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# Privacy Space Anomalies in Network Society (Tafsir Review of Surah Al-Hujarat Verses 11-12)

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#### ABSTRACT

This study focuses on a current social reality, where there is a crisis in the privacy space of social media users on various social media platforms. On the one hand, various social media platforms already offer a "private account" feature, but on the other hand, social media users cannot control the content they upload on social media, even though the private account feature has been activated. Social media opens up freedom to upload whatever they want, but uploaders do not have full control over their uploads, so they can be accessed by other social media users at any time. This phenomenon is an anomaly in the privacy space in network society. The study of the privacy crisis will be seen from the perspective of the Al-Qur'an, Surah Al-Hujarat Verses 11-12. The aim of this study is to analyze the interpretation of the Al-Qur'an Surah Al-Hujarat Verses 11-12 regarding the phenomenon of anomalous space in network society. This research uses qualitative research, which is descriptive analysis, with a type of document analysis research (content analysis), so this research is included in library research. The tafsir books that are references are the book Tafsir Hasyiyah Al-Shawi 'Ala Tafsir Jalalain and the book Tafsir Al-Misbah. The results of the study showed that the two verses of Surah Al-Hujarat really respect the realm of human privacy. The contents of these two verses include prohibitions that could potentially disturb or intrude on someone's privacy. These two verses can be said to be an early warning of the dangers or impacts that will occur if someone's privacy is violated, namely that there will be disputes, disputes, even hostility.

Keywords: Anomaly, Privacy Space, Crisis, Social Media, Network Society, Al-Hujarat

#### INTRODUCTION

Advances in information technology are increasingly developing rapidly and continue to increase sharply along with the progress of the times. Everyone believes that current advances in information technology have greatly helped and made their affairs easier in almost all aspects of life. It could almost be said that the human condition today is greatly spoiled by information technology and all human affairs are facilitated by advances in information technology. However, behind the convenience of information technology, it certainly has consequences behind the progress of information technology as it is today. The real consequence that is currently emerging is the issue of privacy which is actually threatened because of

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the freedom of access that every user of information technology has.

Information privacy or information privacy is an important thing for everyone to understand in this modern era. The aim is to find out the extent to which information privacy can be achieved by using information technology applications. This means that individuals or users of information technology can determine which information can be shared and which information must be protected, or is often coined with the phrase "filter before sharing".

Reporting from the Information Literacy Book (2021) by Dewi Yanti Liliana and friends, information privacy is the privacy of personal information and is usually related to personal data stored on a computer system. Information privacy is known as data privacy. Information privacy is considered an important aspect of various information. With the advancement of digital technology, the vulnerability of personal information has increased. The need to maintain information privacy applies to personal information collected, such as medical records, financial data, criminal records, political records, business-related information and so on.

Protection of personal data in an electronic system in the Information and Electronic Transactions Law (UU ITE) includes protection from unauthorized use, protection by electronic system operators and protection from illegal data access intervention. Article 26 of the 2008 ITE Law reads as follows: The use of any information via electronic media that concerns a person's personal data must be carried out with the consent of the person concerned. Any person whose rights as intended in paragraph (1) have been violated may file a lawsuit for losses incurred based on this Law. Article 26 of the ITE Law states that personal data is part of a person's personal rights. Personal data in Article 1 of the Government Regulation on Electronic System Organizers (PP PSE) is defined as certain individual data that is stored, maintained and maintained as correct and protected as confidential. Personal data that is lost, illegally manipulated, leaked, or fails will be protected by the Electronic System Operator. Article 15 paragraph (2) PP PSE regulates that in the event that the electronic system operator experiences a failure in safeguarding the personal data that is managed, the PSE is required to provide written notification to the owner of the personal data.

The following are several examples of cases of violations of the ITE Law that have caused a stir on social media, namely:

## 1. Prita Mulyasari

Prita Mulyasari's case began with the distribution of Prita's electronic letter containing complaints about services from Omni International Hospital. This case, which emerged in 2009, was one of the first prominent cases related to the ITE Law. Prita was sentenced to Article 27 paragraph 3 of the ITE Law concerning the distribution of information or electronic documents containing hatred or defamation and was sentenced to 3 weeks in the Special

Women's Prison in Tangerang.

#### 2. Ariel Noah

The case of Ariel's pornographic video with several top Indonesian celebrities in 2010 certainly cannot be forgotten. Ariel Noah was charged under the ITE Law because he was proven to have made and distributed pornographic video recordings. The judge then sentenced Ariel Noah to 3.5 years in prison and a fine of IDR 250 million.

# 3. Benny Handoko

Just because of a tweet on Twitter, Benny Handoko became a suspect on charges of defaming a politician, Mukhammad Misbakhun. The tweet from the man who is usually called Benhan is related to the Century Bank case. In this case, Benhan declared Misbakhun a "robber" of Century Bank. In February 2014, Benhan was sentenced to 6 months in prison with a probation period of 1 year at the South Jakarta District Court.

# 4. Florence Sihombing

Because he created a Path status containing insults towards Yogyakarta residents, Floren Sihombing was detained for 2 days by the DI Yogyakarta Police Headquarters. The police used Article 27 paragraph 3 of the ITE Law and Articles 310 and 311 of the Criminal Code to ensnare Florence. Apart from receiving punishment from the police, Florence also received social punishment from the community, especially netizens.

# 5. Muhammad Arsyad

A young man who worked as a satay assistant, Muhammad Arsyad, was charged with multiple articles, Article 29 Juncto Article 4 paragraph 1 Law Number 44 of 2008 concerning Pornography, Articles 310 and 311 of the Criminal Code, Articles 156 and 157 of the Criminal Code and Articles 27, 45, 32, 35, 36, 51 of the ITE Law. The reason is, Arsyad is considered insulting by Jokowi and Megawati because he edited their faces and connected them to a number of photos of naked bodies and distributed them via Facebook.

The cases above are only a handful of cases of privacy violations on social networks, especially regarding privacy in the use of social media accounts themselves. There are many other cases that are not published by mainstream media, such as cases of brawls and disputes between colleagues due to posts on social media, there are also several people who are terrorized by certain parties as a result of their posts about sensitive issues on social media. Social networks (society networks) give rise to conflict over privacy or things that are considered private by social media users.

Some social media offer a "private account" feature, but social media users cannot control the content they upload on social media, even though the private

account feature has been activated. Social media also opens up freedom for users to upload whatever they want on social media for public consumption. However, this freedom is not accompanied by full control of content uploaders even though their access has been restricted. Because the upload circle is still connected to other circles and so on, thus creating circles that can cause privacy problems. This anomalous phenomenon of private space raises big questions regarding the idea of "privacy" itself in the sociocultural context in Indonesia.

In this article, the author will discuss the importance of protecting and caring for privacy information, especially other people's privacy (personal) data on social media, in terms of the content or interpretation of the Al-Qur'an Surah Al-Hujarat verses 11-12.

#### **RESEARCH METHODS**

This research is descriptive analysis, with a type of document analysis research (content analysis), where the method of processing, analyzing and interpreting data uses qualitative methods, namely collecting data directly from texts or documents. Because this research is an analysis of texts or documents, this research is included in normative research with a descriptive analysis approach.

The method used in this research is library research from expert opinions formulated in books. This method is often known as library research, namely collecting data from books or scientific works that are directly related to the main problem. In its development, library research can be divided into at least two forms, namely: first, library research which requires processing empirical significance tests in the field; and second, literature studies which require more philosophical and theoretical processing than empirical tests. The study of tafsir books that are used as references in this article are the book Tafsir Hasyiyah Al-Shawi 'Ala Tafsir Jalalain and the book Tafsir Al-Misbah.

#### RESULTS AND DISCUSSION

## **Understanding Privacy**

Privacy is defined as the ability of an individual or group of individuals to maintain their personal space from public consumption, where a person attempts to maintain and control the flow of their own information. In other words, privacy is also defined as an individual's right to determine to what extent and whether someone is willing to disclose their privacy (personal data) to other people. New data is said to be personal data if the data can be used to recognize or identify someone (Witri, J. A. R. 2019).

On the one hand, interaction is a human need because humans are social creatures, but on the other hand, privacy is also a need for humans. Irwin Altman stated that privacy is selective control of access to the self (Margulis, 2011). Altman also stated that privacy operates individually and in groups, with three important

emphases in aspects regarding privacy, namely (1) privacy is an inherently social process, (2) understanding the psychological aspects of privacy includes interactions between humans, their social world, physical environment, and social phenomena that are naturally temporary, and (3) privacy has a cultural context; Specifically, privacy is a culturally universal thing, but has culturally specific psychological manifestations (Margulis, 2011). At this level, self-boundary is a keyword in privacy. In gaining privacy, a person will exercise controlled self-limitation of access to themselves from their social environment. In other words, the issue of privacy is a matter of a person's protection and control over themselves.

With privacy, a person can determine for themselves when, how, and to what extent information about themselves is disclosed to others (Margulis, 2011). Therefore, Westin notes that privacy occurs at three levels, namely the individual level, group level, and organizational or institutional level (Margulis, 2011). In the context of social media use, privacy occurs at the individual level to the group level, where users involve at least people they consider safe to share private information via social media channels.

Privacy is an elastic concept due to various social and cultural contexts regarding by whom, how, when, and where the concept is applied. The application of privacy also intersects with various domains, ranging from psychology, law, economics, health and politics. At the level of social media use, privacy intersects with information disclosure, self-disclosure, and the representation of users' identities. The debate that arises regarding privacy in this era of social media revolves around whether or not there is privacy and what the forms and limits of information that is considered private are. In research conducted on the meaning of privacy in the use of social media by young Indonesians, it was found that there was a tug of war at the level of how social media users "balanced" between the desire to share their personal information and the need to have control over the disclosure of that information (Purwaningtyas , 2019).

Apart from personal rights, there are also human rights related to data protection. Where there are basic rights that form the basis of human rights themselves, namely the right to privacy. This statement is in line with the concept of human rights itself which is built on privacy as its basis (Anjas PP ,2020) Data protection is also a fundamental human right. because several countries have recognized data protection as a constitutional right, namely a person's right to obtain security for the data they have and to be justified when errors are found in their data(Sinta Dewi,2016).

Thus, the definition of privacy in the frame of social media use is focused on two levels, namely "self" and "space". At the level of "self", privacy becomes a transaction process in which the risk of losing a self that is considered authentic to some extent is exchanged for the individual's potential to obtain certain social

recognition that he desires. At the "spatial" level, privacy is an effort to build a semitransparent personal space as an arena for contestation of the exchange process to obtain reciprocal relationships. In this frame of meaning, users do not feel that their privacy has been violated as long as they receive the sensation of social recognition, equality and reciprocity in the social media space.

In Government Regulation Number 82 of 2012 in Article 1 number 29 contains the definition of personal data. Where personal data protection is a necessity for consumers when carrying out online transactions. Considering that consumers are in a weak condition, they must receive legal protection, especially since the consumer's personal data is closely related to the consumer himself.

Protection of personal data in an electronic system includes protection from unauthorized use, protection by electronic system operators, and protection from illegal access and interference. Regarding the protection of personal data from unauthorized use, Article 26 of the Information and Electronic Transactions Law requires that the use of any personal data in electronic media must obtain the consent of the owner of the data concerned (Rosalinda Elsina Latumahina, 2014).

# In Law Number 11 of 2008 concerning Electronic Information and Transactions, Article 26 confirms that:

- a. The use of any information via electronic media that concerns a person's personal data must be carried out with the consent of the person concerned.
- b. Any person whose rights as intended in paragraph (1) have been violated may file a lawsuit for losses incurred based on this Law

In its explanation, Article 26 of the Information and Electronic Transactions Law emphasizes that personal data is one part of a person's personal rights. When viewed from a legal context, privacy is a right to be let alone. Meanwhile, Indonesian legal guidelines for maintaining privacy come from paragraph 19 of the Information Technology Law which states that privacy is an individual's right to control the use of information about personal identity either by themselves or by other parties.

# Privacy Reviewed in QS. Al-Hujarat Verses 11-12.

1. Tafsir of Surah Al-Hujarat [49] Verse 11

يَّايَّهَا الَّذِينَ الْمَنُوا لَا يَسَخَرُ قَوْمٌ مِّنْ قَوْمٍ عَلَى اَنْ يَكُونُواْ خَيْرًا مِّنْهُمْ وَلَا نِسَآءٌ مِّنْ نِسَآءٍ عَلَى اَنْ يَكُونُواْ خَيْرًا مِنْهُمْ وَلَا نِسَآءٌ مِّنْ نِسَآءٍ عَلَى اَنْ يَكُونُواْ خِيْرًا مِنْهُمْ الْفُسُوقُ بَعْدَ الْإِيْمَانِ وَمَنْ لَمْ يَتُبْ خَيْرًا مِنْهُمُ الظَّلِمُونَ فَمَ الظَّلِمُونَ فَا الْطَلِمُونَ

Meaning: O you who believe, do not let a group of men make fun of another group, perhaps the person being mocked is better than them. And don't let a group of women make fun of another group, maybe the one being made fun of is better than them. And don't mock yourself and don't call yourself bad

names. The worst calling is wickedness after faith. And whoever does not repent, then they are the wrongdoers. (Al-Hujarat [49] : 11) (Kementerian Agama RI, 2010).

The paragraph above provides instructions on several things that must be avoided to prevent violations of privacy rights on social media. This is also inseparable from Allah SWT's command in the previous verse, namely to reconcile (ishlah) our brothers who are fighting or disagreeing. The things that must be avoided because they can result in a violation of a person's right to privacy based on the paragraph above are as follows:

- a. Making fun of each other among social media users (Bullying),
- b. Mocking or criticizing oneself (including exposing one's partner or family's disgrace),
- c. Calling other people bad names or titles.

The word ( يسخر ) "make fun of" namely mentioning other people's shortcomings with the aim of demeaning or laughing at other people, either by words, actions or behavior. Practices like this on social media are often called Bullying and Body Shamming.

The word (المنزوا) is taken from the word (المنزوا) "to ridicule or criticize oneself". Ibn 'Asyur, as quoted by Shihab, defines it as teasing that is directly directed at the person being mocked, either with gestures or words used as a mockery or threat.¹ Regarding the prohibition on mocking or criticizing oneself in the verse above, Al-Jalalain said that "The believers are like one body, so whoever mocks another person is mocking himself; or it can also be understood that anyone who mocks another person will one day receive the same ridicule, perhaps even worse, from someone else (either from someone who was previously teased or from someone who was not teased)". Meanwhile, Quraish Shihab said that "the prohibition on self-mocking is aimed at every individual, in the sense that we should not carry out activities that invite other people to insult and mock you, because if so then you are mocking yourself".

In the context of social media, one of the efforts to care for and maintain personal privacy is by not exposing content that could reveal the disgrace or shortcomings of our own partner/family. Nowadays there is actually some content that gives the impression of being lost control, that is, for the sake of a little profit they are willing to pawn off their dignity and self-respect.

The word ( النبز ) "calling a bad title" is taken from the word ( النبز ), namely "bad title". Quraish Shihab said that "this prohibition uses a form of words that contain reciprocal sentences, where a bad title is usually used openly in an open place to call someone, then the person being called feels offended and replies to the

call with a bad title too, so tanabuz occurs".Al-Jalalain explained that what is meant by "bad title" is a title that is disliked or hated by the person to whom it is given.<sup>2</sup> This phenomenon on social media often sees cases of people being called "bad titles", such as labeling the name "kadrun" for one group and labeling the name "cebong" for another group.

These are the three things that Allah SWT commands us to avoid and stay away from. Because these three cases are believed to be the seeds of violations of privacy which at any time can damage and destroy Islamic brotherhood in the lives of Muslims.

# 2. Tafsir of Surah Al-Hujarat [49] Verse 12

Meaning: O you who believe, stay away from most prejudices (suspicions), because some of them are sins. And don't look for bad things in people and don't gossip about each other. Is there anyone among you who likes to eat the flesh of his dead brother? Then of course you feel disgusted with him. And fear Allah, indeed Allah is the Most Accepting of repentance, the Most Merciful. (Al-Hujarat [49]: 12)

The verse above certainly has a meaning relationship with the previous verse (QS. Al-Hujarat: 11). In this case, Qurasih Shihab said that calling a bad name - as prohibited in the previous verse - is very likely to be done on the basis of unfounded suspicion (prejudice), which is prohibited in the verse above. Then, it is not uncommon for these bad prejudices to become the cause of someone wanting to find out more about what they suspect. In the end, someone tends to gossip and expose other people's disgrace after they learn about someone's bad situation.

Therefore, in the verse above, Allah SWT forbids us from being suspicious because it can result in other disgraceful and vile acts, namely backbiting and exposing other people's disgrace. Allah SWT's prohibition against this heinous act is very strict, this can be seen from the parable of the person who commits this heinous act as if he were eating the flesh of his own dead brother. Finally, Allah SWT guides His servants to always be devout and repent for the mistakes they have made.

The word (الظن) means having bad prejudice, such as having bad prejudice against people who are actually good among the believers, so that is a sinful act. Sufyan Tsuri said that Zhan is divided into two: first is sin, namely zhan which is accompanied by saying what is zhan-kan; secondly, it is not sinful, that is, it is only

limited to zhan and is not accompanied by words about what is zhan-kan. In this case, Quraish Shihab said that:

The verse above confirms that some allegations are sin, namely unfounded allegations. Usually, unfounded allegations that can result in sin are bad assumptions that are without basis, because they can lead someone into sin. By avoiding bad assumptions and prejudices, members of society will live calmly, peacefully and productively, because they will not doubt other parties and will not channel their energy into useless things. This guidance also protects every member of society from demands for new things that are prejudiced. In this way, this verse confirms the principle that: A suspect is not declared guilty until his guilt is proven, and a person cannot even be prosecuted until the allegations against him are proven to be true. In this context, the Messenger of Allah advised: "If you suspect (i.e. something bad occurs to someone else in your mind) then do not continue your suspicion by going any further (HR. Ath-Tabarani).

In the context of the Society network, this bad prejudice can occur as a result of multiple interpretations of an upload, or content/photos edited by buzzers that try to undermine someone's integrity. So it is very important to prioritize ethics in consuming any news on social media. This is intended so that we are not eroded by the flow of media which deliberately creates a framing that is different from the existing reality.

The word (جسّ) comes from the word (جسّ), namely an attempt to find out in a hidden way. Imam al-Ghazali understands this prohibition as an act of not allowing people to be kept in secrecy. Everyone has the right to hide what other people don't want to know, so don't try to reveal what they keep secret. Finding out about other people's mistakes usually arises on the basis of negative suspicions about them, which is why the prohibition on "finding out" other people's mistakes is mentioned after the prohibition on "prejudice". Al-Jalalain interprets نجسسوا afraid and worried about what you already know (in the context of news that is of no use). If we like to find out other people's secrets then one day Allah SWT will reveal our more embarrassing secrets.

Digital track records are often used to look for other people's shortcomings, ugliness and disgrace. The results of the search are then exposed and published on social media with the intention of embarrassing other people and tarnishing their reputation. This practice is called finding out other people's faults digitally, so that what is called digital sin occurs. Not only exposing other people's disgrace, exposing or publishing one's own disgrace (such as pornographic content from a personal collection) is also included in the prohibition on the contents of the paragraph above. Religion strictly prohibits exposing other people's disgrace

because it has the impact of causing estrangement and even breaking ties of friendship.

The word (غیبة) comes from the word (غیبة) which is taken from the word (غیبة) which is not present (unseen). Backbiting is calling someone else who is not present in front of the speaker something that is not liked by the person mentioned. Al-Jalalain defines it as referring to someone else's bad situation as something he hates, even if the situation is true.<sup>3</sup> If the bad situation (badness) mentioned is not true or is made up in mentioning other people's bad things, then it is called buhtan (big lie).

It can almost be said that backbiting on social media cannot be stopped. Most social media users use their social media accounts to spread gossip, sometimes even deliberately creating rumors that are classified as backbiting. In fact, the impact of backbiting on social media is much greater than backbiting carried out directly on a group of people. Because backbiting on social media is not certain how many people consume it, while backbiting directly to a group of people, there is a certain number of people who listen to it. Social media is like a knife, if used as a kitchen tool then the knife provides great benefits for the user. However, if the knife is used to stab/kill another person, then the knife will be a disaster for the user. That's the case with social media, you have to be smart in using it, so as not to cause harm to its users.

Under certain circumstances, the scholars condone or allow backbiting and there is no sin in doing so. The circumstances referred to are as follows:

- a. Asking for a fatwa, namely someone who asks about the law by mentioning a particular case and giving an example. This is like a woman named Hind asking for a fatwa from the Prophet regarding her husband, Abu Sufyan, citing his stinginess. Namely, can a wife take her husband's money without his husband knowing?
- b. Calling out the ugliness of someone who does not hesitate to show his ugliness in public. Like calling A a drunkard, because he often drinks in public and gets drunk.
- c. Conveying someone's bad deeds to the authorities with the aim of preventing evil from occurring.
- d. Conveying bad things about someone to someone who really needs information about the person concerned, for example in the context of receiving an application.
- e. Introducing someone who cannot be known except by mentioning their faults/flaws. For example, "Person A is blind in one side".

As previously mentioned, the prohibitions contained in the verse above (QS.

Al-Hujarat: 12) have a cause and effect relationship. Zhan is the main cause that results in Tajassasu and Ghibah. Therefore, stay away from zhan so that we can also avoid Tajassasu and backbiting. This backbiting has a huge impact on the lives of Muslims, because it can damage the Islamic brotherhood as a whole.

Yaskhar, Talmizu, Tanabazu are just incidents between one person and another, and only those involved feel the impact. Zhan and Tajassasu are two jobs that can be said to be hidden because only the person doing them knows the plight of another person. Meanwhile, it cannot be ensured that only one person is listening to the Ghibah, because it could be that the Ghibah occurs in a public place where it is heard by many people, thus having a broad impact on human life. Especially if this backbiting is done on social media which will be consumed by an unknown number of people. Therefore, backbiting is one of the major sins that must be completely avoided.

#### **CONCLUSION**

The Al-Qur'an in Surah Al-Hujarat verses 11-12, really respects a person's privacy anywhere, whether in the real world or in cyberspace (social media). The teachings of the Qur'an strictly prohibit all actions, words, attitudes that can invade other people's privacy. The two verses discussed in this article have their own domain for protecting and caring for human privacy. The following is the content of these two verses and is related to the privacy space on social media.

## 1. Surah Al-Hujurat verse 11

- a. A call not to make fun of each other; such as Bullying and Body Shamming practices that often occur on social media are part of teasing behavior.
- b. A call not to ridicule or criticize oneself (including revealing the disgrace of one's partner or family); The act of insulting yourself or insulting your own family on social media, such as uploading unethical content, actually seems to be bad for yourself.
- c. The call does not call with a bad call/title; labeling the terms "kadrun" and "cebong" for each group on social media is part of calling them bad names.

## 2. Surah Al-Hujurat verse 12

- a. Prohibition of prejudice against others; on the Society network, this bad prejudice can occur as a result of multiple interpretations of an upload, or content/photos edited by buzzers that try to undermine someone's integrity..
- b. Prohibition of finding out about other people's disgrace or badness; The practical practice on social media in this regard is to search for and upload/publish negative digital track records of someone with the aim of bringing down or insulting that person.
- c. Prohibition of indulgence in backbiting; On social media, you mostly find

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content that is classified as backbiting, whether it is in the form of writing your own status, sharing other people's content, or uploading videos that contain elements of backbiting. What's even worse is that a handful of people actually use social media to spread hoax news, which in fact is classified as backbiting.

3. Overall, the two verses of Surah Al-Hujarat deeply respect the realm of human privacy. The contents of these two verses include prohibitions that could potentially disturb or intrude on someone's privacy. These two verses can be said to be an early warning of the dangers or impacts that will occur if someone's privacy is violated, namely that there will be disputes, disputes, even hostility...

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