

# The Procedural System of Civil Liability for Disseminating Rumors on Social Media

Mohammed Dhahir Jaber<sup>1</sup>, Seyed Hassan Shobeiri (Zanjani)<sup>2</sup>

## Abstract

*The rapid advancements in technology have transformed various aspects of life, with social media platforms emerging as a significant outcome of this shift. These platforms have revolutionized global communication among individuals and organizations but have also introduced challenges, particularly in relation to privacy, as users increasingly share personal data or are required to provide such data for registration. This study explores the procedural civil liability associated with the dissemination of rumors on social media, a phenomenon that has become a tool for states to secure their interests in various fields. Through a comparative analytical methodology, the research examines the concept of contractual liability in the context of social media, identifying three primary relationships that can give rise to such liability: between platforms and developers or publishers under employment contracts, between users and platforms through terms of service agreements, and between users themselves via contracts like advertising agreements. The study concludes that when a valid contract is breached, contractual liability is established. It underscores the need for judicial mechanisms to address Rumor-related offenses, recommending the creation of specialized chambers within general and appellate courts to manage such cases. Furthermore, it emphasizes the role of the Supreme Judicial Council in establishing these specialized judicial bodies to address emerging legal challenges beyond the scope of existing legal frameworks.*

**Keywords:** *Civil Liability, Rumor Dissemination, Social Media.*

## Introduction

Social media platforms have become a phenomenon that transcends the boundaries of modern civilization. This trend stems from the information revolution initiated by technological advancements in social communication, making social media apps on smartphones accessible to almost everyone. Their usage is no longer limited to specific societal groups; instead, they have become deeply ingrained in everyday life.

Today, much of our personal information—including private photos, addresses, phone numbers, financial data, health records, and even videos shared on personal pages—is openly exposed. This exposure presents significant risks to information security and user privacy. Users often input personal data to register on social media platforms and create personal pages, where they share photos and videos, unknowingly exposing themselves to exploitation and potential abuse by others.

Protecting user privacy from the harms associated with this usage has thus become an urgent necessity. Effective safeguards not only prevent harm but also strengthen user confidence and trust in these platforms. However, the ease with which data can be accessed and the prevalence of rumors have resulted in the frequent violation of individual privacy. Personal data, an inseparable aspect of private life, is often exploited without users realizing the gravity of the risks involved.

Given this situation, social media platforms now represent a significant threat to individual privacy, especially as these technologies continue to evolve and attract widespread use. It is therefore imperative to establish legal protections that enable users to defend their rights and seek remedies when their privacy is breached.

---

<sup>1</sup> University of Qom, Email: mohammaddhahir084@gmail.com.

<sup>2</sup> University of Qom, Email: shshobeiri@yahoo.com.

### *Importance of the Research*

- To shed light on the influence of social media platforms on individuals.
- To emphasize the necessity of protecting user privacy from the harms associated with these platforms. This protection is critical for fostering trust and encouraging responsible usage.
- To highlight the theoretical significance of personal data, which holds immense value not only to individuals but also to businesses for financial and commercial purposes.

### **Research Objectives**

- To examine how social media apps on smartphones have become universally accessible, dissolving demographic barriers and exposing detailed aspects of users' lives, such as personal photos, addresses, phone numbers, financial records, and health information.
- To analyze the concept of civil liability for rumors, explore the damages caused by their dissemination, and clarify the legal frameworks that govern such liability.

### **Research Methodology**

The researcher employed a comparative analytical methodology, systematically analyzing issues related to the study's subject. Both descriptive and analytical approaches were used, combining descriptive techniques to explain the civil liability principles associated with rumors and analytical methods to examine the legal frameworks regulating such liability.

#### *Effects of Civil Liability for Rumor Dissemination on Social Media*

The right to privacy is among the most fundamental civil rights and represents a core aspect of human dignity. It has become increasingly vital in modern societies, as individuals require rights that are inherently linked to their personal freedoms and human dignity. The protection of privacy is essential for safeguarding individual dignity and humanity, making it the ultimate goal of civil rights.

While the concept of privacy is challenging to define due to its relative and evolving nature—shaped by societal norms, traditions, and cultures—it remains distinct from public life. This distinction is often blurred, adding complexity to discussions of privacy rights

#### *Statute of Limitations and Evidence in Civil Liability Cases for Rumor Dissemination on Social Media*

##### *Statute of Limitations in Rumor Dissemination Cases*

Civil liability cases arising from rumor dissemination, classified as harmful or unlawful acts, are subject to a statute of limitations of three years from the date the injured party becomes aware of the harm and the responsible party, i.e., the source of the rumor. However, if the harmful act triggers both civil and criminal proceedings, and the criminal case has a longer limitation period, the extended period applies to the civil case as well. For instance, if the harm stems from a felony subject to a ten-year limitation, the civil liability claim will also remain valid for ten years instead of three.

In situations where the injured party is unaware of the harm or the perpetrator, civil cases may remain valid for up to fifteen years, exceeding the limitation period for criminal cases. Thus, while civil claims may persist after the expiration of criminal proceedings, they cannot conclude before the criminal case's limitation period expires (Al-Zoubi & Al-Mansour, 2012).

Generally, lawmakers avoid specifying fixed timeframes for filing lawsuits, leaving these durations open unless the rights themselves are extinguished. However, in certain scenarios, legislative intervention defines specific deadlines for filing claims. For instance, compensation claims may remain viable until the resolution of associated criminal cases (Baya, 2017).

Under general legal principles, statutes of limitation are calculated in calendar days rather than hours and follow the Gregorian calendar instead of the Hijri calendar. Exceptions to this include legally recognized impediments such as minority status, mental incompetence, absence, or familial relationships. These limitations can also pause in cases where legal obstacles prevent timely action. Moreover, the limitation period can be interrupted by judicial filings, even if submitted to an incompetent court. Importantly, statutes of limitation are not automatically enforced; courts consider them only when explicitly raised by one of the parties (Hakim, 2012).

The timeframes specified in the Press Law differ, as they represent periods of extinction rather than limitation. These periods cannot be paused or interrupted and are enforced by courts without any intervention from involved parties. Limitation periods begin on the date of publication rather than the date of discovery, thus ensuring freedom of publication by protecting publishers from prolonged legal threats. Once these periods expire, courts dismiss cases without exception, eliminating potential exploitation of lawsuits as tools for coercion or intimidation (Bakri & Bashir, n.d.).

An illustrative example is a March 19, 2017, ruling by Iraq's Court of Publication and Media, which dismissed a lawsuit concerning Facebook content. The court determined that the claim was filed beyond the three-month limitation period specified under Article 30/A of the Press Law No. 206 (1968). The court's adherence to procedural deadlines underscores the strict legal approach to social media-related cases (Azawi, 2020).

#### *Evidence in Civil Liability Cases for Rumor Dissemination*

Judicial notifications serve as the formal mechanism for informing parties about legal proceedings. Legislators have established detailed rules governing this process, often necessitating judicial inspections to verify claims. For example, a defendant may modify content after being accused of spreading a rumor. To address such challenges, courts may mandate the review of original digital posts or inspect the defendant's devices to ensure accountability (Azawi, 2020).

Expert testimony is another critical component in establishing evidence. Experts provide technical assessments of disputed issues, particularly in cases involving unauthorized content modification or deletion. Courts often rely on digital forensic specialists to identify the sources of rumors, evaluate digital content, and verify its authenticity (Hammadin, 2009).

In Iranian law, the fulfillment of civil liability elements entitles the injured party to claim compensation unless mitigating factors exist. This right extends to privacy violations affecting both natural persons and legal entities. For example, legal entities may demand compensation for reputational harm caused by false publications. Privacy breaches can also empower perpetrators to exploit victims, creating significant vulnerabilities. Such violations underscore the importance of robust legal protections in safeguarding individuals and institutions (Langroudi, 1983).

Technological advancements have further amplified these risks. The proliferation of electronic services, including computers, mobile networks, and online platforms, has introduced novel challenges to privacy protections. These developments emphasize the necessity of legal interventions to address evolving threats (Langroudi, 1983).

From the researcher's perspective, expert testimony is the most reliable method for proving damages in cases of rumor dissemination. Digital forensic experts can provide technical verification of published information and evaluate the extent of material and moral damages inflicted on the injured party. This evidence is crucial for ensuring justice in civil liability claims (Langroudi, 1983).

### *Methods of Compensation for Damages Arising from Rumor Dissemination on Social Media*

Once a plaintiff proves their claim by establishing causation between the harm suffered and the defendant's actions, the plaintiff is entitled to compensation. This section outlines the methods of compensation available:

#### *In-Kind Compensation*

The law does not require actual damage to exercise the right to respond; rather, it suffices for incorrect publication to occur. The right to respond is a fundamental and absolute right available to all individuals. This right can be exercised using any language or format, including speeches, advertisements, testimonials, or election-related materials. Responses may target direct or implied references in publications, provided that they comply with specific conditions, such as avoiding defamatory or offensive content. The right to respond is independent of the right to pursue compensation through civil courts, even if the publication causes damage (Qadi, 1999).

Media entities are obligated to respect this right, which is subject to several substantive conditions. These include ensuring that:

- The published content affects an individual with a legitimate interest in the matter.
- The requester for correction is directly implicated by the published content.
- The correction relates specifically to the published issue.

Corrections must not have been already addressed by the publisher or include content violating public order or ethics. Cases suitable for correction include erroneous facts, figures, or statistics, while responses are more appropriate for addressing accusations or defending against claims. Thus, the right to respond encompasses the right to correct but is broader in scope (Hamza, 2016).

In-kind compensation may involve performing a specific act, such as requiring a publisher to issue a court-approved statement in newspapers at the defendant's expense. This type of compensation is particularly appropriate for non-material damages affecting the plaintiff's reputation, dignity, or social standing. For instance, a court may mandate the removal of harmful rumors or corrections to misinformation in advertisements. Publishers may also be required to rectify erroneous and harmful information to mitigate reputational harm caused to others, including competitors (Al-Beya, 2011).

Plaintiffs may also rebut evidence against them through lawful means based on the nature of obligations imposed on defendants. For example, advertisers are required to exercise due diligence, not necessarily to guarantee results. If advertisers demonstrate they fulfilled their duty of care, they may avoid liability. Conversely, consumers seeking compensation must adhere to prescribed timelines. Most jurisdictions stipulate a three-year limitation period from the date the consumer becomes aware of the harm and the responsible party. Failing to file a claim within this timeframe implies a tacit settlement or waiver of rights. However, a maximum limitation period of fifteen years applies under Iraqi Civil Code Article 232 (Muhammad, 2007).

#### *Forms of Compensation*

Compensation may take the form of in-kind remedies or monetary equivalents. Courts are responsible for ensuring that compensation aligns with the harm suffered, taking into account the circumstances of the parties involved.

For example, social media posts alleging that a food factory uses expired materials may result in reduced sales and significant losses for the company. Similarly, allegations of inaccuracies in an author's book may

lead to decreased sales and reputational harm. In such cases, in-kind remedies could involve removing the false content and posting corrections affirming the validity of the factory's operations or the book's content. These corrections must be published on the same platform where the harmful content appeared to address the damages effectively (Fadel & Alwan, 2017).

Iraqi law permits in-kind compensation under its civil code, requiring defendants to restore the injured party's situation to its prior state where feasible. For example, under Iraq's Press Law, publishers must publish free responses from individuals who are defamed or harmed in their publications. Corrections must appear in the same section and issue as the original content. However, the law does not explicitly regulate responses within the context of internet publications due to legislative gaps regarding internet services (Hamza, 2016).

Courts are not obligated to grant in-kind remedies unless they are practical and feasible. If in-kind compensation is impossible, monetary compensation is provided as an alternative. Plaintiffs may also request monetary compensation if in-kind remedies are insufficient. While in-kind compensation is often more effective, monetary awards serve as a vital alternative when circumstances render in-kind remedies unworkable (Al-Beya, 2011).

#### *Broader Implications of Compensation*

Unlawful advertisements often harm not only individual consumers but also societal interests, including public order and national economic stability. Therefore, advertisers engaging in deceptive practices must be held accountable. In instances where consumers fail to pursue their rights, state authorities retain the ability to act on behalf of public interest. This ensures that compensation systems effectively deter violations and address the broader harm caused by non-compliance with legal obligations (Temimi, 2015).

Violations of personal data on social media platforms are typically public in nature. Effective remedies must directly address the harm, often requiring corrections and clarifications to appear on the same platforms where violations occurred. However, while in-kind compensation is critical for addressing material harm, it may not fully resolve emotional or reputational damage caused by privacy violations. Such cases often necessitate monetary compensation as a supplementary remedy (Hamza, 2016).

#### *Monetary Compensation*

Monetary compensation is the primary remedy in tort liability, as most damages can be quantified in monetary terms. It serves as a mechanism to redress harm resulting from wrongful acts, ensuring the compensation is proportionate to the damage. Courts also consider contextual factors related to both the responsible party and the injured party when determining compensation.

#### *Circumstances of the Responsible Party*

While the law traditionally disregards the economic condition of the defendant, some jurisdictions have begun to consider this aspect in certain cases.

#### *Circumstances of the Injured Party*

Courts often weigh the social and financial circumstances of the plaintiff when assessing damages. For example, harm to the reputation of a university professor is considered more severe than similar harm to an ordinary citizen. Similarly, defamatory remarks about a person supporting a family are deemed more damaging than remarks about someone without dependents. Courts also factor in the reach of the publication medium; broader dissemination of defamatory content on widely accessed platforms results in greater damages compared to content published on limited platforms (Desouqi, 1998).

Despite arguments against granting monetary compensation for non-material damages, proponents highlight that there is no valid rationale for compensating material damages while excluding moral ones.

Money, as a universal medium of exchange, effectively quantifies both material and moral injuries. In cases where restoration to the original state is impossible—such as when social media posts defame an individual—monetary compensation remains the only viable remedy to provide solace to the aggrieved party (Al-Bahji, 2005).

Article 209(2) of the Iraqi Civil Code authorizes monetary compensation and allows courts to restore the status quo or mandate specific actions at the injured party's request. While monetary remedies may not entirely redress the harm caused by electronic communication violations, they mitigate its impact. For example, social media rumors often result in social alienation and psychological harm to the victims. In severe cases, victims may face exclusion from their communities, prompting courts to impose monetary damages alongside punitive measures for defamation and cyberbullying (Kilani, 2011).

Iraq's Court of Appeals in Baghdad's Rusafa district recognizes Facebook as a public platform. In a landmark ruling, the court declared that harm caused through Facebook constitutes public defamation, warranting compensation to the injured party. This decision underscores the need to balance the benefits of technology with responsible use, ensuring that individuals do not exploit these platforms for harmful purposes (Hussein & Abdulghani, 2010).

In cases involving significant harm, restoring the original state may not be feasible. For instance, if an individual's reputation is tarnished by defamatory content, monetary compensation becomes the only recourse. Courts typically require the wrongdoer to pay a financial sum equivalent to the harm inflicted. Alternatively, the court may order the wrongdoer to perform specific actions, such as issuing a public apology or publishing corrective statements, as part of non-monetary compensation (Kelani, 2011).

#### *The Role of Islamic Law in Compensation*

Monetary compensation is often the default remedy imposed by courts. In contrast, non-monetary remedies are granted only when specifically requested by the plaintiff and when feasible. The Islamic legal tradition upholds the legitimacy of compensation, emphasizing justice and mercy in its rulings. By enshrining principles of fairness, Islamic law aims to reform society and elevate human dignity above the retaliatory practices of earlier times. It establishes compensation as a civilized mechanism for resolving disputes and safeguarding the dignity bestowed upon humanity by divine law (Qurtubi, 1964).

#### *Jurisdiction Over Social Media Defamation Cases*

Civil liability claims arising from social media defamation are effective only when filed with the appropriate court. Jurisdiction here refers to the court's authority to hear specific types of disputes. Typically, civil compensation claims related to social media defamation fall under the jurisdiction of civil courts, particularly the Court of First Instance.

However, the authority of civil courts to handle compensation claims does not exclude the possibility of seeking damages through criminal courts when the offense involves criminal acts such as defamation or slander. In such cases, criminal courts may address civil compensation claims concurrently to save time and resources and reduce the burden on civil courts.

When criminal and civil claims arise from the same incident, the criminal court may already have a detailed understanding of the events. In these circumstances, the civil claim can be adjudicated as a subordinate issue within the criminal case. This approach ensures that a single judgment addresses both the criminal and civil aspects of the case. The Iraqi Code of Criminal Procedure explicitly allows for the consolidation of these claims, emphasizing the efficient administration of justice (Article 23 of the Iraqi Code of Criminal Procedure).

The primary goal of tort law is to remedy harm and restore balance by providing adequate compensation. Courts have broad discretion in evaluating damages, ensuring that awards neither exceed nor fall short of the actual harm incurred. Factors influencing compensation include the nature of the damage (material or

moral) and the degree of harm caused to the victim's personal data. Courts also consult expert testimony in complex cases, particularly those involving electronic and internet-related issues (Hassoun, 2006).

For example, in a case involving the misuse of personal data belonging to a merchant, the unauthorized publication of private information led to reputational damage and commercial losses. The court compensated the merchant for lost profits and inventory depreciation due to the harm caused. In Iranian courts, moral damages are treated as standalone claims and are calculated based on principles of justice and proportionality (Mousavi & Sadeqi, 2010).

### *Factors Influencing Compensation*

Courts consider various contextual factors when determining compensation, aiming to provide adequate remedies for the injured party without unjust enrichment at the expense of the liable party. These factors include the personal, health, familial, and financial circumstances of the victim. For instance, harm caused to a healthy individual may differ in severity compared to harm inflicted on someone with pre-existing mental health issues.

Iraq's Evidence Law, Article 140, emphasizes the role of expert testimony in judicial decisions. Courts may accept expert opinions to support their rulings or reject them when other evidence contradicts expert findings, provided they justify their decisions.

One notable case involved an Iraqi university professor subjected to defamatory content on Facebook during the 2018 parliamentary elections. The professor, also a political candidate, was dismissed from her academic position following the publication of fabricated videos. Technical experts later confirmed that the videos were falsified using advanced editing techniques. The court exonerated her, acknowledging the substantial damages to her career, personal life, and familial relationships, and applied Article 208 of the Iraqi Civil Code to award compensation (Mousawi, 2012).

## **Conclusion**

### **Findings**

- *Liability of Internet Service Providers (ISPs):* While ISPs technically have the capacity to monitor and limit harmful content, it is practically infeasible given the volume of data transmitted. ISPs are generally not held accountable unless they knowingly host illegal content.
- *Hosting Service Providers:* Hosting service providers act as lessors by offering digital spaces for users to publish content. Their liability arises only when they knowingly allow the dissemination of harmful or illegal information.
- *Contractual Liability in Social Media Publishing:* Liability may arise from contractual relationships between platforms and developers, platforms and users, and users and advertisers. A breach of these contracts can trigger liability.
- *Personal Data Risks:* The processing, storage, and analysis of personal data expose users to privacy violations and potential misuse. Legal frameworks must enforce stringent conditions on data collection and processing.

### **Recommendations**

- The Iraqi legislature should enact dedicated laws to protect personal data, establish specialized committees for licensing and monitoring data processing, and address privacy violations.

- Immediate legislative action is needed to regulate electronic publishing, addressing liability for social media misconduct. Lawmakers must move beyond traditional frameworks to address the unique challenges posed by digital platforms.
- Iranian authorities should issue guidelines on cyber-related crimes, defining appropriate sanctions and empowering public prosecutors to oversee cyber activities that threaten mental and public security.
- A scholarly conference should be organized to explore emerging legal issues related to social media, particularly regarding liability for rumor dissemination. Comparative studies between Islamic jurisprudence and civil law should guide future legal developments.

## References

- Al-Bahji, E. A. (2005). *Protecting the Right to Privacy in Light of Human Rights and Civil Liability*. New University Publishing, Alexandria, 507.
- Al-Beya, M. A. H. (2011). *General Theory of Obligations: Sources of Obligation (Vol. 2)*. Arab Renaissance Publishing, Cairo.
- Al-Zoubi, A., & Al-Mansour, E. (2012). Judicial notifications through affixation under Jordanian Civil Procedures Law. *Jordanian Journal of Law and Political Science*, 4(3), 92.
- Article 140, Iraqi Evidence Law.
- Article 208, Iraqi Civil Code.
- Article 209(2), Iraqi Civil Code, Law No. 40 (1951).
- Article 23, Iraqi Code of Criminal Procedure No. 23 (1971).
- Azawi, S. (2020). *The role of judicial inspection in civil claims*. Master's thesis, Middle East University, Amman.
- Bakri, A., & Bashir, M. T. (n.d.). *Sources of Obligation*. Arab Renaissance Publishing, Egypt.
- Baya, M. H. (2017). The expiration periods for civil lawsuits and criminal cases under Iraqi law. *Official Gazette of Iraq*, Statement No. 120/2016.
- Desouqi, M. I. (1998). *Assessment of Compensation Between Fault and Damage*. University Culture Publishing, Alexandria, Egypt, 303.
- Fadel, S. A., & Alwan, A. S. (2017). *Civil liability for atypical neighborhood nuisances*. Arab Publishing and Distribution Center, Cairo, 118.
- Hakim, A. (2012). *Summary of Civil Law: Obligations and Liability (Vol. 2)*. Legal Library, Baghdad.
- Hamza, A. M. (2016). *The right to respond in the realm of mass communication via the Internet*. Arab Renaissance Publishing, Cairo, 21.
- Hammadin, S. (2009). *Judicial expertise: Authority and application in Jordanian courts*. Doctoral dissertation, University of Jordan.
- Hassoun, I. H. R. (2006). *Civil Liability Arising from Media Use*. Master's Thesis, University of Babylon, Iraq, 135.
- Hussein, B. F., & Abdulghani, M. A. (2010). Compensation and fines: Their legal nature in a comparative analytical study. *Tikrit University Journal for Legal and Political Sciences*, 2(6), 86.
- Karaji, A. Q. (1369). *Legal Articles*. University of Tehran, 16.
- Katouzian, N. (1382). *Extra-Contractual Obligations and Mandatory Civil Liability*. University of Tehran, 78.
- Kilani, A. F. (2011). *Civil Liability Arising from Electronic Transactions on the Internet*. New University Publishing, Alexandria, 188.
- Langroudi, S. M. J. (1983). *Terminologies: Law of Tehran*. Rastaad Publishing.
- Mahdi, M. N. S. (2005). *Confidentiality Obligations and Civil Liability: A Comparative Study*. Arab Renaissance Publishing, 59.
- Mousawi, S. R. (2012). *Defamation Crimes on Satellite Channels*. Halabi Legal Publications, Beirut, 176.
- Muhammad, K. M. (2007). *Compensation lawsuits in tort liability*. Legal Publications Center, 439.
- Qadi, M. K. (1999). The distinction between the right to respond and the right to correct. *Proceedings of the Second Scientific Conference on Media and Law*, University of Helwan, 542.
- Qurtubi, A. A. (1964). *The Comprehensive Interpretation of the Quran*. Egyptian Book House, Cairo, 16, 337–339.
- Sadeqi, H. A., & Farhadian, A. (2012). Developments in civil liability for media crimes. *Science Quarterly Press*, 9(2), 91–139.
- Temimi, M. B. M. H. (2015). *Civil liability in tort law*. *Egyptian Journal of Legal and Economic Studies*, 4(136), 137.
- Zaki, M. J. (1992). *General Theory of Obligations: Computer Liability*. Kuwait, 65..