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Artificial Intelligence-Based Hoax Dissenmination as Jarimah Ta'zir from the Perspective of Islamic Criminal Law

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ABSTRACT

The development of artificial intelligence (AI) has brought major changes to the production and dissemination of information through social media. In addition to providing benefits across various areas of life, AI also has the potential to be misused to create and disseminate hoax content that is difficult to distinguish from accurate information. This study aims to analyze the forms of AI misuse in hoax dissemination, the factors contributing to such misuse, and its assessment from the perspective of Islamic Criminal Law. This research employs normative legal research using a library research approach. Primary legal materials include the Qur'an, hadith, Law No. 1 of 2024 on Electronic Information and Transactions, and fiqh jinayah literature. Secondary materials consist of books, scholarly journals, and other relevant literature. The materials were analyzed using a qualitative descriptive method. The findings indicate that AI is misused in hoax dissemination through the creation of false news, narrative manipulation, dissemination of unverified information, and mass content production. From the perspective of Islamic Criminal Law, such conduct contains elements of al-kadhib, fitnah, tadlīs, and mafsadah and may therefore be classified as jarimah ta'zīr.

INTRODUCTION

The development of information technology has generated various innovations that have transformed patterns of social interaction, one of which is Artificial Intelligence (AI). This technology is capable of automatically generating text, images, audio, and video with an increasingly high degree of accuracy (Nilsson, 2009). The presence of AI provides substantial benefits in education, healthcare, business, and public services. Nevertheless, these developments have also created a range of legal concerns when AI is used as a means of engaging in conduct that conflicts with legal and ethical norms, including the dissemination of hoax content through social media (Stuart & Peter, 2010).

The dissemination of hoaxes has become a form of digital crime that is increasing alongside the development of generative AI technologies. Unlike conventional hoax dissemination, AI can produce large volumes of false information in a short period of time and with a quality that closely resembles authentic information. This condition makes it increasingly difficult for the public to distinguish accurate information from misleading content, thereby potentially causing social unrest, horizontal conflict, economic losses, and even disruption to national security and stability (Law No. 1 of 2024).

Within Indonesia's positive law system, the dissemination of false information through electronic media is regulated by Law No. 1 of 2024 concerning the Second Amendment to Law No. 11 of 2008 on Electronic Information and Transactions. However, this regulation does not yet specifically govern legal liability for the use of AI as an instrument for generating and disseminating hoaxes. Therefore, another legal approach is required to provide both a normative and ethical foundation for addressing this phenomenon (Siregar, 2017).

From the perspective of Islamic Criminal Law, the dissemination of false information is contrary to the principles of honesty (ṣidq), trustworthiness (amānah), and the obligation of tabayyun, as emphasized in Qur'an Surah Al-Hujurāt verse 6. Islam also prohibits all forms of falsehood (al-kadhib), slander (fitnah), deception (tadlīs), and acts that cause mafsadah within society. Accordingly, the misuse of AI in disseminating hoaxes is not only regarded as a violation of positive law but also as a breach of Islamic legal and ethical principles (Mudar et al., 2026).

Previous studies have largely focused on law enforcement against hoax dissemination under the Electronic Information and Transactions Law or on general discussions of hoaxes from the perspective of Islamic law (Saputra & Dalimunthe, 2021). Nur Aisyah Siddiq examined law enforcement against the dissemination of false information under the ITE Law, while Muhammad Taufiqurrohman analyzed hoaxes from the perspectives of Islamic law and positive law. However, these studies have not specifically examined the use of artificial intelligence (AI) as a means of generating, manipulating, and distributing hoaxes.

Against this background, the novelty of this study lies in its analysis of the misuse of artificial intelligence in hoax dissemination and its legal position from the perspective of Islamic Criminal Law. This study does not merely regard AI as a development in digital technology; it also analyzes its use as an instrument capable of producing legal consequences when employed to commit acts that contravene the principles of Islamic law. Accordingly, this study is expected to contribute to the development of Islamic Criminal Law scholarship in responding to the evolution of digital crime in the age of artificial intelligence.

Against this background, the novelty of this study also lies in its analysis of legal liability for the misuse of Artificial Intelligence technology in hoax dissemination from the perspective of Islamic Criminal Law. This study does not merely position AI as a development in digital technology but also as an instrument that gives rise to legal consequences when used to commit a jarimah. Thus, the study is expected to contribute to the development of Islamic Criminal Law scholarship in addressing the challenges of digital crime in the age of artificial intelligence.

RESEARCH METHODS

This study employs normative legal research using a library research approach. The approaches applied include the statute approach and the conceptual approach. The primary legal materials consist of the Qur'an, hadith, Law No. 1 of 2024 concerning the Second Amendment to Law No. 11 of 2008 on Electronic Information and Transactions, works of fiqh jinayah, and fatwas relevant to the use of information technology in Islam. Secondary legal materials include books, national and international scholarly journals, previous research findings, and literature relating to the misuse of artificial intelligence (AI) in the dissemination of hoaxes on social media. These legal materials were obtained through literature searches and review and were subsequently analyzed using a qualitative descriptive method to identify the forms and causal factors of AI misuse in hoax dissemination and to examine its classification as a jarimah from the perspective of Islamic Criminal Law.

RESULTS AND DISCUSSION

Forms of Artificial Intelligence Misuse in Hoax Dissemination on Social Media

The development of artificial intelligence (Artificial Intelligence/AI) has significantly transformed patterns of information production, processing, and dissemination in the digital sphere. AI was fundamentally developed to assist humans in completing various tasks rapidly and efficiently. Over time, this technology has been utilized not only in education, healthcare, economics, and industry but also in the creation of various forms of digital content. AI's ability to generate text, images, audio, and video provides substantial benefits to society; at the same time, however, it also creates opportunities for misuse. One such form of misuse is the use of AI to create and disseminate hoaxes through social media. Whereas false news was previously produced manually, the development of AI now enables false information to be generated automatically within a short period and disseminated to a much wider audience.

One form of AI misuse is the use of generative AI technology to produce news reports, articles, narratives, and social media posts containing false information. Perpetrators can issue specific prompts to AI systems to create attention-grabbing headlines, construct chronologies of events that never occurred, fabricate quotations, or generate narratives that appear to originate from official sources. AI's ability to produce structured and persuasive writing may make it difficult for the public to distinguish accurate information from manipulated content. In addition, a single piece of false information can be reproduced in multiple versions using different linguistic styles and then disseminated through various accounts and platforms. This speed of production enables perpetrators to spread hoaxes on a massive scale within a relatively short period and increases the likelihood that such information will be received by the public (Hermansyah, 2025).

AI may also be misused by manipulating information that was originally accurate. In such cases, perpetrators do not necessarily create fictitious events from the outset; instead, they may take accurate information and alter its title, context, caption, or specific parts so as to generate a different interpretation. A statement may be excerpted and rearranged so that its meaning no longer corresponds to the original statement. Likewise, authentic photographs or videos may be accompanied by captions that misrepresent the actual place, time, or event. This type of manipulation is particularly dangerous because parts of the information are factually grounded, making the broader narrative easier for the public to believe. Under these circumstances, AI functions as a tool that facilitates the transformation of accurate information into misleading information.

Another form of misuse involves the creation of false images, audio, and videos using AI technology. Generative AI's capacity to produce realistic images may be exploited to create the impression that an event actually occurred even though it never took place. Such images are then used to reinforce hoax narratives and make the information appear more credible. In addition to images, AI can be used to create or imitate a person's voice through voice-cloning technology. Audio recordings resembling the voices of government officials, public figures, religious leaders, or particular individuals may be disseminated as if they had originated from those persons. The use of a voice that closely resembles an individual's identity may increase recipients' trust in the information when the source and authenticity are not properly verified (Astuti, 2025).

The development of AI also enables the production of manipulated videos known as deepfakes. This technology can be used to manipulate a person's face, voice, or movements so that the individual appears to have done or said something that never actually occurred. In hoax dissemination, deepfakes may be used to make particular figures appear to issue controversial statements, provide false information, or participate in specific events. This form of misuse carries a high degree of risk because the public tends to regard video as more persuasive evidence than text. When a person's face, voice, and movements appear authentic, recipients may readily assume that the event genuinely occurred even though the content is the product of technological manipulation.

In addition to generating false content, AI can be used to automate the dissemination of hoaxes through digital accounts. The use of automated accounts (bot accounts) enables perpetrators to create posts, leave comments, reply to users, and repeatedly share content without performing these activities manually. When used to spread false information, such activities can make a particular narrative appear to enjoy broad public support. This phenomenon is known as artificial amplification, namely the process of increasing the reach and visibility of information through automation or coordinated digital activity. When false information quickly receives numerous comments, likes, and shares, other users may perceive it as true or widely discussed, even though the interactions may originate from automated accounts (Ramadhani, 2025).

AI can also be used to multiply and repeatedly reproduce hoax content in various forms. A single piece of false information may be rewritten using different headlines and writing styles and subsequently disseminated through multiple accounts and platforms. This strategy allows the same information to reappear repeatedly without appearing to be an identical copy. Repetition may increase public familiarity with a particular narrative. When individuals encounter the same information repeatedly, they may perceive it as more credible simply because it has become familiar. Thus, AI's ability to generate variations of content can help perpetrators sustain the presence of a hoax in the digital sphere for a longer period.

A more complex form of AI misuse is the personalization of hoax dissemination based on user characteristics. AI technology is capable of processing data and identifying patterns of user behavior in digital environments. Information concerning users' interests, habits, frequently searched topics, and interaction patterns can be used to determine the types of content most likely to attract their attention. When this capability is misused, perpetrators may generate false information tailored to the characteristics of particular target groups. Users concerned with economic issues may be presented with false information about economic conditions, whereas users interested in political issues may receive fabricated narratives about particular figures or policies. This mode of dissemination is more complex because information is not delivered uniformly to the entire public but is tailored to the characteristics of targeted audiences, thereby increasing the likelihood that the information will be believed and redistributed (Sabela et al., 2026).

AI may further be used to shape public opinion through the planned and repeated production of content. Perpetrators can generate articles, comments, images, and videos that convey the same message through different forms of presentation. When such narratives repeatedly appear through various accounts, the public may gain the impression that the information or opinion has been widely accepted. In reality, the dominance of a narrative may be artificially constructed through the automated production and dissemination of content. AI also enables information to be distributed across platforms by adapting its format to the characteristics of each social media platform (Suryanti & Apriadi, 2025). Consequently, a single piece of false information may appear as an article, short post, video, image, or comment, thereby reaching a wider range of users.

The foregoing discussion demonstrates that the misuse of artificial intelligence in hoax dissemination on social media takes various forms, including the creation of false news and narratives, manipulation of information, production of fabricated images and audio, use of deepfakes, account automation, content duplication, information personalization, and the shaping of public opinion. The development of AI makes hoax dissemination faster, more extensive, and more difficult to detect because false information can be produced in various realistic-looking forms. Therefore, AI misuse in hoax dissemination reflects not only technological changes in the production of false information but also the increasing complexity of dissemination patterns capable of influencing public perception. These conditions require stronger digital literacy and greater public caution in examining the source, context, and veracity of information before accepting and redistributing it.

Factors Contributing to the Misuse of Artificial Intelligence in Hoax Dissemination

Based on an analysis of relevant literature and developments in digital technology, several factors contribute to the increasing misuse of AI in hoax dissemination. The first is the ease of access to AI technology. Various generative AI platforms are now available, either free of charge or on a paid basis, to virtually anyone without requiring advanced technical skills. Such accessibility enables individuals and groups to use AI to generate high-quality false information. The second factor is low levels of digital literacy among the public. Many social media users still lack adequate skills to verify information or identify characteristics of AI-generated content. As a result, people are more likely to believe and redistribute information whose accuracy has not been established (Mutmainnah et al., 2024).

The third factor is economic motivation. Hoaxes are often disseminated to obtain financial benefits through increased traffic, digital advertising, or social media-based fraud. AI makes this process more efficient because it can produce large volumes of content at relatively low cost. In addition to economic motives, political motives also play a role. During various political events, AI may be used to shape public opinion, attack political opponents, create propaganda, and manipulate public perceptions through the dissemination of information that does not correspond to the facts. This condition demonstrates that AI can exert a significant influence on democratic processes when its use is not accompanied by adequate oversight (Sa'i, 2026). The findings of this study indicate that AI misuse is not caused solely by technological sophistication. It is also shaped by human factors, weak oversight, low digital literacy, and the absence of comprehensive regulations governing the responsible use of AI.

Analysis of Artificial Intelligence Misuse in Hoax Dissemination from the Perspective of Islamic Criminal Law

The development of Artificial Intelligence (AI) has introduced new challenges for the enforcement of Islamic law, particularly in relation to crimes committed through digital media. Although AI is a product of scientific and technological progress that offers numerous benefits, its use to generate and disseminate false information constitutes technological misuse that is inconsistent with the objectives of Islamic law (maqāṣid al-syarī'ah). From the perspective of Islamic Criminal Law, an act is assessed not only on the basis of its external form (actus reus) but also in terms of the consequences it produces for public welfare (maṣlaḥah) (Ariwibowo et al., 2026).

Islam places honesty (ṣidq) among the fundamental principles of social life. Conversely, all forms of falsehood (al-kadhib) are prohibited because they may cause harm to individuals and society. Hoaxes produced using AI are, in essence, forms of falsehood systematically packaged through digital technology and capable of influencing public perception on a broad scale. The prohibition against

disseminating information whose truth has not been established is affirmed by Allah SWT in Qur'an Surah Al-Hujurāt verse 6: "O you who believe, if an evildoer comes to you with news, verify its truth so that you do not harm a people out of ignorance and later regret what you have done."

This verse provides a normative foundation for the obligation to conduct tabayyun before accepting or disseminating information. The principle of tabayyun is highly relevant to contemporary developments in AI. Because AI can generate text, images, audio, and video that resemble factual material, the public can no longer rely merely on reading information; rather, users must verify its source, content, and authenticity. In the study of fiqh jinayah, AI-based hoax dissemination does not fall within the categories of jarimah hudud or jarimah qiṣāṣ-diyāt because no specific textual provision (naṣṣ) prescribes a fixed punishment for such conduct. Nevertheless, the act satisfies the elements of jarimah ta'zīr, namely an offense for which the form and type of punishment are determined by the government (ulil amri) on the basis of considerations of public welfare. The classification of AI misuse as jarimah ta'zīr is based on several considerations (Mudar et al., 2026).

Novelty of the Jarimah Ta'zīr Analysis of Artificial Intelligence-Based Hoax Dissemination

The novelty of this study lies not only in the use of Artificial Intelligence (AI) as the object of analysis but also in its legal construction of the changing character of hoax dissemination when AI is used as an instrument for producing and distributing false information. Previous studies of disinformation have shown that information disorder concerns not merely whether message content is true or false, but also the actors, motives, methods of production, and mechanisms of distribution involved (Wardle & Derakhshan, 2017). In the context of generative AI, these issues become more complex because false content can be produced rapidly, repeatedly, and in multiple formats. Accordingly, this study treats AI not merely as a neutral medium but as a factor capable of increasing the sophistication of manipulation, speed of production, reach, and persuasiveness of hoaxes. This position distinguishes the present study from analyses that assess false information solely on the basis of the substance of the content disseminated.

This change in character is clearly evident in the use of deepfake technology and synthetic media. Deepfakes make it possible to manipulate a person's face, voice, or movements so that they appear authentic even though the depicted event never occurred. Westerlund explains that advances in deepfake technology have made audiovisual manipulation easier to perform and increasingly difficult for ordinary users to detect (Westerlund, 2019). Chesney and Citron likewise show that deepfakes pose risks to privacy, reputation, democracy, and security because their visual force can increase the perceived credibility of false information (Chesney & Citron, 2019). The findings of Vaccari and Chadwick reinforce this concern by demonstrating that synthetic videos can produce both deception and uncertainty regarding information received by the public. On this basis, AI-based falsehood has a broader dimension of harm than conventional hoaxes because its fabricated elements can be made to resemble factual evidence (Vaccari & Chadwick, 2020).

From the perspective of Islamic Criminal Law, these conditions allow AI-based hoax dissemination to be analyzed more comprehensively than merely as al-kadhib, or falsehood. When a perpetrator deliberately uses AI to create content that resembles factual material, the conduct may also contain an element of tadlīs because technological manipulation is intentionally employed to mislead others. If such content is intended to damage a person's honor, provoke hostility, or create social unrest, its consequences may develop into broader mafsadah. The principle of tabayyun in Qur'an Surah Al-Hujurāt verse 6 becomes increasingly relevant because information verification in the AI era cannot be limited to examining message content; it must also assess source authenticity, context, creator identity, and the possibility of technological manipulation. Thus, technology does not alter Islam's fundamental prohibition of falsehood, but it does change the scale, form, and degree of harm associated with such conduct.

On this basis, the conceptual novelty of this study can be formulated through four parameters for assessing the seriousness of AI-based hoaxes as jarimah ta'zīr. The first parameter is the degree of technological manipulation, namely the extent to which AI is used to construct false text, images, audio, or video that resemble factual material. The second is the degree of automation and reach, referring to

the technology's capacity to reproduce and distribute content on a massive scale through bots, automated accounts, or cross-platform repetition. The third is the degree of targeting, namely the use of data or algorithmic systems to tailor false information to the characteristics of particular groups. The fourth is the degree of mafsadah, namely the magnitude of harm caused to honor, property, security, social order, or the public interest. These four parameters ensure that legal assessment does not stop at the mere existence of false information but extends to the ways in which AI increases the sophistication and consequences of the conduct.

The construction of these four parameters is important because jarimah ta'zīr fundamentally provides room for authorities to determine the form and severity of sanctions for conduct that is not subject to a specifically prescribed hadd or qiṣāṣ-diyāt punishment. Peters explains that ta'zīr is a sphere of punishment that grants rulers or judges broader discretion to assess conduct and determine sanctions on the basis of social order and public welfare. In the context of AI-based hoaxes, this discretion can be directed by the principle of proportionality: the higher the degree of manipulation, the wider the reach, the more specific the targeting, and the greater the resulting mafsadah, the stronger the justification for imposing a more severe sanction. Conversely, the use of AI without an intention to mislead must be distinguished from the use of AI that is deliberately designed from the outset to produce disinformation and manipulate public perceptions (Peters, 2005).

This approach also clarifies the relationship between the perpetrator's culpability and the role of technology. AI cannot automatically be positioned as a legal actor bearing criminal responsibility. Responsibility remains attributable to the human person or party who knowingly instructs, controls, utilizes, or disseminates the manipulated output. Thus, the novelty of this study does not lie in transferring responsibility to the machine, but rather in treating the manner in which the technology is used as an important indicator for assessing the degree of culpability and harm. The use of AI to create a single piece of false content with limited reach is qualitatively different from the combined use of deepfakes, bots, and targeting systems to shape public perceptions on a massive scale. Such qualitative differences in conduct are relevant to the formulation of proportionate ta'zīr sanctions.

This construction may also help address an area that has not been fully resolved by positive law. Law of the Republic of Indonesia No. 1 of 2024 updated the provisions on Electronic Information and Transactions, including rules governing unlawful electronic information. However, the development of synthetic media and AI capabilities demonstrates that the assessment of hoaxes can no longer focus solely on the final content. The process of creation, degree of manipulation, automation of distribution, and capacity for targeting also determine the magnitude of the resulting risk. From the perspective of Islamic Criminal Law, these aspects can be incorporated into ta'zīr considerations because the purpose of punishment is not merely retributive; it also includes preventing harm, protecting society, and preserving public welfare. Accordingly, the framework proposed in this study can serve as a complementary normative approach to understanding AI-based digital crime (Law No. 1 of 2024).

The novelty of this study gains a stronger foundation when connected to maqāṣid al-syarī'ah. Auda emphasizes the importance of understanding maqāṣid through a systemic approach oriented toward the realization of public welfare. AI-based hoax dissemination may undermine the protection of intellect (hifẓ al-'aql) when information is deliberately manipulated to mislead public perception; threaten the protection of property (hifẓ al-māl) when used as part of fraudulent schemes; damage honor and dignity when deepfakes are used to falsify a person's identity or actions; and even affect the protection of life (hifẓ al-nafs) when disinformation triggers panic, violence, or other harmful conduct (Auda, 2008). Therefore, this study offers a novel construction of jarimah ta'zīr based on the degree of technological manipulation, automation and reach, targeting, and mafsadah. This construction extends the analysis of Islamic Criminal Law from a mere assessment of falsehood toward a framework that is more adaptive to the characteristics of digital crime in the age of Artificial Intelligence.

CONCLUSION

From the perspective of Islamic Criminal Law, the misuse of AI to disseminate hoaxes is contrary to the principles of honesty (ṣidq), trustworthiness (amānah), and the obligation of tabayyun

as taught in the Qur'an and hadith. Such conduct contains elements of al-kadhib (falsehood), fitnah (slander), tadlīs (deception), and mafsadah (harm), and may therefore be classified as jarimah ta'zīr. Accordingly, the government has the authority to determine proportionate sanctions according to the degree of harm caused in order to protect public welfare. Law enforcement against AI misuse should also be accompanied by enhanced digital literacy, stronger ethical standards for social media use, and the development of regulations capable of accommodating advances in artificial intelligence technology so that the objectives of Islamic law (maqāṣid al-syarī'ah) in protecting religion, intellect, life, property, and social order can be realized.

Based on the findings of this study, the government and relevant institutions should strengthen regulations governing the use of Artificial Intelligence in digital environments, particularly those relating to the production and dissemination of hoaxes. Such regulations should consider the degree of technological manipulation, dissemination reach, information targeting, and the magnitude of the resulting mafsadah as a basis for determining legal responsibility and proportionate sanctions. In addition, digital literacy and public understanding of the principle of tabayyun should be continuously strengthened so that social media users are better able to identify, verify, and refrain from redistributing AI-manipulated content. Future research should also develop more empirical analyses of the application of jarimah ta'zīr to concrete cases of AI misuse in order to strengthen the relevance of Islamic Criminal Law in responding to the development of digital crime.

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