

# RECONSTRUCTING INFORMATION LAW THEORY IN CONFRONTING FAKE NEWS: AN ANALYSIS OF DIGITAL MEDIA ETHICS BASED ON REGULATION AND *MAQĀSID AL-SHARI‘AH*

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Received 14-09-2025 | Revised 08-10-2025, 10-12-2025, 22-12-2025, 25-12-2025 | Accepted 31-12-2025

**Abstrak:** Perkembangan media digital dan konvergensi informasi telah mempercepat penyabaran berita palsu yang berdampak serius terhadap kualitas demokrasi, kohesi sosial, dan kepercayaan publik kepada media. Fenomena ini menimbulkan kontroversi dalam praktik jurnalistik serta tantangan structural bagi Hukum Media dan Pers, khususnya dalam menjaga keseimbangan antara kebebasan pers dan perlindungan masyarakat. Pendekatan hukum yang cenderung represif dan reaktif dinilai belum mampu merespons kompleksitas ekosistem informasi digital secara efektif. Secara teoretis, kajian Hukum Media dan Pers masih didominasi oleh hukum positif dan etika jurnalistik konvensional yang menekankan sanksi pidana, sementara dimensi etis-preventif dan nilai normatif masyarakat belum terintegrasi secara memadai. Kondisi ini menciptakan kesenjangan antara regulasi media, praktik jurnalistik digital, dan kebutuhan perlindungan kepentingan publik dari disinformasi. Penelitian ini bertujuan merekonstruksi teori dan pendekatan Hukum Media dan Pers dalam menghadapi berita palsu melalui integrasi prinsip *maqāsid al-shari‘ah* sebagai kerangka normatif-ethis. Metode yang digunakan adalah penelitian hukum normatif dengan pendekatan konseptual dan filosofis, melalui analisis terhadap peraturan perundang-undangan pers dan informasi digital, literatur etika jurnalistik, serta doktrin *maqāsid al-shari‘ah*. Hasil penelitian menunjukkan bahwa berita palsu merupakan bentuk mafsadah multidimensional yang mengancam perlindungan akal, kehormatan, kehidupan sosial, dan kepentingan publik. Ditemukan bahwa Hukum Media dan Pers yang berorientasi represif belum efektif mengatasi disinformasi dan berpotensi melemahkan kebebasan pers. Sebaliknya, integrasi *maqāsid al-shari‘ah* memungkinkan pergeseran paradigma menuju pendekatan hukum media yang preventif, edukatif, dan berkeadilan. Penelitian ini menyimpulkan bahwa rekonstruksi Hukum Media dan Pers berbasis *maqāsid al-shari‘ah* relevan untuk membangun tata kelola informasi yang etis dan adaptif di era digital. Studi ini merekomendasikan penguatan kebijakan media yang mengedepankan verifikasi, kemaslahatan publik, dan tanggung jawab etis sebagai fondasi utama pengaturan pers.

**Kata Kunci:** berita palsu, hukum informasi, etika jurnalistik, *maqāsid al-shari‘ah*, regulasi media

**Abstract:** The development of digital media and information convergence has accelerated the spread of fake news, seriously impacting the quality of democracy, social cohesion, and public trust in the media. This phenomenon has given rise to controversy in journalistic practice and structural challenges for Media and Press Law, particularly in maintaining the balance between press freedom and public protection. Legal approaches that are repressive and reactive are considered incapable of effectively responding to the complexity of the digital information ecosystem. Theoretically, studies of Media and Press Law are still dominated by positive law and conventional journalistic ethics that emphasize criminal sanctions. At the same time, the ethical and preventive dimensions, as well as the normative values of society, have not been adequately integrated. This condition creates a gap between media regulation, digital journalistic practices, and the need to protect the public interest from disinformation. This study aims to reconstruct the theory and approach of Media and Press Law in dealing with fake news by integrating the principle of *maqāsid al-shari‘ah* as a normative-ethical framework. The method used is normative legal research with a conceptual and philosophical approach, through an analysis of press and digital information legislation, journalistic ethics literature, and the doctrine of *maqāsid al-shari‘ah*. The results of the study indicate that fake news is a form of multidimensional *mafsadah* that threatens the protection of reason, honor, social life, and public interest. It



was found that repressive-oriented Media and Press Laws have not been effective in addressing disinformation and have the potential to weaken press freedom. Conversely, the integration of *maqāṣid al-shari‘ah* enables a paradigm shift towards a preventive, educational, and equitable approach to media law. This study concludes that the reconstruction of Media and Press Law based on *maqāṣid al-shari‘ah* is relevant for building ethical and adaptive information governance in the digital era. This study recommends strengthening media policies that prioritize verification, public benefit, and moral responsibility as the main foundations of press regulation.

**Keywords:** fake news, information law, journalism ethics, *maqāṣid al-shari‘ah*, media regulation

## INTRODUCTION

The development of digital technology over the past two decades has fundamentally transformed the media landscape and journalistic practice. The phenomenon of media convergence—the integration of print, broadcast, and digital platforms—opens up new opportunities for faster, broader, and more interactive information distribution.<sup>1</sup> On the one hand, this convergence strengthens the media's role in democratizing information. However, on the other hand, it also creates serious challenges to journalistic accuracy, integrity, and accountability, particularly with the rampant spread of fake news, misinformation, and disinformation in the digital public sphere.<sup>2</sup>

The phenomenon of fake news is not merely a technical journalistic issue, but a social and legal problem with far-reaching implications. False information can influence political processes, trigger public panic, exacerbate social polarization, and undermine trust in media and democratic institutions.<sup>3</sup> In an algorithm-driven digital ecosystem, the pressure for speed and popularity often supersedes the principles of verification and accuracy, thereby increasing the risk of spreading misleading information.<sup>4</sup>

Various studies have highlighted the ethical and psychological implications of disinformation, including the exploitation of audience cognitive biases and the erosion of public rationality.<sup>5</sup> However, existing legal frameworks—both at the national and global levels—are often reactive and not fully adapted to the cross-border, fast-paced, and anonymous nature of digital

<sup>1</sup> Stephanie E Bor, “Teaching Social Media Journalism: Challenges and Opportunities for Future Curriculum Design,” *Journalism and Mass Communication Educator* 69, no. 3 (2014): 243–55; Zhi Li and Yinchang Chen, “Transformation and Transcendence - Reforming News Production in the Convergent Media Era,” *Trans/Form/Ação* 47, no. 5 (2024), <https://doi.org/10.1590/0101-3173.2024.v47.n5.e02400138>.

<sup>2</sup> Laura Cortellazzo, Elena Bruni, and Rita Zampieri, “The Role of Leadership in a Digitalized World: A Review,” *Frontiers in Psychology* 1938, no. 10 (2019), <https://doi.org/10.3389/fpsyg.2019.01938>.

<sup>3</sup> Chris Tenove, “Protecting Democracy from Disinformation: Normative Threats and Policy Responses,” *The International Journal of Press/Politics* 25, no. 3 (2020), <https://doi.org/10.1177/1940161220918740>.

<sup>4</sup> Edson C Tandoc Jr, Darren Lim, and Rich Ling, “Diffusion of Disinformation: How Social Media Users Respond to Fake News and Why,” *Journalism* 21, no. 3 (2020): 381–98.

<sup>5</sup> Stephan Lewandowsky and Sander van der Linden, “Countering Misinformation and Fake News Through Inoculation and Prebunking,” *European Review of Social Psychology* 32, no. 2 (July 2021): 348–84, <https://doi.org/10.1080/10463283.2021.1876983>; José Miguel Cordero et al., “Developing Effective and Value-Aligned AI Tools for Journalists: 12 Critical Questions to Reflect Upon,” *Journalism Practice*, 2025, 1–20.

media.<sup>6</sup> In the Indonesian context, regulations such as the Press Law and the Electronic Information and Transactions Law (UU ITE) often create new problems, including the criminalization of journalistic work and legal uncertainty for journalists working in good faith.

On the other hand, modern journalistic ethics discourse tends to place moral responsibility on individuals and media institutions. However, it has not yet been fully integrated with a legal framework capable of consistently upholding these ethical values. This situation demonstrates a gap between professional ethics, positive law, and more fundamental moral values in public information management. So far, most studies have been partial, separating analysis between journalistic ethics, legal regulations, and religious dimensions, without offering an integrative theoretical model.

In the context of Muslim societies, Islamic legal principles offer a rich normative foundation for addressing the problem of disinformation. Concepts such as *tabayyun* (verification), *ṣidq* (honesty), *amānah* (responsibility), and the objectives of Sharia (*maqāṣid al-shari‘ah*), particularly the protection of reason (*hijż al-‘aql*) and religion (*hijż al-din*), have strong relevance to information ethics and law in the digital age.<sup>7</sup> However, these values have not been systematically operationalized in contemporary media and press legal theory.

Based on this background, this article aims to reconstruct the theory of information law by integrating journalistic ethics, positive law, and *maqāṣid al-shari‘ah* as a normative and regulatory framework in facing the challenges of fake news. This research is directed to answer three main questions: (1) what the ethical dilemmas and legal challenges are in the era of media convergence; (2) how professional ethics and positive law can be reconstructed to address fake news effectively; and (3) how *maqāṣid al-shari‘ah* can strengthen and complement the ethical and legal framework of journalism. With this approach, this article is expected to provide a conceptual contribution to the development of Media and Press Law studies that are more adaptive, ethical, and oriented towards public welfare.

<sup>6</sup> Anupam Chander, Margot E Kaminski, and William McGeeveran, “Catalyzing Privacy Law,” *Minn. L. Rev.* 105 (2020): 1733.

<sup>7</sup> Hijrian Angga Prihantoro and Fuad Mustafid, “Hoax from the Perspective of Islamic Legal Thought: Reactivating Qat'i-Zanni in the Post-Truth Era,” *Jurnal Akidah & Pemikiran Islam* 25, no. 2 (December 28, 2023): 353–86, <https://doi.org/10.22452/afkar.vol25no2.11>; Muh. Aswad, Abd. Rahim, and Syarifah Rosmawati, “Etika Reportase Dalam Islam,” *Jurnal Ilmiah Islamic Resources* 20, no. 1 (2023), <https://doi.org/10.33096/jiir.v20i1.564>; Siti Khoirotul Ula, “Fikih Jurnalistik Sebagai Landasan Etika Bermedia Sosial,” *Qolamuna* 2, no. 2 (2017): 197–212, <https://ejournal.stismu.ac.id/ojs/index.php/qolamuna/article/view/41/39>; Safiyyah Ahmad Sabri and Norhayati Rafida Abdul Rahim, “Ethical Implications of Fake News: A Meta-Analysis Through The Lens of Islamic Teachings,” *Al-i‘lam - Journal of Contemporary Islamic Communication and Media* 3, no. 2 (December 1, 2023), <https://doi.org/10.33102/jcicom.vol3no2.106>; Fitri - Fitri and Adeni - Adeni, “The Urgency of Applying Journalistic Ethics in Online Islamic Media Reporting Activities: A Conceptual Study,” *Islamic Communication Journal* 5, no. 1 (June 28, 2020): 19, <https://doi.org/10.21580/icj.2020.5.1.5315>.

## LITERATURE REVIEW

### Media Convergence and the Dynamics of Fake News Distribution

The literature on media convergence shows that the integration of digital platforms has significantly transformed the processes of news production, distribution, and consumption. Bor and Erdal emphasize that journalists are now required to work across platforms, increasing the complexity of their professional roles.<sup>8</sup> Li and Chen note that this transformation drives efficiency and innovation, but also blurs the lines between professional journalism and user-generated content.<sup>9</sup> In this context, fake news emerges as a structural consequence of a media ecosystem that prioritizes speed, virality, and engagement over verification and accuracy.

Numerous studies have highlighted that misinformation and disinformation spread faster than official clarifications, particularly during political issues and social crises.<sup>10</sup> Research on media psychology suggests that emotional and sensational content more easily captures audience attention, thereby increasing the likelihood of false information spreading.<sup>11</sup> However, these studies generally stop at impact analysis, without deeply linking it to an integrated ethical and legal framework.

### Journalistic Ethics in the Digital Ecosystem

Journalism ethics studies emphasize the importance of the principles of accuracy, independence, and public responsibility in the face of digital pressures. Pavlik and Bird and Craig highlight that media convergence increases ethical dilemmas, particularly between the need for speed in publication and the obligation to verify information.<sup>12</sup> Tandoc Jr., Lim, and Ling demonstrate that many journalists are trapped in an algorithmic logic that encourages the reproduction of information without adequate verification.<sup>13</sup>

Although various initiatives such as fact-checking and editorial transparency have been developed, their implementation remains uneven and often depends on the institutional

<sup>8</sup> Bor, "Teaching Social Media Journalism: Challenges and Opportunities for Future Curriculum Design"; Ivar John Erdal, "Coming to Terms with Convergence Journalism: Cross-Media as a Theoretical and Analytical Concept," *Convergence: The International Journal of Research into New Media Technologies* 17, no. 2 (May 19, 2011): 213–23, <https://doi.org/10.1177/1354856510397109>.

<sup>9</sup> Li and Chen, "Transformation and Transcendence - Reforming News Production in the Convergent Media Era."

<sup>10</sup> David M. J. Lazer et al., "The Science of Fake News," *Science* 359, no. 6380 (March 2018): 1094–96, <https://doi.org/10.1126/science.aa02998>; Tenove, "Protecting Democracy from Disinformation: Normative Threats and Policy Responses."

<sup>11</sup> Lewandowsky and van der Linden, "Countering Misinformation and Fake News Through Inoculation and Prebunking."

<sup>12</sup> Anthony Pavlik and Hazel Sheeky Bird, "Introduction: Maps and Mapping in Children's and Young Adult Literature," *Children's Literature in Education* 48, no. 1 (March 2017): 1–5, <https://doi.org/10.1007/s10583-016-9303-5>; David A. Craig, "Global Social Media Ethics and the Responsibility of Journalism," in *Oxford Research Encyclopedia of Communication* (Oxford University Press, 2021), <https://doi.org/10.1093/acrefore/9780190228613.013.917>.

<sup>13</sup> Tandoc Jr, Lim, and Ling, "Diffusion of Disinformation: How Social Media Users Respond to Fake News and Why."

commitment of each media outlet.<sup>14</sup> Thus, modern journalistic ethics still faces limitations when not supported by a supportive legal system that provides normative certainty.

## Information Law and Regulatory Challenges

Meanwhile, from a legal perspective, numerous studies criticize the inadequacy of regulations in addressing the complexities of digital media. Chander, Kaminski, and McGeeveran assess that information law tends to lag behind technological innovation.<sup>15</sup> In Indonesia, the Press Law and the Electronic Information and Transactions (ITE) Law are often positioned problematically: one guarantees press freedom but is weak in enforcing ethics. At the same time, the other is often used repressively against journalists.<sup>16</sup>

A significant criticism of the existing legal framework is its emphasis on repression rather than prevention and education. Judijanto, Putra, and Sumarni assert that ambiguous regulations actually create a chilling effect on journalists.<sup>17</sup> This literature demonstrates the need for a reconstruction of information law that not only regulates but also guides ethical journalistic practice.

## Islamic Ethics, Journalism, and *Maqāṣid al-Shari‘ah*

Meanwhile, several studies link journalistic ethics to Islamic values, particularly through the concepts of *tabayyun*, *sidq*, and *amānah*.<sup>18</sup> Ahmad Sabri and Abdul Rahim assert that the spread of fake news contradicts the basic principles of Islamic communication.<sup>19</sup> Prihantoro and Mustafid and Hamim and Supriadi examined hoaxes as a violation of the principles of *‘aql* and *‘ird* within the *maqāṣid al-shari‘ah*.<sup>20</sup>

<sup>14</sup> Ulrika Hedman, “When Journalists Tweet: Disclosure, Participatory, and Personal Transparency,” *Social Media + Society* 2, no. 1 (January 1, 2016), <https://doi.org/10.1177/2056305115624528>; Caryn Coatney, “Representing Trust in Digital Journalism,” *Media and Communication* 11, no. 4 (August 28, 2023), <https://doi.org/10.17645/mac.v11i4.6982>.

<sup>15</sup> Chander, Kaminski, and McGeeveran, “Catalyzing Privacy Law.”

<sup>16</sup> Andrea Carson and Andrew Gibbons, “The Big Chill? How Journalists and Sources Perceive and Respond to Fake News Laws in Indonesia and Singapore,” *Journalism Studies* 24, no. 14 (2023): 1819–1838, <https://doi.org/10.1080/1461670X.2023.2192299>.

<sup>17</sup> Loso Judijanto, Irman Putra, and Sumarni Sumarni, “Criminal Law Arrangements in Handling the Spread of Social Media Bot-Based False Information in Indonesia,” *The East Asian Journal of Law and Human Rights* 3, no. 02 (February 28, 2025): 110–17, <https://doi.org/10.58812/eslhr.v3i02.469>.

<sup>18</sup> Fitri and Adeni, “The Urgency of Applying Journalistic Ethics in Online Islamic Media Reporting Activities: A Conceptual Study”; Ula, “Fikih Jurnalistik Sebagai Landasan Etika Bermedia Sosial.”

<sup>19</sup> Ahmad Sabri and Abdul Rahim, “Ethical Implications of Fake News: A Meta-Analysis Through The Lens of Islamic Teachings.”

<sup>20</sup> Prihantoro and Mustafid, “Hoax from the Perspective of Islamic Legal Thought: Reactivating Qat'i-Zanni in the Post-Truth Era”; Khairul Hamim and Lalu Supriadi, “The Contextualization of *Hifz Al-‘Irḍ* on Hoax News (A Study on Imam Tājuddīn Al-Subkī’s *Maqāṣid Al-Shari‘ah*),” *Ulumuna* 24, no. 2 (December 31, 2020): 348–66, <https://doi.org/10.20414/ujis.v24i2.405>.

However, most of these studies remain normative-descriptive in nature and fail to operationalize the link between *maqāṣid al-shari‘ah* and positive law and professional ethics. However, the thinking of al-Shāṭibī and Ibn 'Āshūr demonstrates that *maqāṣid* can function as an evaluative and regulatory framework that is adaptive to social change. Based on the literature review above, a theoretical gap exists in the study of fake news and digital journalism. Existing research is fragmented between journalistic ethics, information law, and Islamic perspectives. There is no theoretical model that systematically integrates all three within a coherent media and press legal framework.

This article takes this position by offering a reconstruction of information law theory based on the *maqāṣid al-shari‘ah*, integrating professional ethics and positive law. With this approach, this research seeks to transcend a purely repressive approach and present a regulatory framework that is ethical, adaptive, and oriented toward protecting reason, justice, and the public good in the digital media ecosystem.

## METHOD

This research employs a normative qualitative approach, utilizing a literature review to examine ethical and legal dilemmas in convergent journalism and reconstruct a theory of information law based on the *maqāṣid al-shari‘ah* (the principles of Islamic law). Literature sources were identified through Scopus, Web of Science, Google Scholar, and JSTOR databases using the keywords "media convergence," "ethical journalism," "legal framework," "fake news," "*maqāṣid al-shari‘ah*," and "Islamic media ethics." Source selection was based on the following criteria: (1) reputable journal articles, academic books, professional organization reports, and national and international legal instruments; (2) relevance to the theme of media ethics and digital regulation; and (3) the range of key publications from 2015 to 2025, which is the period of disinformation development.

The analysis process was conducted through thematic analysis, which included: (1) extraction of key concepts; (2) initial coding of ethical, regulatory, and *maqāṣid* issues; (3) grouping codes into themes of the relationship between journalism ethics, positive law, and the objectives of sharia; and (4) interpreting the findings to construct a theoretical model for the reconstruction of information law. This thematic analysis is used to identify the significance, scarcity of discussion, and conceptual correlations in the digital media era. The *maqāṣid al-shari‘ah* approach in this study refers to the thoughts of al-Shāṭibī in *al-Muwāfaqāt fī Uṣūl al-Shari‘ah* and Ibn 'Āshūr in *Maqāṣid al-Shari‘ah al-Islāmiyyah*, and is strengthened by the ideas of contemporary scholars such as Yūsuf al-Qardāwī and Muḥammad Abū Zahrah. The analysis is directed at the five main objectives of Sharia (*al-*

*darūriyyāt al-khams*): preservation of religion (*hifz al-dīn*), life (*hifz al-nafs*), reason (*hifz al-‘aql*), wealth (*hifz al-mal*), and dignity (*hifz al-‘ird*) as indicators for assessing the ethics and legality of journalistic practices, particularly regarding information verification, accountability, and caution in reporting. Thus, this study addresses the research gap by integrating professional ethics, positive legal frameworks, and Islamic legal theory within a conceptual framework that can serve as a reference for journalists, educators, policymakers, and media institutions in addressing disinformation and promoting ethical and responsible journalism.

## RESULTS

This section presents the results of a normative and conceptual analysis of media regulations, journalistic ethics literature, and Islamic legal doctrine based on the principles of Islamic law (*maqāṣid al-shari‘ah*) in addressing the phenomenon of fake news in the era of digital media and convergence.

### Changes in the Information Ecosystem and Challenges to Journalistic Ethics

The analysis reveals that the development of digital communication technology has accelerated the process of media convergence, which involves the integration of print, broadcast, and digital platforms into a single, interconnected information ecosystem. This convergence has not only changed news production and distribution patterns but also shifted the boundaries of institutional journalism toward a more open communication space that is not entirely controlled by editorial mechanisms.<sup>21</sup>

Within this ecosystem, the dissemination of information is no longer monopolized by professional press institutions. However, it is also carried out by social media users and non-journalistic actors. This situation has a direct impact on the increased circulation of misinformation and disinformation, primarily due to weak regulatory oversight and the dominance of algorithmic logic, which prioritizes speed, audience engagement, and content virality.

The findings of this study indicate that algorithmic pressure has created new ethical dilemmas for journalists. The demand to produce news quickly and compellingly often sacrifices the principles of verification and balance, key pillars of journalistic ethics.<sup>22</sup> Several studies confirm that

<sup>21</sup> Shishir Kumar Shandilya et al., “Navigating the Regulatory Landscape,” in *Digital Resilience: Navigating Disruption and Safeguarding Data Privacy*, 2024, 127–240, [https://doi.org/10.1007/978-3-031-53290-0\\_3](https://doi.org/10.1007/978-3-031-53290-0_3).

<sup>22</sup> Celine Klemm, Enny Das, and Tilo Hartmann, “Changed Priorities Ahead: Journalists’ Shifting Role Perceptions When Covering Public Health Crises,” *Journalism* 20, no. 9 (September 2019): 1223–41, <https://doi.org/10.1177/1464884917692820>.

the logic of virality is often intertwined with political and economic interests, leading to the dissemination of information without adequate verification processes.<sup>23</sup>

Although some media outlets have adopted fact-checking mechanisms and editorial transparency, the analysis reveals that these practices have not been uniformly institutionalized. Consequently, ethical accountability in journalistic practice remains sporadic and heavily dependent on the internal commitment of each media organization.

### **Limitations of a Positive Legal Framework for Addressing Fake News**

From a legal perspective, research indicates that existing regulations are insufficient to address the complexity of the digital media ecosystem fully. In Indonesia, regulations regarding information and the press primarily rely on Law Number 40 of 1999 concerning the Press and the Electronic Information and Transactions Law (UU ITE). However, in practice, these two instruments exhibit structural limitations.

The ITE Law, in particular, tends to function as a repressive instrument, emphasizing a criminal approach, rather than as a preventive and educational tool for managing the flow of digital information.<sup>24</sup> The study shows that articles related to "false information" or "defamation" are often used to ensnare journalists carrying out their duties in the public interest, including those covering alleged corruption or election fraud. This situation creates legal uncertainty and opens up room for political interpretation of the concept of "fake news".<sup>25</sup>

These findings suggest a legal orientation that prioritizes control and sanctions over ethical development, information verification, and the responsible protection of press freedom. Thus, positive law has not yet functioned optimally as an instrument supporting journalistic ethics in the digital age.

### **Identifying the Impact of Fake News on *Maqāṣid al-Shari‘ah***

The results of the *maqāṣid al-shari‘ah*-based analysis indicate that the phenomenon of fake news not only constitutes a violation of professional ethics but also contains dimensions of *mafsadah* (social harm) that contradict the primary objectives of Sharia. Within this framework, misinformation and disinformation have been proven to threaten several fundamental objectives of Islamic law.

<sup>23</sup> Ramona Demasi and Christian Voegtlin, "When the Private and the Public Self Don't Align: The Role of Discrepant Moral Identity Dimensions in Processing Inconsistent CSR Information," *Journal of Business Ethics* 187, no. 1 (September 2023): 73–96, <https://doi.org/10.1007/s10551-022-05282-z>; Tereza Spilioti, "Media Convergence and Publicness: Towards a Modular and Iterative Approach to Online Research Ethics," *Applied Linguistics Review* 8, no. 2–3 (May 2017): 191–212, <https://doi.org/10.1515/applirev-2016-1035>.

<sup>24</sup> Abdul Hadi et al., "Undang-Undang Informasi Dan Transaksi Elektronik Dalam Konteks Maqasid Syari'ah," *Al-Manahij: Jurnal Kajian Hukum Islam* 14, no. 2 (December 3, 2020): 211–24, <https://doi.org/10.24090/mnh.v14i2.3582>.

<sup>25</sup> Lazer et al., "The Science of Fake News."

First, fake news directly undermines *hijz al-‘aql* (protection of reason), as false information obscures public rationality, impairs society's ability to make sound judgments, and encourages emotional decision-making and manipulation. Second, in the context of religious and identity issues, disinformation also threatens the protection of religion (*hijz al-din*) and the protection of honor (*hijz al-‘ird*), particularly when fake news is used to attack specific groups, spread hate speech, or stigmatize individuals and communities.<sup>26</sup> Third, when hoaxes trigger panic, social conflict, or violence, they also violate the protection of life (*hijz al-nafi*). In some cases, disinformation even causes significant economic losses, thus contradicting the protection of property (*hijz al-mal*).

Thus, this study confirms that fake news is a multidimensional phenomenon that violates more than one of the main objectives of the *maqāṣid al-shari‘ah*, requiring a comprehensive legal and ethical response.

### ***Maqāṣid al-Shari‘ah* as the Normative Basis for the Reconstruction of Information Law**

The analysis shows that *maqāṣid al-shari‘ah* provides a relevant and adaptive normative framework for reconstructing information law theory. Islamic principles strictly prohibit the spread of lies (*al-kadhib*) and slander, and require a verification process (*tabayyun*) before disseminating information. These principles align with the fundamental values of modern journalistic ethics, particularly accuracy, public responsibility, and prudence.

Within the *maqāṣid* framework, law is understood not only as an instrument of punishment but also as a mechanism for protecting reason, honor, and social order. Therefore, a *maqāṣid*-based reconstruction of information law demands that media regulation not be solely repressive but also oriented toward prevention, education, and restoring public trust.

### **Normative Indicators for Media Governance Based on the *Maqāṣid al-Shari‘ah***

Based on the analysis, this study formulated a set of normative indicators that can be used to evaluate and guide journalistic practices and media policies, namely:

1. *Hijz al-din* (Protection of Religion): reflected in the obligation to verify religious content, prevent belief-based hate speech, and avoid the exploitation of religious symbols.

<sup>26</sup> Abū Ishaq Ibrāhīm bin Mūsā Bin Muḥammad Al-Shāṭibī, *Al-Muwāfaqāt Fi Uṣūl Al-Shari‘ah*, ed. ‘Abdullāh Daraz (Beirut: Dār al-Kutub al-‘Ilmiyyah, 2004); Syafril Wicaksono et al., “Maqashid Sharia Progressive: Anatomical and Transformational of Halal Institutions in UIN KHAS Jember,” *El-Mashlahah* 13, no. 2 (December 31, 2023): 107–32, <https://doi.org/10.23971/el-mashlahah.v13i2.7370>.

2. *Hijz al-nafs* (Protection of the Soul): realized through assessing the risk of news reports that have the potential to incite violence and the obligation to correct hoaxes that endanger public safety quickly.
3. *Hijz al-aql* (Protection of the Intellect): implemented through strict verification standards, audits of clickbait practices, and strengthening public media literacy.
4. *Hijz al-nasl/ 'ird* (Protection of Honor and Morality): realized through the protection of privacy, the prevention of defamation, and the control of content that demeans human dignity.
5. *Hijz al-Mal* (Protection of Property): reflected in the transparency of media funding and the prevention of economic losses due to false information.

These indicators serve as the research's main conceptual findings, bridging journalistic ethics, positive law, and the principles of *maqasid al-shari'ah* within a single framework of ethical and equitable information governance.

## DISCUSSION

This section discusses the meaning and implications of the research findings by linking them to the development of journalistic ethics theory, information law, and the *maqasid al-shari'ah* in the context of digital media and contemporary democracy.

### Media Convergence and the Intensification of Journalistic Ethical Dilemmas

The research findings suggest that media convergence is not merely a technological phenomenon, but rather a structural transformation that is altering the relationship between journalists, media institutions, audiences, and digital platforms. In line with Erdal,<sup>27</sup> convergence requires journalists to work across platforms at an increasingly rapid production pace, thereby increasing professional pressure and the risk of ethical violations.

Although convergence opens up space for public participation and the democratization of information,<sup>28</sup> the results of this study confirm that this openness also increases vulnerability to misinformation and disinformation. The dominance of algorithmic logic—which prioritizes audience engagement and virality—has weakened the principles of prudence and verification as the foundations of professional journalism.<sup>29</sup> Thus, the dilemma of journalistic ethics in the digital era is systemic, not merely a matter of individual journalists' morals.

<sup>27</sup> Erdal, "Coming to Terms with Convergence Journalism: Cross-Media as a Theoretical and Analytical Concept."

<sup>28</sup> Bayu Mukti, "Media Convergence in Technology and Content Aspects in the Digital Communication Era," *Formosa Journal of Applied Sciences* 2, no. 10 (October 26, 2023): 2277–88, <https://doi.org/10.55927/fjas.v2i10.6292>.

<sup>29</sup> Michael John Starks, "Digital Convergence and Content Regulation," *VIEW Journal of European Television History and Culture* 3, no. 6 (December 24, 2014): 125, <https://doi.org/10.18146/2213-0969.2014.jethc075>.

The case of the spread of hoaxes in the context of electoral politics in Indonesia demonstrates how the speed of digital information circulation can exceed the capacity of media institutions and regulators to clarify and correct.<sup>30</sup> This situation highlights that journalistic ethics cannot be maintained solely through normative codes of ethics; instead, they require adaptive institutional and regulatory support.

### **Journalists' Ethical Responsibilities in a Disinformation Landscape**

The research findings reinforce the view that journalists' ethical responsibilities in the digital era extend beyond content accuracy to include transparency in the news production process and accountability for the social impact of the information. Stroud demonstrates that market orientation and competition for audience attention have led to the adoption of sensationalist journalism practices, which have the potential to erode public trust.<sup>31</sup>

In this context, transparency practices—such as open-source disclosure, explanations of verification methods, and open corrections—are crucial instruments in rebuilding journalistic legitimacy.<sup>32</sup> However, the findings of this study indicate that these efforts have not been fully integrated into the Indonesian media system, resulting in sporadic and reactive behavior.

Furthermore, this study reveals a regulatory paradox. On the one hand, the Press Law guarantees press freedom. It provides a mechanism for resolving ethical issues through the Press Council. On the other hand, the implementation of the ITE Law often creates a chilling effect on journalists and critical content creators.<sup>33</sup> This contradiction weakens journalists' position in carrying out their social control function. It emphasizes the need to reconstruct the legal framework for information.

### ***Maqāṣid al-Shari‘ah* as a Bridge between Ethics and Information Law**

One of the main contributions of this study is demonstrating that *maqāṣid al-shari‘ah* can function as a normative bridge between journalistic ethics and modern information law. The principle of *tabayyun* (verification) as affirmed in the Qur'an (Q.S. 49:6) aligns with the demands of

<sup>30</sup> Craig, “Global Social Media Ethics and the Responsibility of Journalism.”

<sup>31</sup> Scott R. Stroud, “Pragmatist Media Ethics and the Challenges of Fake News,” *Journal of Media Ethics* 34, no. 4 (October 2, 2019): 178–92, <https://doi.org/10.1080/23736992.2019.1672554>.

<sup>32</sup> Hedman, “When Journalists Tweet: Disclosure, Participatory, and Personal Transparency”; Coatney, “Representing Trust in Digital Journalism.”

<sup>33</sup> Carson and Gibbons, “The Big Chill? How Journalists and Sources Perceive and Respond to Fake News Laws in Indonesia and Singapore”; Judijanto, Putra, and Sumarni, “Criminal Law Arrangements in Handling the Spread of Social Media Bot-Based False Information in Indonesia.”

verification in professional journalism, while also providing religious legitimacy to the obligation of caution in disseminating information.<sup>34</sup>

From the perspective of *maqāṣid* (Islamic law), the spread of disinformation is seen not only as a violation of positive law but as a form of injustice (*zulm*) that undermines the protection of reason, honor, and social order. This view aligns with the thinking of al-Qardāwī and al-Zuhaylī, who assert that deliberate public falsehoods are subject to *ta'zir* sanctions proportional to the extent of the harm caused.<sup>35</sup> Thus, the *maqāṣid* approach offers an alternative to a purely repressive legal paradigm. *Maqāṣid*-based information law prioritizes the prevention of *mafṣadah*, protection of public interests, and ethical education as the primary objectives of law enforcement.

### **Institutional Ethics and Multi-Stakeholder Governance**

Research findings also confirm that journalistic ethics cannot be separated from the organizational structure of media outlets. Establishing an ethical culture requires strong editorial leadership, ongoing training, and effective internal oversight mechanisms.<sup>36</sup> In this context, the values of the *maqāṣid al-shari'ah* can serve as an institutional moral foundation that emphasizes the public good and social responsibility of media outlets.<sup>37</sup>

Furthermore, the challenge of disinformation cannot be addressed solely by the state or the media. A multi-stakeholder governance model involving regulators, the media industry, digital platforms, academia, and civil society is needed. This collaborative approach is crucial for addressing the algorithmic power of platforms and the complexities of digital content moderation.<sup>38</sup>

A governance model based on the *maqāṣid* enables the integration of freedom of expression and public protection from the destructive impact of misinformation. With this framework, public policies can be designed in a more proportional, equitable, and long-term manner.

<sup>34</sup> Prihantoro and Mustafid, "Hoax from the Perspective of Islamic Legal Thought: Reactivating Qat'i-Zanni in the Post-Truth Era"; Hamim and Supriadi, "The Contextualization of *Hifz Al-'Ird* on Hoax News (A Study on Imam Tājuddīn Al-Subkī's *Maqāṣid Al-Shari'a*)."

<sup>35</sup> Yūsuf Al-Qardāwī, *Al-Halal Wa Al-Harām Fī Al-Islām* (Kairo: Maktabah Wahbah, 2012); Wahbah Al-Zuhaylī, *Al-Fiqh Al-Islāmi Wa Adillatuh* (Damaskus: Dār al-Fikr, 1985); Wahyu Abdul Jafar, "Sanksi Penyebar Hoax Perspektif Hukum Pidana Islam," *Jurnal Ilmiah Mizāni: Wacana Hukum, Ekonomi Dan Keagamaan* 6, no. 1 (September 2, 2019): 49, <https://doi.org/10.29300/mzn.v6i1.2206>.

<sup>36</sup> Maja Šimunjak, "Teaching Emotional Intelligence for Enhancing Resilience in Journalism," *Journalism & Mass Communication Educator* 78, no. 2 (June 11, 2023): 127–41, <https://doi.org/10.1177/10776958231165103>; Jesús Díaz-Campo and Francisco Segado-Boj, "Journalism Ethics in a Digital Environment: How Journalistic Codes of Ethics Have Been Adapted to the Internet and ICTs in Countries Around the World," *Telematics and Informatics* 32, no. 4 (November 2015): 735–44, <https://doi.org/10.1016/j.tele.2015.03.004>.

<sup>37</sup> Mohd Harifadilah Rosidi, Ahmad Wifaq Bin Mokhtar, and Mohd Nasir Bin Abdul Majid, "The Role of Maqasid Al-Shari'ah as a Fundamental Ethics in Social Media Use," *International Journal of Academic Research in Business and Social Sciences* 12, no. 4 (April 16, 2022), <https://doi.org/10.6007/IJARBSS/v12-i4/13044>.

<sup>38</sup> Chiara Drolsbach and Nicolas Pröllochs, "Content Moderation on Social Media in the EU: Insights From the DSA Transparency Database," *Social and Information Networks*, 2023, <https://doi.org/10.48550/arXiv.2312.04431>; Soorya Balendra, "Meta's AI Moderation and Free Speech: Ongoing Challenges in the Global South," *Cambridge Forum on AI: Law and Governance* 1 (May 16, 2025): e21, <https://doi.org/10.1017/cfl.2025.5>.

## Theoretical and Practical Implications

Theoretically, this research enriches the study of information law by incorporating the *maqāṣid al-shari‘ah* as a normative analytical framework relevant to contemporary digital challenges. This approach broadens the discourse on journalistic ethics, which has been dominated by Western perspectives, by offering a synthesis of universal values and Islamic legal traditions.

Practically, these findings and discussions have implications for policymakers, media institutions, and society. A reconstruction of information law based on the *maqāṣid* can serve as the basis for formulating regulations that are more preventative and educational, and protect press freedom without neglecting social responsibility. For the media, this framework encourages the strengthening of institutional ethics as an integral part of journalistic professionalism in the digital era.

## CONCLUSION

This study concludes that the development of digital media and information convergence has presented Media and Press Law with serious structural challenges in addressing the phenomenon of fake news. The existing positive legal framework, particularly the relationship between the Press Law and the Electronic Information and Transactions Law, exhibits repressive and reactive tendencies that fail to ensure a balance between press freedom, public protection, and journalistic ethical responsibility. The study's findings confirm that the spread of misinformation and disinformation not only constitutes a violation of journalistic ethics but also gives rise to multidimensional harms that threaten the protection of reason, honor, social life, and the public interest. Therefore, a legal approach solely based on criminal penalties has proven inadequate to address the complexities of the contemporary digital media ecosystem.

As a significant scholarly contribution, this study presents a theoretical reconstruction of Media and Press Law by integrating the principle of *maqāṣid al-shari‘ah* as a normative-ethical framework in information governance. This approach places verification (*tabayyun*), prevention of social harm, and protection of the public interest as the primary orientations of media law enforcement, without compromising freedom of expression and press independence. By formulating indicators for media governance based on *maqāṣid* (the principles of law), this research expands the discourse on media law from a repressive paradigm to a preventive, educational, and equitable model. These findings not only enrich academic studies of Media and Press Law but also provide a conceptual basis for formulating journalistic policies and ethics that are more adaptive to the challenges of disinformation in the digital era.

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