

AN OVERVIEW OF ONLINE CIVIL SOCIETY & ANTI-FAKE NEWS LAW FROM LEGAL AND ISLAMIC PERSPECTIVES

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Abstract

There are three principles of civil society in any cultural context; participatory engagement, constitutional authority and moral responsibility. These principles relate to the legal framework of any countries, embedded in the domestic legislation. However, the proliferation of online social networking causes dissemination of fake news flourish. Countries try to cope the problem by enacting legislation. However, some sees online fake news as something that need to be controlled, limiting the freedom of expression, independence of media and progressiveness of civil society. The aim of this article is to examine the compatibility of anti-fake news legislation within the principles of Islamic civil society. The article adopts the doctrinal research methodology. The article finds that the principles of Islamic civil society is in harmony with any legislation to curb dissemination of fake news and as such, compatible within the Islamic context. The article also finds that despite various categories or types of fake news, Islam prohibits any dissemination of fake news even if it is satirical. Hence, the enactment of anti-fake news legislation to curb fake news is suggested in order to strengthen the progressive Islamic civil society, hence enabling the society to achieve harmony and peace.

Keywords: anti-fake news legislation, civil society, Islamic civil society, madani, online society, fake news, online fake news

Introduction

Nowadays, the world is in the era of fourth Industrial Revolution (4IR) which is continuous from the rapid emergence of digital era in the 21st century (Ayub and Yusoff, 2018: 221-241). The drawbacks however, among others, the proliferation of false online information or fake news. The proliferation of online social networking and the Internet, the dissemination of unverified news, disinformation and fake news also thriving and flourishing with the online media. Some countries try to cope the problem of spreading the fake news by enacting a statute. On one hand, some sees this phenomenon of spreading fake news online as something that need to be controlled, others see it as limiting the freedom of expression and the independence of media. This move also, has been seen by civil society group as limiting the progressiveness of civil society. As such,

with the emergence of online social network that creates “online society”, does the introduction of anti-fake news law compatible with the concept of civil society, within the legal and Islamic perspectives?

In order to achieve the objective of this article *i.e.* to examine the compatibility of Islamic civil society’s principles with the introduction anti-fake news legislation, this article adopts pure legal or doctrinal research methods which are largely documentary. According to Salter and Mason (2007) and Yaqin (2007), doctrinal research methodology is a study that focuses on cases, rules and principles. These cases, rules and principles comprised substantive content of legal doctrines. In other words, doctrinal research is a research which defines what the law or legal principle in a particular area is. Thus, the first part of this article enlightens the concept and principle of civil society and civil society in Islam. It is then followed by discussions of online fake news and its compatibility as well as harmonization with anti-fake news legislation and Islamic principles of civil society in the second part.

Civil Society

Though what is civil society is hard to define due to its complexities, the contemporary civil society concept is the belief that emphasized on civic activity and philanthropy (Peterson and Van Til, 2004). The western concept of civil society is generally defines as “an association of members as self-sufficient individuals in what is therefore a formal universality, occasioned by their needs and by the legal constitution as a means of security for persons and property, and by an external order for their particular and common interests” (Hardt, 1995:27-44). Western democracy created a belief that civil society and democracy cannot develop in non-Western countries. This is due to the secularization element in western concept of civil society (Hall, 2013:1-31). In fact, Gellner (1994) views that Islam is one of the foes of civil society, as opposed to Christianity which said to be in support with secularism where “...render unto Caesar the things that are Caesar’s, and to God the things that are God’s” (Mark 12:17)” (Rodell, 2019). In other words, it is said to “let give power to Caesar and religion to God”. Societies is expected to be more secular under the secularization thesis, together with the advancement of industrialization and rationalization.

Principles of Civil Society

As highlighted by Peterson and Van Til (2004) the civil societies, be it “civil” or otherwise, have the same patterns. It includes the exchange in economy, governance in politics as well as the social relationships. The civil society needs to have systematic and structured patterns of economic, political governance and social relationship. This is to uphold fairness within judicial systems and protecting the welfare of the people. Furthermore, the social relationship in any civil society should allow the inclusion of

principles to facilitate participation, accountability and promoting “common good” within the society and thus, social relationships is the concern of this article.

Civil society principles are based on three main principles highlighted by literatures, namely, participatory engagement, constitutional authority, and moral responsibility (Peterson and Van Til, 2004). Participatory engagement acknowledges the rights of participation the citizens while the rights and privileges of the people are protected under the principle of constitutional authority in accordance to the rule of law. Within the society, although there is constitutional authority, they must have the moral responsibility in enjoying their freedom and liberties without violating the fundamental rights of others, to ensure harmony, stability and sustainability of the society.

Principles of Civil Society in Islam

The common history of the concept of civil society is connected to the early-modern thought of age of Enlightenment in the 18th century. In Islam, the concept of Islamic civil society started during the opening of the city of Yathrib more than 1400 years ago, where the city renamed as “Madinah” (or Medina). The Holy Prophet Muhammad S.A.W. (peace be upon him) has laid down a foundation of an Islamic civil society for the people of Madinah. At that time, people of Madinah consist of different tribes, religion and culture. In other words, the society of Madinah is multi-racial, multi-religion and multi-cultural.

In Arabic, Madani and Madinah come from the same root word, that is ‘mudun’. The word ‘mudun’ in Arabic means “city or urban or civilize and/or modern”. The introduction of Madinah Charter (Sahifah Madinah), a document that addressed the community of city Madinah as one community, is the “inauguration” of the era of Islamic civil society. Indeed, the society of Madinah is the best example of civil society in Islam. Later, contemporary Islamic scholars coined the term “civil society” as “Jami’ahMadani” and in Malay or Indonesian as “MasyarakatMadani”, as highlighted by Ibrahim (1996), Kamrava (2001), Ayub (2004) and Muhammad (2017). The concept of Islamic civil society build on the premise of moral principle that guarantees the balance between freedom while maintaining harmony and stability in the society. The Islamic civil society has the characteristics of multicultural, reciprocity and tolerance and understanding within the people (Ibrahim, 1996). Besides, the concept of civil society in Islam further elaborated to consist elements of law, political participation and accommodative to culture (Ayub, 2004). Kartanegara and Huda (2016) also add principles of inclusivism; egalitarianism; tolerance; and democracy (freedom of expression) as the elements of civil society in Islam.

As highlighted earlier, one of the elements of Islamic civil society is ‘inclusivism’. Under this element, it is permissible to include and apply the traditions of others to Islamic

tradition as long as it is not contrary to Islam principle as stated by Abu al-Hasan al-'Amiri. For instance, Abu al-Hasan views the traditions of prophets in Islam is mostly in line with Greek philosophy and science. It is not foreign to Islam. For instance, there are many Greek great philosophers that their philosophies are considered as compatible with prophetic tradition like Pythagoras, Empedocles and Hermes (Nasr, 2010). In addition, it is evident that Islam uphold the principles of human rights where the needs and concern of human being is fully addressed. In other words, the principles in Islam always in harmony with the fundamental principles of human rights. Unfortunately, as highlighted by Mayer (2007) there are policies by the United States that causing and provoking Islamist hostility towards the actual harmonisation between Islam and principles human rights. These policies (by the U.S) create the belief that the concept of human rights are none other that the plot of the Western countries. In actual fact, the religion of Islam is always in harmony with the principles of human rights and always compatible with any period of time, adjustable according to the advancement of any era, as long as within the basic teachings of Islam. Islam deals with the changing of society, changing of environment, changing of needs and changing of technology with compatible principles. As such, the dynamics of Islam will address issues in the next decade accordingly and not necessarily be the same as what the Muslim scholars currently thought or opined (Mayer, 2007). Allah S.W.T. says in the Holy al-Quran "We sent thee not but as a mercy for all creatures (21:107)" and "Human beings, We created you all from a male and a female, and made you into nations and tribes so that you may know one another. Verily the noblest of you in the sight of Allah is the most God-fearing of you. Surely Allah is All-Knowing, All-Aware (49:13)" These two verses are some of the many verses that acknowledge the element of inclusiveness under the Islamic civil society.

Another principle under the Islamic civil society is egalitarianism. Under this principle, Islam commands the Muslims to treats people on humanistic basis, regardless of their religion, race, colour, faith, position or tribes. As Allah says in the Holy al-Quran "Indeed, We have honoured the children of Adam, carried them on land and sea, granted them good and lawful provisions, and privileged them far above many of Our creatures (17:70)". Even the Prophet Muhammad S.A.W. (peace be upon him) has said in his last sermon "O people, verily your Lord is One and your father is one. Verily there is no superiority of an Arab over a non-Arab or of a non-Arab over an Arab, or of a red man over a black man, or of a black man over a red man, except in terms of taqwa. Have I conveyed the message? They said: The Messenger of Allah (blessings and peace of Allah be upon him) has conveyed the message." As such, the principle of Islamic civil society respect the right of others, to live in harmony.

In addition, Badri (2018) argues that universal religious freedom is possible, desirable and mandatory through the prism of Islam. Islam respects and allows other religions to be practiced by the non-muslimfreely under the concept of Islamic civil society. The

tolerance in Islam is clear where verses from the Quran says to the Muslims “For you is your religion, and for me is my religion (109: 6)”, and never allows coercion upon non-Muslim to accept Islamic point of view and religion or faith as Allah S.W.T. says “There is no compulsion in religion (2:256).”

Furthermore, another important principle under Islamic civil society is democracy, which relates to right of freedom of expression. How this democracy or freedom of expression demonstrated in the Muslim civil society? One of the reference that can be made is during the appointment of Sayyidina Abu Bakr as-Siddiq (ra) as the first Caliph. Immediately after elected as the first Caliph, Sayyidina Abu Bakr as-Siddiq (ra) conveyed a very strong message to the people of Madinah and the whole Muslim society – “O people, I have been chosen by you as your leader, although I am no better than any of you. If I do any wrong, set me right. Listen, truth is honest and untruth is dishonest” (Thomson, 2010). The same also happened when Sayyidina Umar al-Khattab (ra) was appointed as second Caliph. This shows that even against the leader/Caliph, Islam allows the people to express their views accordingly.

Based on the above discussion, looking back at the compatibility of anti-fake news law within the principles of Islamic civil society, we now look into the background of fake news in the era of online civil society.

Types of Fake News

Fake news have distinct types depending on the intention and motivation behind the news. Most common fake news highlighted by Hunt (2015) are hoax, propaganda, trolling, and satire. As mentioned earlier, the most important features in determining the different categories of fake news are the intention and the motivation. With regards to intention, the reason behind the publication of fake news must be proved. If the intention of the publication is to deceive the readers, it is fake news. If however the motivation behind the publication of the fake news is financial and lacks of the intention to deceive, it may not be categorised as “illegal” fake news. This is where the types and distinction between fake news are important. For instance, if the reason behind the publication of fake news is motivated by financial gain, like the using of fake online reviews, this is rampant to boost sales (Hunt, 2015). According to Verstraete, D. Bambauer and J. Bambauer (2017), the distinctions between fake news is important so that actions can be taken accordingly in dealing with fake news. In this regards, fake news in the category of hoax and propaganda or even trolling are the types of fake news, which are pernicious and should not be allowed, except in the form of satire. Hoax, propaganda and trolling, all have the common features that they are false news and the intention is to deceive the readers. However, there are different motivation behind these categories or types of false or fake news, which are differs from each other. A hoax is financially motivated while propaganda is not. As for trolling, the motivation is to get personal

humor value. As mentioned earlier, the intention to deceive others with the fake news, either financially, politically etc. motivated or not, is blameworthy (Verstraete, D. Bambauer and J. Bambauer, 2017).

On the contrary, satire is defined as a “news story that has purposefully false content, is financially motivated, and is not intended by its author to deceive readers”. The online news website called The Onion is an example of what is satire. The Onion deliberately uses fake news as modes to highlight their critiques and criticism against the society. Those who reads The Onion, should have known that the content is satire, and is not meant to be true. However, those who are not familiar with the satirical news, take it as a fact. For instance, the story by Onion that claimed the Prime Minister of Iran, Mahmoud Ahmadinejad was more popular than President Barack Obama amongst rural U.S. voters, was reported as true fact by Iranian media (Klein and Wueller, 2017: 1-13).

Furthermore, fake news may be regarded as defamation when making false statements about another, is with the intention to damage their reputation and consequently being shunned or avoided by others. Generally, it seems that the publication of fake news trigger the application of law on defamation where it may be used as cause of action against the publisher to remedy the victim. Hence, fake news publishers are susceptible to civil liabilities under various tort actions. The available tort actions are defamation, breach of informational privacy, intentional infliction of emotional distress, intellectual property violations and other speech related tort. In addition, they may be accused or charged of criminal offences like criminal defamation, cyberbullying, and false trade description (Klein and Wueller, 2017: 1-13). Thus, combining the definition of fake news by Klein and Wueller (2017) as well as Verstraete, D. Bambauer and J. Bambauer, (2017) it may be legally construed as “the online publication of intentionally or knowingly false statements of fact with the intention to deceive readers.”

Fake News in the Era of Online (Civil) Society

The aim under this sub-topic is to highlight compatibility of the law on anti-fake news with the concept and principle of Islamic civil society. This article acknowledges that currently the rise of online social network is at exponential rate, consequently creating the online society (Ayub and Yusoff, 2018: 221-241) and new “online civil society”.

The surge of fake news over the internet is immeasurable, where most of the news are left with believe or disbelieve whoever read them. Gone are the days of reading trusted print newspapers or mainstream media and, whereby nowadays all the information is at the fingertips of everybody having internet access to various online sources, mainly through social media (Larkin, 2017). The advent of social media proliferate the abundance of fake news, rumours and gossip. Even though the issues of fake news are not new to the society, but the usage of online social network or social media by the

society are rampant, aggravating the falsehood and lies that are spread online. In a study, it is found that more than 80 percent students believe and accept the photographs and sponsored content as presented and regard them as genuine on its face value. This problem happen because the readers do not ask the source of the news or the photos, and do not even try to verify their veracity (Domonoske, 2016). In another survey, it is revealed that nearly two-thirds of American adults said they are unable to determine between fake news and the genuine one, and admit that fake news stories “cause a great deal of confusion” (Fitzpatrick, 2018: 45-61). A decreasing confidence towards mainstream media is a normal trend and phenomenon in the era of IR4.0. According to Gallup polls, it is only 40 percent of Americans trust their mass media sources to report the news “fully, accurately and fairly”(Brennan, 2019). The same phenomenon or trend happens in the UK where the trust towards newspaper is declining and even worst when the most read newspapers become the least trusted (Ibbetson, 2019). The trend of losing trust towards mainstream media causing the newsreaders to put their trust (and read) more on alternative news from online sources, for example, the blogs and social media. The shifting of trust from mainstream news to alternatives news is only as a means to escape the perceived bias and unreliability of mainstream news (Tsfati, 2010: 22-42).

However, it is argued that the shifting of trust to alternative news open the newsreaders to becoming more vulnerable to fake news which are false, incomplete or misleading (Rubin, et.al, 2016). It is worse when the readers unable to distinguish the fake news from real. For instance, the news which is fake, entitled “FBI Agent Suspected in Hillary Email Leaks Found Dead in Apparent Murder-Suicide”, is shared more than half a million times on social media. In another online fake news, it was reported that a pizza restaurant in Washington by the name of Comet Ping Pong was harbouring young children as sex slaves as part of a child abuse ring led by Hillary Clinton. Mr. Welch, a person who believe that this is true, fired the restaurant using an AR15 rifle after driving about six hours from his home to the restaurant.

In other parts of the world, the problem of fake news is also prevalent. In India, false report was spread over a website alleging that Muslims had attacked a monk from the Jain faith. Consequently, the editor of the website was arrested. In 2016, a fake news also caused uproar in Germany. It happened when there was a false report by a German teenage girl with Russian roots claiming that men of Middle Eastern or North African appearance raped her during her 30 hours disappearance. She admitted that the story was fake and concocted when she reappeared. Disregarding the fact that the news was fake, the Russian TV stations, RT and Sputnik, reported the news and alleged that the German police did not take any action to investigate the claim by the teenage girl. The Russian-German society was incited by the fake news and took the streets to show their wrath in Berlin in front of the Chancellor’s Office.

During the US presidential election in 2016, Allcott and Gentzkow (2017) found that social media gains more popularity among US adults by 62 percent compared to mainstream media. Unfortunately, they found that fake news stories were the most popular news, more popular than the most popular mainstream news stories. These fakes news widely shared on Facebook more than the mainstream news. It is also shocking that many people who see fake news stories also believe them to be true. The fake news widespread during the 2016 election were more favourable to Donald Trump over Hillary Clinton. The analysis on the impact of fake news during the US 2016 election is significant. The tracked search results on the candidates who run for senate and presidential seats during the 2016 election revealed that about 30 percent of the search results affected by false and biased content (Metaxa-Kakavouli and Torres-Echeverry, 2017). Unlike in the US, the German federal elections in September 2017 were mostly free from any fake news, false or misleading information. The more harmonious and free from fake news atmosphere during the German election in 2017 is because of the introduction of regulations on social media. In addition, the tightening of its enforcement have played a crucial role in maintaining the harmonious atmosphere (Mortsiefer, 2018). This shows how strong and influential the fake news in the era of “online civil society”, as well as the importance and efficiency of legislation to govern the online fake news.

Compatibility of Anti-Fake News Legislation with Principles of Islamic Civil Society

In Malaysia, fake news also reach an alarming stage, prompting the Government (of Barisan Nasional) to introduce Anti Fake News Act 2018 (AFNA). It was reported that most Malaysians could not differentiate between fake news and authentic news (Ying, 2018). For example, a shoe company, Bata Primavera, losing more than RM500,000 in just a month after an allegation that went viral about the company selling shoes with the Arabic inscription of the word “Allah”. The relocation Mariamman Temple also marred with fake news that caused confusion, riots and tensions between parties (Bahaudin, 2018). However, the introduction of AFNA by the previous Government of Malaysia just before the 14th General Election, sparked outcry from the civil society groups in Malaysia. The civil society groups (16 groups) alleged that AFNA undermine freedom of the media, preventing the reporting of government misconduct due to the criminalisation of reporting, preventing expression of critical opinions and undermining the freedom of expression (White, 2018). Then, the Pakatan Harapan Government before the 14th General Election, promised in their Manifesto to repeal AFNA 2018. Consequently, there were calls from the civil society groups in Malaysia demanding the repeal of AFNA 2018 after the election (Centre for Independent Journalism Malaysia, 2018). Nevertheless, the move to repeal AFNA passed in the House of Representatives was rejected by the Senate (Bernama, 2018). The question is, is the introduction of

legislation like AFNA violates the freedom of expression or speech, and violates the principle of civil society?

Looking into the rights under the Universal Declaration of Human Rights (UDHR), article 19 states that “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”. In France, it is not new that the law on preventing the spreading of fake news has been made illegal since 1881. The law defined fake news in order to protect free speech in France. As such, while protecting the fundamental right to freedom of speech, the legislation obliges social media platforms to name advertisers who are financing content and the amount that the advertisers are paying. Under the law, it permits France’s independent broadcasting authority to suspend media, which is seen as trying to destabilise a vote, notably if “influenced by foreigners” (Henley, 2018). In Germany, under the Network Enforcement Act, which came into force on 1 October 2017, gives platforms to more than 2 million users 24 hours to remove “obviously illegal” terror content, racist material and fake news, failing which may be imposed fines of up to €50million. Besides, any other offensive material must be blocked within seven days. Other EU countries including Sweden, Ireland and the Czech Republic are weighing to implementing anti-fake news legislations (Henley, 2018).

In India, the Indian Government proposed legislation to curb fake news that would allow the accreditation of the journalist to be withdrawn or revoked by the government if the journalist is found to have written or broadcast fake news. However, the Government of India retracted the move to introduce such law after facing a very strong opposition from the journalists (Gross, 2018). While in Thailand, the government take the initiatives to introduce cybersecurity law in which it criminalising the spread of false information. Any offender found guilty of this offence is liable to a jail term of up to seven years. In Singapore, the country is preparing a report on measures to counter deliberate online falsehoods. Lastly, Philippines is considering anti-fake news legislation that would punish offenders with up to 20 years imprisonment (Henley, 2018).

Hence, it shows that there are increasing number of countries in the world considering, planning or already introduced anti fake news law to combat the problems of fake, misleading or false news online. The introduction of legislation to curb fake news online does not violating the principle under Article 19 of UDHR. It does not also, against the principles of civil society as there is a limit to a freedom of expression and the freedom of expression is not absolute. Limiting freedom of expression through legislations are common, for instance, legislation on ‘hate crimes’ in the UK. Under Article 10 of the Human Rights Act 1998 provides that “everyone has the right to freedom of expression” in the UK but the freedom have its limitations or restrictions where it “may be subject to formalities, conditions, restrictions or penalties as are prescribed by law and are

necessary in a democratic society”. Those restrictions may be “in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary”. Section 4 of the Public Order Act 1986 (POA) make it an offence for a person to use “threatening, abusive or insulting words or behaviour that causes, or is likely to cause, another person harassment, alarm or distress”. Section 127 of the Communications Act 2003 makes it an offence to send a message “by means of a public electronic communications network which is grossly offensive, or of an indecent, obscene or menacing character”. In 2006 the Racial and Religious Hatred Act amended the POA to make it an offence to use threatening words or behaviour intended to stir up religious hatred and punishable by up to seven years imprisonment. In 2008 the Criminal Justice and Immigration Act amended the POA to add an offence of using threatening words or behaviour intended to stir up hatred on the grounds of sexual orientation. While the Terrorism Act 2006 criminalises ‘encouragement of terrorism’, which includes making statements that glorify terrorist acts, punishable by up to seven years imprisonment.

As such, it is also clear that the right to freedom of expression is not absolute, though it is fundamental. A State may limit the right under Article 19(3) of the ICCPR as stated below –

“Provided for by law, so any law or regulation must be formulated with sufficient precision to enable individuals to regulate their conduct accordingly;

In pursuit of a legitimate aim, listed exhaustively as: respect of the rights or reputations of others; or the protection of national security or of public order (order public), or of public health or morals; or

Necessary in a democratic society, requiring the State to demonstrate in a specific and individualised fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat. (Article 19, 2018)”.

Furthermore, does the enactment of any legislation to contain the spreading of fake news is against the principles of civil society in Islam? As mentioned at the above, one of the Islamic principles of civil society in Islam is democracy and freedom of expression (Kartanegara and Huda, 2016). Islam strictly prohibits the act of spreading lies and fake news. Allah SWT says that “...temptation/discord/sedition is more serious/stronger/worse than killing” (2:191). That is also, why Islam encourages the process of ‘*tabayyun*’ (*i.e.* ascertaining the truth) whenever news received from sources known to be doubtful its trustworthiness or from unknown/unverified sources. As Allah

has said in the Holy Quran that, “O you who have believed, if there comes to you a disobedient one with information, investigate, lest you harm a people out of ignorance and become, over what you have done, regretful. (49:6)”. Allah the Almighty further says, “O believers, avoid being excessively suspicious, for some suspicion is a sin. Do not spy, nor backbite one another. Would any of you like to eat the flesh of his dead brother? You would surely detest it. Have fear of Allah. Surely Allah is much prone to accept repentance, is Most Compassionate. (49:12)”.

In another verse, Allah reminds us, “do not follow what you have no ‘sure’ knowledge of. Indeed, all will be called to account for ‘their’ hearing, sight, and intellect (17:36)”. Hence, Islam orders the Muslims to always speak the truth as Allah says, “O you who believe! Keep your duty to God and fear Him, and speak (always) the truth. (33:70)”, even if it is against themselves or their families. In this regards, the Holy Quran states, “O you who believe, uphold justice and bear witness to God, even if it is against yourselves, your parents, or your close relatives. Whether the person is rich or poor, God can best take care of both. Refrain from following your own desire, so that you can act justly—if you distort or neglect justice, God is fully aware of what you do (4:135)”.

In regards to satirical news, reference to Muhammad (peace be upon him) said as reported by Abu Huraira “The Messenger of Allah, peace and blessings be upon him, said, “Do you know what backbiting is?” They said, “Allah and his messenger know best.” The Prophet said, “To mention your brother in a way he dislikes.” It was said, “What do you think if what I said about him is true?” The Prophet said, “If what you say about him is true, it is backbiting. If it is not true, it is slander. (Sahih Muslim, Hadith no. 2589)” As such, Islam also prohibits its followers from ridiculing or make fun of others that may embarrass or humiliate the others.

As such, it is submitted that any legislation containing and prohibiting the spreading of fake news is harmonious with the religion of Islam and with the principles of Islamic civil society to maintain order and harmony within the society, be it in physical or online world, in this regards, in the era of “Online Islamic Civil Society”.

Conclusion

In sum, in the fake news era, fact checking must be done as a public good. As suggested by Berghel (2017), he emphasises on developing a set of online tools to facilitate the fact-checking process and make it easily accessible to those who wish their truth straight up. McNeill (2018) proposes to mitigate the impact of fake news by asking the readers to train themselves to be more critical of the online material.

This article concludes that Anti-Fake News Act or any legislation to proscribe dissemination of fake news and lies is compatible with the concept of Islamic Civil Society. In the era of online network society, the concept of Islamic civil society (madani society) should extend to the online Islamic civil society. In the same vein, since the proscription of spreading fake news and lies (by way of introducing legislation) are in line and compatible with the Islamic precepts and the concept of 'madani society' (Islamic civil society), the legislation like Anti-Fake News Act 2018 should be introduced and not repealed. It is submitted that the legislation like AFNA 2018 to be improved, improvised and amended so as to becoming an effective legal tool to curb fake news in the era of online society, and not to be misused for political tool against political enemy.

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