




## RESEARCH ARTICLE

Section: *Law & Society*

## Civil liability and misuse of electronic communication means via websites: An analytical study in light of the law and policies of the United Arab Emirates

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### ABSTRACT

Modern technological developments are among the most important advancements affecting social relations. Digital technology has had a significant impact on individuals' lives. The emergence of modern means of communication has had a substantial effect on social relations. The increase in these relations has led to new ties that did not exist before and have taken on contemporary forms. Social media has become one of the essential tools in the alternative press due to its multidimensional role, whether at the political, social, or cultural level. At the same time, it is considered one of the threats to countries and societies, as some resort to misusing it to spread rumors and malicious lies. Moreover, the misuse of social media is one of the significant negatives arising from it, as these platforms have become venues for spreading rumors, insults, slander, violations of privacy, and harmful practices facilitated by a lack of electronic controls governing their use. The modern era is witnessing a massive revolution in electronic communication. The use of these platforms has spread rapidly, and they have evolved in their methods, types, services provided, and applications. Their broad scope and ease of use have made them accessible to all individuals and societies, serving various activities, services, and purposes.

**KEYWORDS:** civil liability, electronic communication, law and policies

### Research Journal in Advanced Humanities

Volume 6, Issue 1, 2025

ISSN: 2708-5945 (Print)

ISSN: 2708-5953 (Online)

### ARTICLE HISTORY

Submitted 28 December 2024

Accepted: 14 February 2025

Published: 04 March 2025

### HOW TO CITE

Yas, N., Salem, O., Allouzi, A. S., Abdalaziz, M. M. O., Marks, A., & Al-Jumaili, A. (2025). Civil liability and misuse of electronic communication means via websites: An analytical study in light of the law and policies of the United Arab Emirates. *Research Journal in Advanced Humanities*, 6(1). <https://royalliteglobal.com/advanced-humanities/article/view/1926>



Published in Nairobi, Kenya by Royallite Global, an imprint of Royallite Publishers Limited

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## **Introduction**

This research deals with civil liability for misuse of electronic communication via websites in the United Arab Emirates. The importance of this research lies in the multiplicity and diversity of attacks resulting from the misuse of modern electronic communication through websites and social media. The spread of information technology, the computer industry, and the ease of communication have transformed the world into one village (Abdul Hamid Siddiq, 2002). Social developments in the current era are rapid and successive due to the tremendous scientific and technical advancements that have begun to swiftly influence the lives of individuals and society. The current global system is based on keeping pace with technological progress and broadly achieving maximum benefits from advanced technologies, biotechnology, and information technology (Yasser Mohammed, 2001). The increase in technological progress in communications and data transfer via the World Wide Web (the Internet) and the widespread use of modern electronic communication methods have led to the misuse and exploitation of these means to harm many people.

The most important thing digital technology has brought is the Internet, a group of computer networks connected via telephone lines or fiber optic cables (Rob Smith, Mark Speaker, Mark Thompson, 2000). Modern electronic communication methods have resulted in negative phenomena and have become a means of harming others and society. They have also helped in committing many emerging crimes and have become one of the tools for attacking the private freedoms of individuals. These practices hurt society and the state, which requires searching for rules that protect and regulate the misuse of modern electronic communication methods (Mohamed Ali, 2020). The purpose of legal regulation in any society is to find tools to regulate relationships and transactions that fall within the scope of the law.

Modern technological developments are among the most important factors affecting social relations. Digital technology has had a significant impact on people's lives. The emergence of modern means of communication has notably impacted social ties and expanded the scope of these relations. It has also led to new connections that did not exist before. This has caused these relations to take on contemporary forms (Sameh Abdel-Wahid, 2016). The prevalence of security and reassurance in society necessitates the preservation of several crucial interests to ensure the continuation of life in a stable manner (Hassanin Obeid, 1979).

The Internet has affected the traditional form of media and led to the creation of new media systems, where electronic media or new media have emerged, integrating the public into the media industry based on social media (Francis Park, 2010). The responsibility of using modern electronic communication varies through websites and social media. The obligation may be moral or legal. Moral responsibility does not fall within the scope of the law and does not entail a penalty; the reference here is to conscience. In contrast, legal responsibility falls within the realm of the law and entails a legal penalty. While social media has become one of the essential tools in what is called alternative media, given the multi-dimensional role it plays on the political, social, or cultural level, it is also considered a source of threat to countries and societies, as some resort to misusing it to spread rumors and malicious lies.

## **Importance of the research**

This research is important because of the legal problems resulting from the misuse of social media, which harms individuals and society alike. Serious harm results from publishing incorrect information about a person for defamation, blackmail, violating privacy, or printing pictures that may not be published.

## **Research problem**

The problem of this research lies in determining what constitutes harmful actions that can cause responsibility on the part of those who use social media, as well as determining the existence of harm resulting from this action that affects others, considering that harm occurs in the environment that governs social media, as there are no controls or standards for use. Legal liability may be criminal liability or civil liability. Criminal liability is based on harm to society, while civil liability is based on harm to the individual. An act may only result in one of the two responsibilities without the other. Criminal liability is realized without civil liability if the act does not cause harm to anyone, as in some attempted crimes, vagrancy crimes, and carrying weapons. Civil liability is realized without criminal liability if the act causes harm to others without being included in acts punishable by criminal laws, such as intentionally damaging someone else's property and all responsibilities based on an

assumed error (Abdul Razzaq Al-Sanhouri, 2006).

A single act may entail both responsibilities together, or it may entail one responsibility without the other. A single act may entail criminal and civil liability at the same time. It is valid that an act may only entail realizing one of the two responsibilities without the other. Liability in this law does not arise as a general rule unless the act is a mistake. The mistake includes two elements, one of which is material, which is the transgression, and the other is moral, which is awareness. Awareness means the perpetrator can distinguish his actions (Anwar Sultan, 1987). Civil liability is of two types: contractual liability and tortious liability. Contractual liability is based on breaching a contractual obligation that differs according to the commitments included in the contract, and tortious liability is based on breaching a single legal obligation that does not change, which is the obligation not to harm others (Abdul Razak Al-Sanhouri 2006).

The UAE legislator classified the liability positions for harmful acts in the Civil Transactions Law from Western jurisprudence. As for the substantive provisions, he took them from traditional Islamic jurisprudence. However, he departed from what this jurisprudence decides on some issues of harmful acts and left the door open for jurisprudence and the judiciary to exercise independent reasoning in the application of any incidents and calamities that arise, which helps in renewing the foundations upon which Islamic jurisprudence was based (Explanatory Memorandum for the UAE Civil Transactions Law).

Each of the contractual and tortious liabilities has independent provisions that are specific to it without the other. Each of the two liabilities is made separate from the other, and each has a particular scope for the provisions of each of the two liabilities. If a contractual relationship is established with its parties and scope and the damage that befell one of the contracting parties occurred due to the other party's failure to implement the contract, then the provisions of the contract and what is stipulated in the law regarding it must be taken into account, considering that these provisions alone are what regulate every relationship between the two parties due to the contract, whether when it is properly implemented or when its implementation is not implemented. It is not permissible to take into account the provisions of tortious liability in which the injured party is not bound by a previous contractual relationship because taking into account the provisions of tortious liability in place of the contractual relationship results in wasting the provisions of the contract related to liability when it is not implemented in a way that compromises its binding force unless it is proven against one of the contracting parties that the act he committed and led to the damage to the other party constitutes a crime or is considered fraud or a serious error, which establishes tortious liability based on his failure to fulfill a legal obligation since He is prohibited from committing such an act in all cases, whether he is a contractor or not (Egyptian Court of Cassation).

Tort liability is only established by the availability of its three elements: a proven error on the part of the responsible party, damage to the injured party, and a causal relationship between them, such that it is proven that this damage arose from that error and as a result of its occurrence (Egyptian Court of Cassation). The UAE legislator defined the misuse of modern electronic communication methods by describing the display of illegal content as content whose subject is one of the crimes punishable by law or whose publication, circulation, or recirculation within the country is likely to harm the security or sovereignty of the state or any of its interests or public health or ensure public peace or the friendly relations of the state with other countries or affect the results of elections for members of the Federal National Council or advisory councils in the emirates of the state or incite feelings of hostility or hatred between different groups of people or decrease public confidence in the performance of any duty or task or in the exercise of any authority by one of the state authorities or any of its institutions (Combating Rumors and Cybercrimes, UAE).

Social media are electronic means linked to the Internet that facilitate active interaction between members participating in this means and aim to provide various means of interest that would help in interaction between members and each other. These features may include instant messaging, video, chat, file exchange, discussion groups, and electronic mail. This means allowing each member to publish whatever he wants publicly so subscribers can view what has been published (Ibrahim Suleiman, Zakaria Omar, 2013). The harmful use of social media is one of its most essential negatives. These media have become a place for spreading rumors, insults, and slander, violating privacy, and defaming chaste women, and many harmful practices are facilitated by the lack of electronic controls governing their use. (Sameh Abdel Wahed, 2016). Rumors are just a fast-moving message, the aim of which is to create confusion or chaos to achieve goals that are primarily destructive

because they play on the chord of the public's desire to know the news in an attempt to reach the targeted impact of their promoters, especially in times of crisis.

The Telecommunications Regulatory Authority (TDRA) implements the UAE's Internet Access Management (IAM) policy. The IAM policy consists of specific frameworks and categories that must be considered by Internet Service Providers (ISPs) to ensure Internet security and protect end users from harmful websites that contain material that conflicts with the religious and moral values of the UAE. The TRA monitors the electronic content available to users in the UAE and notifies website operators of any potential violations of the Internet Access Management (IAM) policy. Social media has become an arena full of discord that must be addressed in different ways, especially regarding the rights of individuals and the exposure to reputation and defamation in other ways (Madi Al Khamis, 2015).

## **Literature Reviews**

### **Misuse of Social Media**

The error resulting from the misuse of social media is considered the first pillar of civil liability, which results in damage, and the perpetrator is liable for the damage he caused. Opinions differed in determining the meaning of error in tort liability. A common opinion among jurists says that an error is an unlawful, harmful act, i.e., a harmful act that violates the law. This opinion does not provide much information in determining the meaning of the error, as it remains unknown what acts cause harm to others and are prohibited by law. If texts specify some of these acts, then most are not mentioned in a text, so we must draw controls to determine them (Abdul Razzaq Al-Sanhouri, 2006).

The term error in this context means, apart from all the descriptions and nicknames that come to mind for some in the context of expression, the term illegal act or act prohibited by law. It includes the hostile and favorable acts of abstention, and its connotations extend to mere negligence and deliberate acts alike. Listing the acts in which the meaning of error is realized in the texts of legislation only creates a problem with the aspect of the ruling. It never leads to the establishment of a comprehensive and prohibitive statement. The definition of error must be left to the discretion of the judge, who is guided by what is extracted from the nature of the law's prohibition of harm from the elements of guidance. There is an obligation that imposes on everyone not to harm others, and violating this prohibition is what contains error. This obligation requires insight into the action that requires its implementation with the care of a careful and ordinary man. The meaning of error is realized in every act that harms the rights of others if the person who committed this act does not adhere to that degree (Explanatory Memorandum of the Egyptian Civil Law).

Article 282 of the UAE Civil Transactions Law stipulates that any harm to others obligates the perpetrator to compensate for the damage, even if he is not discerning. The error has two components: a material component and a moral component. The material component is the assault, and the other is the ethical component, which is awareness. Harm means infringing on a legitimate right or interest by exceeding the limit that must be stopped or falling short of the limit that must be reached (Ahmed Abdullah, 2014). The error committed by those who misuse social media may be represented by spreading rumors about a specific person or insulting, slandering, or defaming a person or group. Anyone who creates, manages, or supervises a website or publishes information, programs, or ideas that include, aim at, or call for overthrowing, changing, or seizing the country's system of government or for disrupting the provisions of the constitution or laws in force in the country, or for opposing the basic principles on which the country's system of government is based, using the information network or an information technology means, shall be punished with life imprisonment. Anyone who promotes, incites, or facilitates any of the aforementioned acts for others shall be punished with the same penalty (UAE Anti-Rumors and Cybercrimes Law).

Social media may be used to violate individuals' privacy by publishing their data, personal photos, or information related to their private lives (Mahmoud Abdel Rahman, 2015). Anyone who insults another person or attributes to them an incident that would make them subject to punishment or contempt by others, using an information network, an information technology tool, or an information system (UAE Anti-Rumors and Cybercrimes Law), shall be punished by imprisonment and a fine. Anyone responsible for managing a website or electronic account who publishes content, data, or information on any of them that does not comply with the standards of media content issued by the relevant authorities shall be imprisoned (UAE Anti-Rumors and



Cybercrimes Law).

Anyone who creates, manages, or supervises a website or publishes information or data on the Internet or information technology means for a terrorist group, group, association, organization, or illegal entity, with the intent of facilitating communication with its leaders or members, or to attract membership, or to promote or favor its ideas, or to finance its activities, or to provide actual assistance to it, or with the intent of disseminating methods of manufacturing incendiary devices, weapons, ammunition, explosives, or hazardous materials, or any other tools used in terrorist acts, shall be punished with life imprisonment and a fine. The penalty shall be imprisonment for anyone who uploads the content of any of the aforementioned websites, rebroadcasts, or publishes it by any means, repeatedly accesses it to view it, or publishes any content that includes incitement to hatred. The court may, instead of issuing the aforementioned penalty, order the accused to be placed in a counseling center or order him to be placed under electronic surveillance and prevent him from using any information technology means for a period determined by the court, provided that it does not exceed the maximum penalty prescribed.

Any person who creates, manages, or supervises a website or publishes information, programs, or ideas that incite sedition, hatred, racism, or sectarianism or promotes or advocates any of them using the information network or any information technology means, if such information is likely to harm national unity or social peace, or disrupt public order or public morals, or endanger the interests of the State, shall be punished with temporary imprisonment and a fine. Any person who publishes information, news, data, visual images, visual materials, or rumors on a website, any information network, or information technology means with the intent to ridicule or harm the reputation, prestige, or status of the State, any of its authorities or institutions, any of its founding leaders, the State's flag, currency, peace, slogan, national anthem or any of its national symbols shall be punished with imprisonment.

Anyone who creates, manages, or supervises a website or uses the information network or information technology means to plan, organize, promote, or call for demonstrations, marches, or the like without obtaining a license from the competent authority shall be punished by imprisonment and a fine. Anyone who calls for or incites, by publishing information on the information network or information technology means, to disobey the legislation in force in the country shall be punished by imprisonment and a fine. Whoever creates, manages, or supervises a website or publishes information on the Internet or any information technology means for trafficking in or promoting narcotics, psychotropic substances, or the like, or how to use them, or to facilitate dealing in them in circumstances not permitted by law, shall be punished with temporary imprisonment and a fine.

Whoever creates, manages, or supervises a website or publishes information on the Internet or any information technology means for trafficking in human beings or human organs or dealing in them illegally shall be punished with temporary imprisonment and a fine. Whoever incites or tempts another to commit prostitution or debauchery or assists in that, using an Internet network or any information technology means, shall be punished with temporary imprisonment and a fine. The penalty shall be temporary imprisonment under five years and a fine if the victim is a child. Anyone who creates, manages, or supervises a website or broadcasts, sends, publishes, republishes, or displays via the Internet pornographic materials or anything that may harm public morals shall be punished by imprisonment and a fine. The same penalty shall be imposed on anyone who produces, prepares, arranges, sends, or stores with the intent to exploit, distribute, or display others via Internet pornographic materials or anything that may harm public morals. If the subject of the pornographic content is a child, or if the content is designed to entice children, the offender shall be punished by imprisonment for not less than one year and a fine.

### **Harm caused by misuse of social media**

The damage resulting from the misuse of social media is the second pillar of civil liability; therefore, there must be an error that results in damage, and there must be a causal relationship between them. Jurisprudence has defined damage with different definitions in formulation, but they are almost unified in meaning. Some believe that damage is the material or moral loss that befalls the victim as a result of the assault that occurred against him (Rais Muhammad, 2007). Another side believes that damage is the first pillar of civil liability and must be proven before proving the element of error and causality. Others have defined it as the harm that befalls a

person as a result of the infringement of one of his rights or a legitimate interest of his, whether that right or interest is related to the safety of his body, emotions, money, freedom, honor, or other (Rais Muhammad, 2007). A person suffers harm in one of his rights or a legitimate interest related to his money, person, honor, or dignity (Omar Al-Sayed, 1995). Harm is any harm that befalls a person, whether in his money, body, honor, or emotions (Heba Al-Zuhaili, 1998). Misuse of social media may result in material or moral harm to others.

Material damage is the damage that befalls a person in one of his rights or financial interests. It is a tangible damage that can be evaluated according to evaluable material elements (Al-Shahabi Ibrahim, 2013). Material damage can be imagined as a result of others' illegal use of social media. This damage may be the financial loss of others as a result of referencing him or his business through social media or questioning the safety of his goods or products, which leads to a recession in his company and customers turning away from his goods or products (Sameh Abdel-Wahid, 2016). Moral damage harms the psychological aspects and ethical considerations that constitute the psychological and emotional existence of the person (Farouk Al-Abasiry, 2010). This type of damage affects the psychological aspect, causing pain to the emotions and feelings, as it affects the moral aspects of the person (Ibrahim Sayed, 2007). Moral harm may be harm that affects a person's honor, reputation, emotions, and feelings or simply an attack on a right inherent to the person, such as the right to a name, the right to an image, or the right to privacy (Rahima Hamad, 2010).

Article 293 of the UAE Civil Transactions Law addresses moral damage. Moral damage is considered to be an infringement on the freedom, honor, reputation, social status, or financial standing of others. Severe moral damage can be imagined as a result of others' misuse of social media. This damage may cause psychological harm to a person due to contempt for his religion, insult, slander, invasion of his privacy, publication of personal data, defamation, impersonation, spreading rumors about him, or divulging his secrets. The moral damage that can result from the misuse of social media may be more severe than the material damage, given that most participants are familiar with social media and the ease with which what is written on it can be spread to everyone.

### **Causal relationship**

It is not enough for the perpetrator of a harmful act to be held liable for the harm, for the injured party to prove that he has suffered harm, but the harm that has befallen the injured party must have arisen from the act of harm. Not every harm that has occurred is liable for the perpetrator of the act of harm, but only for the harm that happened because of his act (Mohamed El Morsy, 2002). The causal relationship between the act of harm and the harm is necessary for establishing the obligation of guarantee and determining the extent of this guarantee (Adel Gebry, 2003). For civil liability to be established, the elements of harm and error must be present, and there must be a causal relationship between them, which links error as the first element and harm as the second element according to the general rules of civil liability. In other words, it is necessary that the error or harmful act is what created and caused the harm that the injured party complains of. Thus, the causal relationship is the link between the connected and the connected (Rais Mohamed, 2010).

The difficulty of proving that an act is the cause of the harm with certainty necessitated replacing it with the presumption of causation, whereby the injured party is satisfied with proving the act of harm and damage. Suppose the act attributed to the responsible party is likely to cause this harm according to the familiar and usual reality among people. In that case, the presumption is based on the availability of a causal relationship between them in favor of the injured party. The responsible party may refute this presumption by proving that the harm arose from an external cause in which he had no hand (Adnan Sarhan, 2001). Therefore, it is necessary to establish controls for the use of social media that include not harming others, not promoting rumors to preserve the unity of the fabric of society, not disturbing the security and stability of security, and not disturbing public order.

However, this does not mean assuming a causal relationship from anything; instead, there must be a direct relationship between the act of harm and the damage, meaning that the former leads to the latter according to the normal course of things. If the injured party proves the act of harm committed by the social media user and the damage he suffered due to this use, then a causal relationship is assumed between them, as long as the act of harm leads to the damage according to the established practice. In this case, the user of the social media has the right to prove the foreign cause to deny the causal relationship, by the text of Article 287 of the UAE

Civil Transactions Law, which stipulates that if a person demonstrates that the damage arose from a foreign cause in which he has no hand, such as a heavenly disaster, a sudden accident, force majeure, the act of a third party, or the act of the injured party, he shall not be obligated to guarantee unless the law or agreement provides otherwise.

A foreign cause is any matter that results in the absence of the perpetrator's responsibility for the act of harm, in whole or in part, due to the lack of a causal link between the harm and the act of harm (Mustafa Muhammad, 1996). The social media user can prove that the harm did not arise from his act but rather from the act of another, such as if the harm arose from the behavior of another social media user. Suppose the perpetrator of the act of harm can prove that another hacked his account on social media and used it to commit the act of harm. In that case, the account owner is not obligated to guarantee this harm and guarantees it from hacking his account (Sameh Abdel Wahed, 2016).

### **Jurisprudential opinion on the controls of using social media**

After the objectivity of the UAE law in this, they proceeded with Islamic jurisprudence (the explanatory memorandum of the UAE Civil Transactions Law). It is necessary to focus on the ruling that originated in Islamic law, based on the definition of the UAE legislator for the misuse of means of communication, which has become: (modern content whose subject is one of the legally punishable muezzins or whose participation, publication, circulation or re-circulation within the country harms the security of the state or its sovereignty or any of its interests or public health or ensuring public peace or electronic relations with other countries or affecting the results of the members of the Federal National Council or the boards of directors in the emirates of the state or running on hostility or (hatred between a different group of people or changing public confidence in the performance of any duty or task or in the exercise of any authority by one of the state's tools or any of its teams). (Combating rumors and electronic crimes in the UAE).

These legal texts resulted in a set of jurisprudential rules that are suitable to be legal materials that address all issues that concern humans, including, for example, the rule: (Harm must be removed), and harm is any harm that befalls a human being, and this includes several things, including: what causes deficiency, or what misses the intended purpose of some things, and what misses an intended interest, all of which is harm that must be removed. [Al-Zuhayli Muhammad. Jurisprudential Rules and Their Applications in the Four Schools of Thought, Vol. 1, p. 2010]. Misuse of electronic communication methods via websites is harmful because of the harm it causes to the individual or society, so it must be removed to preserve the aforementioned necessities.

### **Methodology**

We relied on the descriptive approach in the research with the help of the law and previous studies. We referred to the most important developments that affect social relations, which are modern technological developments, as they have had a very significant impact on the lives of individuals. The emergence of modern means of communication has had a very substantial impact on social relations. The effect of legal responsibility imposed on the misuse of social media with civil liability was addressed, in addition to analyzing the legal texts contained in the laws of the United Arab Emirates, then stating the pillars and rules of tort liability that are based on the causal relationship between error and damage.

### **Results**

The spread of information technology and the computer industry and the ease of communication have transformed the world into one village, and the increasing and widespread use of modern electronic communication means has led to the abuse and exploitation of these means to harm many people. Many legal problems have emerged resulting from the misuse of social media, which leads to harm to the individual and society alike. Which has severe damage to the effect of publishing incorrect information about a person for defamation, blackmail, violating the privacy of opponents, or printing pictures that may not be published, etc. Modern electronic communication has resulted in negative phenomena and has become a means of harming others and society, which has helped in committing many new crimes. It has also become one of the tools for attacking the private freedoms of individuals and has hazardous adverse effects on society and the state. The responsibility of using modern electronic communication varies through websites or social media.

Civil liability is of two types: contractual liability and tort liability. Contractual liability is based on the breach of a contractual obligation that varies depending on the commitments included in the contract. Tort liability is based on violating a single legal obligation that does not change: the obligation not to harm others. Tort liability only exists when three elements are present: a proven error on the part of the responsible party, damage to the injured party, and a causal relationship between them, such that it is proven that this damage arose from that error and as a result of its occurrence. The UAE legislator classified the liability positions for harmful acts in the Civil Transactions Law from Western jurisprudence. As for the substantive provisions, he took them from traditional Islamic jurisprudence. However, he departed from what this jurisprudence decides in some issues of harmful acts and left the door open for jurisprudence and the judiciary to exercise independent reasoning in the application of any incidents and calamities that arise, which helps in renewing the foundations upon which Islamic jurisprudence was based.

Modern electronic communication methods have resulted in negative phenomena, which have become a means of harming the individual and society. Moreover, they have played a very influential role in committing many modern, unconventional crimes, and they have become one of the tools for attacking the private freedoms of individuals, which hurts society and the state. Modern communication methods have been used via the Internet, making it a platform for spreading rumors, slander, defamation, violating privacy, and directing slander and defamation at individuals due to the lack of electronic controls governing their use or publication.

It is not permissible to take into account the provisions of tort liability in which the injured party is not bound by a previous contractual relationship because taking into account the provisions of tort liability in place of the contractual relationship results in wasting the provisions of the contract related to liability when it is not implemented, which compromises its binding force unless it is proven against one of the contracting parties that the act he committed and which led to harm to the other party constitutes a crime or is considered fraud or a gross error, which establishes tort liability on the basis that he breached a legal obligation since he is prohibited from committing such an act in all cases, whether he is a contracting party or not.

## **Recommendations**

The purpose of legal regulation in any society is to find tools to regulate relationships and transactions that fall within the scope of interest of the law. Therefore, searching for rules and procedures that protect and regulate the misuse of modern electronic communication methods is necessary. The legislator must establish electronic controls that govern the use of social media, considering that the misuse of social media is one of the essential negatives arising from it, as these methods have become a place for spreading rumors, insults, slander, violating privacy, and slandering chaste women.

## **Conclusion**

The damage resulting from the misuse of social media is represented in the spread of rumors through social media sites to cause confusion and chaos, followed by stirring up unrest and sedition within society, then weakening confidence in the performance of governments, raising anxiety and psychological disorders. It is necessary to establish controls and regulations for the use of social media for the purpose for which it was created. The most essential activities on social media sites are getting to know each other and building friendships, electronic purchasing through them, using them for scientific and professional purposes, and electronic marketing of products and services. Therefore, laws must be enacted that specify the controls for the use of social media to limit its misuse so that it does not become one of the transactions that are used to destroy the morals of society and the family and become platforms for launching rumors, insults, slander, defamation and tearing apart the social fabric of society, as it may be a means of destroying the stability, security, and safety of society. Caution and verification should be exercised when transmitting information and news via social media, as they represent a vital entry point to reconsider the approach of many members of society to use social media and to pay attention to the adverse effects it causes and the confusion and disturbance in community security that is entailed by exchanging and publishing news without verifying its accuracy, given that misuse of social media may lead to slipping into the trap of harming the security and stability of the nation. The United Arab Emirates, with its successful model of governance, development, administration, and stock market, has recently become vulnerable to multiple rumors aimed at distorting this model, shaking its image abroad, or stirring up panic



and confusion at home among different segments of society. Anyone who has followed social media in recent days can confirm this, as some malicious rumors have spread, targeting the UAE community, and false news and information have been circulated via social media sites that affect the safety and security of society.

## References

- Abdel Hamid Siddiq Abdel Barr 2002, The Impact of Liberalizing Capital Markets on the Economies of Developing Countries, Contemporary Egypt Magazine, Egyptian Society for Political Economy, Statistics and Legislation, January/April, Issue 465-466, Year Ninety-Three, Cairo, p. 79.
- Yasser Mohamed Hassan 2001, The Nature of Intellectual Property and International Organizations that Manage Intellectual Property Protection, Lawyers Magazine, Bar Association, Issue 1, p. 583.
- Sameh Abdel Wahid Al-Tihami 2016, Guaranteeing Damage Resulting from Misuse of Social Media, A Study in Emirati Law, Journal of Legal and Economic Research, Faculty of Law, Mansoura University, Issue 59, April, p. 253.
- Hassanein Ibrahim Saleh Obaid 1979, International Crime, An Analytical and Applied Study, Dar Al-Nahda Al-Arabiya, First Edition, p. 5.
- Rob Smith, Mark Speaker, Mark Thompson 2000, E-commerce, translated by Dr. Khaled Al-Amri, Dar Al-Farouk for Publishing and Distribution, p. 81.
- Muhammad bin Ali Muhammad Al-Qarni 2020, Tort Liability Arising from Personal Misuse of Social Media in the Saudi System, King Khalid University Journal of Sharia Sciences and Islamic Studies, Volume Seventeen, Issue One 1442 AH, p. 380.
- Mahfouz, A. R. (2024). Variation as Christian identity marker in Egypt: A sociolinguistic study. *Research Journal in Advanced Humanities*, 5(1), 293-304. <https://doi.org/10.58256/2rny1z31>
- Francis Park 2010, New Media and Alternative Media, Foundations and Theories, Dar Al-Kitab Al-Hadith in Cairo, p. 445.
- Abdul Razzaq Ahmed Al-Sanhouri 2006, The Mediator in Explaining Civil Law, Updated and Revised by the Counselor. Ahmed Madhat Al-Maraghi, Part One, The Theory of Obligation in General, Sources of Obligation, Edition of the Islamic Sharia Committee of the Egyptian Bar Association, p. 627.
- Anwar Sultan 1987, Sources of Obligation in Jordanian Civil Law, University of Jordan Press, Amman, pp. 298-299.
- Explanatory Memorandum of the UAE Civil Transactions Law issued by Federal Law No. 5 of 1985, issued by the UAE Ministry of Justice, p. 273 and following.
- Ibrahim Suleiman Ahmed, Zakaria Omar 2013, The Impact of Social Media on Students Socially, Students of the Islamic University of Malaysia as a Model, International Journal of Islamic Applications in Computer Science and Technology, Volume 1, Issue 2, September, p. 79.
- Madi Al-KhaMis 2015, Social Media and Its Concerns, an article published in Al-Riyadh newspaper, Issue 1703, dated February 12, p. 34.
- Ahmed Abdullah Al-Kandari 2014, The General Theory of Involuntary Obligations in the UAE Civil Transactions Law, Publications of the University of Jazeera in Dubai, p. 45.
- Mahmoud Abdel Rahman 2015, Recent developments in the concept of the right to privacy, the right to information privacy, a working paper presented to the conference on emerging challenges to the right to privacy, Kuwait International Law School, February 15-16.
- Rais Muhammad 2007, Harm as a pillar of medical liability between positive law and Islamic law, Law Magazine, Egyptian Bar Association, Issues Five and Six, August, p. 655.
- Omar Al-Sayed Ahmed Abdullah 1995, The person's responsibility for his action in the UAE Civil Transactions Law compared to the Egyptian law, Dar Al-Nahda Al-Arabiya, Cairo, p. 71.
- Wahba Al-Zuhaili 1998, Theory of Guarantee, Dar Al-Fikr, Damascus, p. 23.
- Al-Shahabi Ibrahim Al-Shabi 2013, Sources of involuntary commitment in the UAE Civil Transactions Law, Bright Horizons, Jordan, second edition, p. 120.
- Sameh Abdel-Wahid Al-Tihami 2016, Guaranteeing the damage arising from social media misuse, an Emirati law study, p. 269.
- Farouk Al-Abasiri 2010, Provisions of Tort Liability in the UAE Civil Transactions Law, University Library, Sharjah, First Edition, p. 36.
- Ibrahim Sayed Ahmed 2007, Moral Damage in Jurisprudence and Judiciary, Modern University Office, p. 15.
- Rahima bint Hamad Al-Kharousi 2010, The Extent of Permissibility of Compensation for Moral Damage, A Comparative Study, Modern University Office, p. 15.

- Muhammad Al-Mursi Zahra 2002, *Involuntary Sources of Obligation in the Civil Transactions Law of the United Arab Emirates, Harmful Act and Beneficial Act*, United Arab Emirates University Publications, First Edition, p. 210.
- Adel Jabri Muhammad Habib 2003, *The Legal Concept of the Bond of Cause and Its Implications in the Distribution of the Burden of Civil Liability, A Comparative Study with the Provisions of Islamic Jurisprudence*, Dar Al-Fikr Al-Jami'i in Alexandria, p. 241.
- Rais Muhammad 2010, *Harm as a pillar of medical liability between positive law and Islamic law*, p. 623.
- Adnan Sarhan 2001, *Involuntary sources of obligation, personal right: harmful act - beneficial act - law, in the UAE Civil Transactions Law according to its origins from Islamic jurisprudence, a study enhanced by the latest trends of the UAE judiciary*, University Library, Sharjah, first edition, p. 94
- Mustafa Muhammad Al-Jamal 1996, *Civil law in its Islamic guise, sources of obligation*, edition, p. 622.
- Sameh Abdel Wahid Al-Tihami 2016, *Guaranteeing harm arising from the misuse of social media, a study in UAE law*, p. 274.
- Yas, N., Abdurahim, H., & Njim, M. (2024). The civil protection of trademarks according to the UAE law. *Research Journal in Advanced Humanities*, 5(2). <https://doi.org/10.58256/safv7f55>
- Yas, N., Al-Bayati, Y., Sarhan, M. I., & Abdijabar, Z. G. (2024). Environmental pollution and its relationship to the media and the law: Awareness of the dialectics of the complementary relationship. *Research Journal in Advanced Humanities*, 5(1). <https://doi.org/10.58256/cfrs0347>