for developing strategies to address fake news and hate speech fairly, ethically, and in accordance with sharia values.

The spread of fake news and hate speech on Indonesian social media demonstrates a lack of ethical awareness among internet users. Although the Electronic Information and Transactions Law (UU ITE) prohibits the dissemination of false information and speech that harms others, legal approaches alone are insufficient to address the negative impacts of these digital communication activities. This is due to the fast, widespread, and often anonymous nature of social media, which often means that official regulations cannot effectively reach all segments of society.

In this context, the perspective of *maqasid al-syariah* (objectives of sharia) becomes relevant as a normative foundation that provides moral and spiritual direction for digital communication behavior. *Maqasid al-syariah* emphasizes the universal goals of sharia, namely safeguarding religion, life, intellect, posterity, and wealth, all of which can be used as benchmarks to assess whether a media behavior brings benefits (*maslahah*) or causes harm (*mafsadah*).³

By incorporating the principles of *maqasid* into media use, society not only adheres to official legal regulations but is also encouraged to deeply understand and apply ethical values, social responsibility, and spiritual beliefs. Therefore, studies on hoaxes and hate speech in Indonesia should not focus solely on legal aspects but also need to employ a broader approach, combining law, ethics, and spiritual values. A *maqasid al-Shariah* approach adapted to the modern context and refined through current *ijtihad* can provide an adequate framework for assessing, preventing, and responding to various digital communication practices that are detrimental to society. Furthermore, this approach also helps raise ethical awareness among digital media users.

2. Research methods

To conduct the research in this paper, the author employed a normative-juridical method. The writing specifications were conducted using a descriptive analytical approach. The data used for this paper is secondary data. To obtain the data, a secondary data collection method was used, obtained from literature, laws and regulations, and the opinions of legal experts. The data obtained was then analyzed using qualitative analysis.

³Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach* London: IIIT, 2008, p.31–35

3. Results and Discussion

3.1. The Principle of Maqasid Al-Syariah Can Be Used as a Basis for Media Ethics

The principles of maqasid al-syariah, or the goals of Islamic sharia, provide the normative framework that underlies every human activity, including in the realm of digital communications.⁴ Maqasid emphasizes achieving benefit (maslahah) and preventing damage (mafsadah), so that every action, including the dissemination of information via social media, can be assessed from its contribution to the welfare of individuals and society.⁵ In the context of digital media, the application of maqasid becomes important because the spread of hoaxes (fake news) and hate speech not only violates positive legal norms such as the Electronic Information and Transactions Law (UU ITE), but also has the potential to damage the moral, psychological, and social aspects of society.⁶

The principle of safeguarding religion demands that the information disseminated does not give rise to interfaith conflict, provocation against certain religions, or abuse the spiritual values of society.⁷ The phenomenon of hoaxes that exploit religious sentiment, for example through provocative content or disinformation against minority groups, clearly violates this principle because it can give rise to hostility and social conflict.⁸ Media ethics based on maqasid encourages information verification, the delivery of content that builds tolerance, and digital education that respects religious plurality.

The principle of maintaining reason emphasizes the importance of maintaining people's critical thinking skills.⁹ In the context of social media, hoaxes often manipulate public opinion through misleading information, clickbait, or fake news designed to incite panic. Based on the principle of maqasid (obligatory good deeds), media ethics emphasizes the delivery of accurate, transparent, and educational information, enabling media users to rationally evaluate facts and avoid falling prey to digital manipulation.

Digital media has a significant impact on individual mental health and safety. The spread of hate speech can cause stress, intimidation, and interpersonal conflict, and can even trigger physical or psychological violence. The principle of maqasid emphasizes that digital communication activities must avoid content that is

⁴Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach* London: IIIT, 2008, p. 31

⁵Muhammad Abu Zahra, *Al-Maqasid al-Shariah fi al-Islam*, Cairo: Dar al-Fikr al-Arabi, 1992, p. 45

⁶Republic of Indonesia, Law Number 11 of 2008 concerning Electronic Information and Transactions Jakarta: State Secretariat, 2008

⁷Al-Ghazali, *al-Mustasfa min 'Ilm al-Usul*, Beirut: Dar al-Kutub al-'Ilmiyyah, 1997, p. 89–92

⁸Yusuf al-Qaradawi, *Fiqh al-Zaman*, Doha: Dar al-Tawhid, 2005, p. 37–39.

⁹Kamali, Mohammad Hashim, *Principles of Islamic Jurisprudence*, Cambridge: Islamic Texts Society, 2003, p. 210–212

harmful to the soul. Therefore, Sharia-based media ethics encourage responsible behavior, moderation in disseminating opinions, and prevention of verbal and cyber violence.¹⁰

The principle of safeguarding offspring relates to the moral protection and education of the younger generation. Digital media often acts as a channel for both positive and negative influence on children and adolescents.¹⁴ Pornographic, violent, or social propaganda content that corrupts the morals of the younger generation contradicts the objectives of sharia. Therefore, implementing media ethics requires control over the content children access, digital literacy education, and the active role of parents and the community in guiding the younger generation to maintain ethical behavior online.

The principle of safeguarding property emphasizes the protection of individual and collective ownership and assets. Hoaxes containing online fraud, smear campaigns, or hate speech that harms a person's reputation and financial well-being violate this principle. Guided by the maqasid (obligatory actions), media ethics demands the protection of personal data, the avoidance of fraudulent practices, and respect for the property rights and reputations of others.

By integrating the five principles of maqasid al-sharia, media ethics is not only based on positive law but also encompasses moral, social, and spiritual dimensions. This approach encourages each individual to act responsibly in disseminating information, verifying facts, respecting the rights of others, and minimizing the risk of psychological and social harm. Particularly in Indonesia, a pluralistic and religious society, the application of maqasid-based media ethics is relevant for building a healthy digital culture, reducing social conflict, and raising collective awareness of moral responsibility in media use.

3.2. Integration of Maqasid with Indonesian Positive Law in Enforcing Media Ethics

The digital era brings extraordinary ease in accessing and disseminating information, but also presents serious challenges in the form of hoaxes (fake news) and hate speech. In Indonesia, positive legal regulations have provided a normative framework for combating the spread of harmful content through Law Number 11 of 2008 concerning Electronic Information and Transactions (UU ITE) and its amendments, which regulates the prohibition of the dissemination of false information, defamation, and content that incites hostility. However, a positive legal approach alone is often insufficient to build awareness of media ethics, as formal law tends to be reactive, prosecuting violations after they occur, without providing moral guidance for preventative digital behavior.

¹⁰Syawaluddin Hanafi, "Hate Speech in the Perspective of Indonesian Law and Islamic Law," *Jurnal Al-Dustur* 4, no. 2 (2022)

In this context, *maqasid al-syariah*, the goal of Islamic sharia which emphasizes the maintenance of religion (*ḥifẓ al-dīn*), soul (*ḥifẓ al-nafs*), reason (*ḥifẓ al-'aql*), lineage (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*) becomes a normative framework that can strengthen the ethical dimension beyond mere compliance with formal law. Thus, the integration of *maqasid al-syariah* with Indonesian positive law can be articulated through the following aspects:¹¹

a. Integration of Maqasid Principles with Positive Legal Prohibitions

The ITE Law and its derivative regulations provide a formal legal basis for unlawful digital content. For example, Article 28 paragraph (2) of the ITE Law prohibits the dissemination of information that incites hatred or hostility among individuals and groups. The principle of *maqasid al-syariah* is in line with this article, because *ḥifẓ al-nafs* and *ḥifẓ al-'aql* emphasize the protection of the soul and mind of society from the influence of information that is misleading or provokes conflict. In other words, the principle of *maqasid* strengthens the moral and preventive dimensions of positive law: not only prosecuting violations, but also emphasizing social and ethical responsibility in digital communication.

b. Strengthening Media Ethics through the Maqasid Approach

This integration is not only normative, but also practical. The *maqasid* principle encourages media users to verify information, avoid spreading harmful content, and pay attention to the social impact of digital communication. In positive legal practice, law enforcement officials can use the *maqasid* principle as an additional consideration in assessing the context and impact of violations of the ITE Law, for example distinguishing between accidental errors and the spread of content that deliberately provokes conflict. In this way, *maqasid* becomes a moral guideline that complements formal law enforcement.

c. Integration in Education and Digital Literacy

In addition to legal and moral aspects, the integration of *maqasid al-sharia* with positive law can be realized through digital education and literacy. The government and educational institutions can adopt the *maqasid* principles as an educational framework to build awareness of media ethics. For example, digital literacy that emphasizes information verification, social responsibility, and the psychological impact of the dissemination of harmful content aligns with the *maqasid* of *ḥifẓ al-'aql*, *ḥifẓ al-nafs*, and *ḥifẓ al-nasl*. This encourages the internalization of preventative ethical values, so that society does not simply wait for formal law enforcement to take action against violations.

¹¹Syawaluddin Hanafi, "Hate Speech in the Perspective of Indonesian Law and Islamic Law," *Jurnal Al-Dustur* 4, no. 2 (2022)

d. Contemporary Ijtihad as a Bridge of Integration

Contemporary scholars such as Yusuf al-Qaradawi and Jasser Auda emphasize that the maqasid al-sharia are flexible and adaptable to the challenges of the times, including digital technology. Contemporary ijtihad can bridge the gap between maqasid principles and Indonesian positive law by interpreting sharia values to ensure their relevance in upholding media ethics. For example, in cases of the spread of hoaxes that threaten social stability, law enforcement can refer to maqasid to assess the proportionality of sanctions and the social context, rather than simply rigidly enforcing legal textual provisions.

5. Implementation and Challenges

The integration of maqasid al-sharia with positive law faces practical challenges, such as differing interpretations of sharia, limited public digital literacy, and the complexity of content dissemination on social media. However, this integrative model still offers a comprehensive framework, as it combines three dimensions: formal law (the Electronic Information and Transactions Law), moral and spiritual (maqasid), and digital literacy and education. With this approach, the enforcement of media ethics in Indonesia is not merely reactive through legal sanctions, but also preventative through the internalization of universal moral values that are adaptive to technological developments.

4. Conclusion

Conceptually, the maqasid al-syariah (obligatory principles of sharia) provides a comprehensive ethical framework for assessing digital communication behavior. Its application ensures that media activities not only comply with legal regulations but also prioritize the public good and minimize social harm. Thus, the maqasid principles serve as an important guideline for developing digital literacy, mitigating hoaxes, and strengthening communication ethics in the modern social media era. Academically and conceptually, the integration of maqasid al-sharia with Indonesian positive law enables a more holistic enforcement of media ethics. The ITE Law provides a formal legal basis, while the maqasid principles add moral, spiritual, and social dimensions that guide societal behavior. This approach is effective in building collective awareness, mitigating the spread of hoaxes and hate speech, and creating a healthy and ethical digital ecosystem, in accordance with the objectives of sharia to protect religion, life, intellect, posterity, and property.

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