

Characteristics of Hate Speech and Freedom of Expression in the Perspective of *Maqāṣid Al-Sharī'ah*

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Abstract: This article discusses the model of freedom of speech that is prohibited and categorized as hate speech using the *maqāṣid al-sharī'ah* approach. The prohibition and sanctioning of hate speech has been a dilemma. On the one hand, it prevents someone from hurting other people's feelings. On the other hand, it violates freedom of speech. This research is a literature study in which the data were obtained from the texts of the Qur'an. Through normative-empirical and *maqāṣid al-sharī'ah* approaches, this study reveals that freedom of speech is part of human rights, which in the *maqāṣid al-sharī'ah* perspective can be categorized as protection of freedom of thought (*ḥifẓ al-'aql*). However, when freedom of speech is not controlled, it can potentially become hate speech that can threaten another *maqāṣid al-sharī'ah*, namely the protection of the soul (*ḥifẓ al-nafs*). The identification and categorization of an action as hate speech or an expression of freedom of speech are based on the benefits. The findings of this study are expected to educate the public in distinguishing between freedom of speech and hate speech according to *maqāṣid al-sharī'ah* to minimize conflict and hostility.

Keywords: Hate Speech; Freedom of Speech; *Maqāṣid al-Sharī'ah*

Introduction

The issue of hate speech in Indonesia continues to rise from time to time, especially as the 2024 general election is approaching. In a press release, the Governor of Lemhanas, Andi Widjajanto, mentioned that there are three major challenges in the political escalation of 2023-2024, namely identity politics, misinformation, and hate speech. The statement was confirmed by the Indonesian National Police, which explained that based on the experience of the 2019 elections, hoaxes and hate speech will increase in the 2024 elections (Biro Humas Lemhannas Republik Indonesia, 2022).

Several cases which occurred justify the above statement, such as the case of one of BRIN's researchers, Andi Pangerang Hasanuddin, who was stated as a suspect in a hate speech case of "legalizing Muhammadiyah blood" (Irawan, 2023) and the alleged hate speech committed by Ferdinand Hutahaean in January 2022 after he tweeted "your Allah is weak" on his social media (CNN Indonesia, 2022).

Regulations restricting hate speech are controversial because they are perceived as restricting freedom of speech, which is a fundamental aspect of democracy. Critics believe that preserving freedom of speech as a basic right of every human being is more costly than the harm that can be prevented from criminalization of speech that is considered harmful (I Hare & Weinstein, 2009).

On the one hand, leaving it unregulated and opening the freedom of speech as widely as possible, without considering the aspects of statements that contain hate speech, will allow the community to be in a situation of mutual hatred. On the other hand, limitation will lead to arbitrariness, which is contrary to the freedom of speech guaranteed by the Constitution and Human Rights. In addition, freedom of speech is also guaranteed by the state as part of the pillars of democracy.

There have been different views regarding sanctions against the perpetrators of hate speech and freedom of speech as a basic principle of human rights. One side argues that the application of the law against hate speech lies in a narrow interpretation of freedom of speech, which has the potential to be abused for certain interests (Pamungkas, 2016). In this context, Andreanus Sapta questioned the issuance of the Chief of Police Circular Letter (SE) which regulates the handling of hate speech. The Chief of Police Circular Letter is considered to contain doubts about the certainty of the meaning of hate speech which has a narrow and summary interpretation. Therefore, it has the potential to abuse the meaning to realize certain interests and potentially violate human rights, the right to expression and express opinions in public (Pamungkas, 2016).

Others argue that it is still necessary to create regulations that regulate and sanction acts of hate speech. Any utterance, statement or incitement aimed at discriminating or committing violence against a person or group, because of racial, ethnic or religious background, even sexual orientation, is an act that is contrary to humanity and human rights (Anam & Hafiz, 2015).

Different from the concept of democracy which places the freedom of speech as one of its pillars, in the context of *maqāṣid al-sharī'ah* reasoning, freedom of speech is classified as an embodiment of *ḥifẓ al-'aql* which is guaranteed in *sharia*. In other words, everyone is entitled and free to express their opinions not only because it is a right but also an obligation. However, in addition to the guarantee of freedom, Islamic teachings also set limits in order to respect and uphold the dignity of others. The concept of *maqāṣid al-sharī'ah* also considers *maslahah* and *mafsadah* as a reference for determining the law on a *mukallaf's* action. In other words, the legal prescriptions that will be imposed on the actions of *mukallaf* are intertwined between the realization of good and the avoidance of harm (*jalb al-maṣālih wa dar'u al-mafāsīd*).

There have been some studies focusing on hate speech, including: first, research on the terminology of hate speech and the difference between free speech and hate crime conducted by Alkiviadou (2019), Gelber (2019), and Howard (2019); second, research on hate speech in several countries conducted by Cohen-Almagor (2016) in the United States, Yola (2017) in Nigeria, Kang (2018) in Canada and the United States, Deveci (2019) in Turkey and Alaburić (2018) who studied hate speech in Europe; third, research on the means and objects used to commit hate speech conducted by Frenda et al. (2019) about hate speech on Twitter, Febriana (2019) about cyberbullying on Twitter (MacAvaney et al., 2019) and Abdurrahman (2022) about hate speech on social media; fourth, research focusing on the position of freedom of speech and hate speech in various perspectives, including the *maqāṣid al-sharī'ah* perspective by Hamim (2021), Tamam (2021) and Arisandy (2022), the Qur'anic perspective by Syakur (2021) and Hadith perspective by Mundzir (2023).

Hamim's and Tamam's study employed a similar theory for looking at freedom of speech and hate speech, namely *maqāṣid al-sharī'ah*. However, the works focused more on the importance of protecting freedom of speech and the prohibition of hate speech. The two studies do not mention the existence of *maqāṣid al-sharī'ah* as a basis for understanding hate speech even though they use the Qur'an and hadith as their data source as also done by Ni'ami (2021) and Rusydiana (2022).

Thus, the study of hate speech and freedom of speech from the perspective of *maqāṣid al-sharī'ah* has not been done specifically. This study complements the previous studies by offering the *maqāṣid al-sharī'ah* perspective for looking at the phenomenon of hate speech through the identification of distinctions between hate speech and freedom of speech based on Qur'anic principles through *maqāṣid al-sharī'ah* analysis. The purpose of this study is to produce theoretical-categorical findings on the distinction between hate speech and freedom of speech.

Literature Review

Freedom of Speech

Freedom of speech is the right to express information, ideas, and opinions free from government restrictions (T. Editors of Encyclopaedia Britannica, 2023). Freedom of opinion is a basic and inherent right possessed by every individual that is natural and not a gift from the state; hence, it is referred to as one of

human rights (Muladi, 2009). At international level, freedom of speech is protected through the regulatory instruments of the General Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). Freedom of expression is explicitly stated in Article 19 paragraph 2 of the ICCPR:

“Everyone has the right to freedom of expression, and this right includes the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of works of art, or through any other media of his choice.”

These two regulations have been ratified by almost all countries in the world. Indonesia ratified the ICCPR on October 28, 2005 through the Law of the Republic of Indonesia of 2005 on the Ratification of the International Covenant on Civil and Political Rights (Institute for Criminal Justice Reform, 2012).

Indonesia, long before the ICCPR was agreed, has established freedom of speech as a right recognized and protected by the constitution as stated in the 1945 Constitution article 28E paragraph (3) and article 28F:

“Everyone has the right to freedom of association, assembly and expression” and “Everyone has the right to communicate and obtain information to develop his/her personal and social environment, and has the right to seek, obtain, possess, store, process and convey information by using all available channels”.

However, the strong legal protections for freedom of speech have not kept pace with practices in society. Some repressive measures are taken against those who criticize the government or other parties. The enactment of the Electronic Information and Transaction Law (ITE), the Criminal Code (KUHP) on defamation articles and articles on insults against the president/vice president, for example, often legitimize these repressive actions and further contribute to the limitation of freedom of expression. In 2020, civil liberties declined and were the worst in the last 10 years. In the same year, there were at least 119 cases of violations of the right to freedom of expression using the ITE Law, the highest number within the last six years (Amnesty International Indonesia, 2021).

Moreover, freedom of speech is an inherent right of every individual, but it does not mean unlimited freedom; rather it is a derogable right (Marwandianto & Nasution, 2020). Basically, the restrictions as stated in UDHR article 29 are prescribed by law, which means that the restrictions are determined by law in order to respect the rights of others. The restriction is not to curb someone from expressing an opinion but to make freedom of opinion responsible (Anggara et al., 2010; Kasim, 2001).

Hate speech

Hate speech is speech or expression that denigrates an individual or some individuals on the basis of (alleged) membership in a social group identified by attributes such as race, ethnicity, gender, sexual orientation, religion, age and physical or mental disability (Curtis, 2023). According to Nozick (1974) and Parekh (2012, p. 41), the characteristics of hate speech can be categorized into three elements; first, it is directed at a particular individual or group of individuals in an arbitrary or normatively irrelevant manner; second, it labels the target group either implicitly or explicitly with something undesirable; and third, it makes the target object a legitimate object of hostility.

In Indonesia, the characteristics of hate speech are formulated in several regulations, including the Criminal Code, Law No. 11/2008 on Electronic Information and Transactions, Law No. 40/2008 on the Elimination of Racial and Ethnic Discrimination, and Circular Letter of the Chief of the Indonesian National Police (Kapolri) number SE/6/X/2015 on the Handling of Hate Speech. In general, the intended characteristics (as per Law No. 11/2008) are:

1. Intentionally and without the right, spreading false and misleading news.
2. Intentionally and without the right, disseminating information aimed at creating a sense of hatred or hostility of individuals and/or certain community groups based on ethnicity, religion, race and intergroup (SARA).

Hate speech intersects with freedom of expression and opinion, making it difficult to distinguish between the two. For example, one party considers that an action is an expression of opinion but the other party considers it as harassing others. In addition to its position, the difference between hate speech and

freedom of speech also lies on the aspect of its legal force. Protecting the public from hate speech is an argument to suppress freedom of speech, which is a human right, and therefore needs to be eliminated. Meanwhile, giving unlimited freedom of speech also threatens safety and disturbs peace, so a limit is needed, namely implementing regulations on hate speech.

Hate speech can be done through various media, among others: 1. in campaign speeches, 2. banners, 3. social media networks, 4. public expressions of opinion (demonstrations), 5. religious lectures, 6. print and electronic mass media, and 7. pamphlets. (Kusuma & P. Lubis, 2016).

Maqāsid al-sharī'ah

Maqāsid al-sharī'ah is one of the methods to understand and explore Islamic law that must be mastered by a mujtahid. Scholars such as al-Ghazalī (1971), al-Syātībī (2004) and Ibn 'Ashūr (2006) offer different definitions. However, in general, they explain that *maqāsid al-sharī'ah* is the ultimate goal of the establishment of sharia, which is to be realized through the Qur'an and hadith, namely bringing benefit and avoiding harm (Zaprul Khan, 2020).

During the time of the Companions and Tabi'in, the term *maqāsid al-sharī'ah* was not yet known, and it only emerged as a separate discipline in the field of fiqh after the third century. However, substantively the Companions had practiced it when they determined a law based on the purpose and meaning of a text. One such example is Umar's decision to abolish the law of hand-cutting for thieves during the season of food shortage in Medina. The reason is that the application of the law of hand-cutting in times of food scarcity is contrary to the principles of justice that the Shari'ah intends to address (Auda, 2013).

The long history of the formulation of *maqāsid al-sharī'ah*, which began in the 3rd century, ended in the 8th century in the era of al-Syātībī who made *maqāsid al-sharī'ah* the principle of Islamic law and therefore he is called the founder of *maqāsid al-sharī'ah* science. The major role played by al-Syātībī is: first, making *maqāsid* which was originally loose *maslahat* into a legal principle; second, shifting the position of *maqāsid* (the purpose of sharia) from the wisdom behind the rules to the basis for formulating the rules; and third, establishing the position of *maqāsid* from uncertainty to belief based on the process of induction from the text (Al-Quran and Hadith) (Auda, 2013).

To understand and capture the purpose of sharia from a text is not easy. It requires a method to identify. According to Ibn 'Ashūr, there are three methods; the first is through the *istiqrā'* approach (understanding inductively the specific meaning of each law and then generalizing it into a general meaning); the second is through verses of the Qur'an that have clear evidence and the third is through mutawattir sunnah texts (Zaidan, 1994).

The discussions on *maqāsid al-sharī'ah* are related to the principles in fiqh rules. The reason is that the rules of fiqh are the principles that must be referred to by someone who studies Islamic law in achieving *maqāsid al-sharī'ah* (the benefit intended by the Shari'ah). The rules of fiqh are the formulation of the principles of fiqh provisions derived from the sources of Islamic law, the Qur'an and hadith (Mubarak, 2002, p. 27). The rules of fiqh are a formulation of the principles of the provisions of fiqh derived from the sources of Islamic law, the Qur'an and hadith (Mubarak, 2002, p. 27) and a simplifying knot of fiqh issues that are branches (*furū'iyah*) to facilitate the practitioners of Islamic law.

Method

This research is a legal study that uses a normative-empirical legal study model (Kadir, 2004). Legal behavior in society is studied with existing legal rules and provisions. In the context of this paper, the phenomenon of speeches in online media is assessed and used as a basis for formulating hate speech criteria based on *maqāsid al-sharī'ah*. The sources of data for this research are printed and electronic mass media and research findings on hate speech, and books that discuss *maqāsid al-sharī'ah* on freedom of speech. The analysis was conducted through the stages of data condensation, data presentation, conclusion drawing, and verification (Miles et al., 2014). Condensation was used to select data in accordance with the research topic, which is hate speech. Data presentation was carried out after the data reduction and sorting

stages had been completed. The conclusion drawing stage was carried out by interpreting the data that had been analyzed at the data reduction and presentation stages.

Results and Discussion

The Principle of Freedom of Speech in *Maqāṣid al-Sharī'ah*

The meaning of freedom of speech is not unlimited freedom, but freedom that does not interfere with the safety of society. When freedom of speech threatens the safety of the individual concerned or other individuals who are the object of the freedom exercised, then the freedom must be restricted. Restrictions on freedom are based on considerations to protect the morals of society and to protect the freedoms of other individuals. This means that moral provisions and the freedom of others automatically become limits to the freedom of each individual. In the end, with such limitations, the expression of freedom of each individual leads to the principle of balance between one individual and another (Nasution, 2014).

Meanwhile, in the *maqāṣid al-sharī'ah* perspective, the assessment of people's freedom of action and opinion is based on the priority scale of the resulting *maslahat*. Therefore, the *maslahah* given by Shara' is the most urgent and highest to realize the preservation of human rights. For example, when there is a tug of war over whether to cut off the hand of a thief in a crisis, *maqāṣid* provides a solution to the problem based on the priority of the resulting *maslahat*. The thief's hand is not cut off due to the consideration that protecting the soul (due to hunger) is a higher priority than protecting property (Kasdi, 2014).

Maqāṣid al-sharī'ah includes three levels: *al-darūrīyyah* (necessity), *al-hajīyyah* (need) and *al-tahsīnīyyah* (luxury). Then, the scholars divided the necessity into 5 (five): *ḥifẓ al-dīn* (preservation of religion), *ḥifẓ al-nafs* (preservation of life), *ḥifẓ al-māl* (preservation of property), *ḥifẓ al-'aql* (preservation of reason) and *ḥifẓ al-nasl* (preservation of offspring). Some scholars add *ḥifẓ al-'ird* (preservation of honor) to complete the five *al-maqāṣid* into six primary goals (Fasa, 2017).

According to Ibn 'Assyria, *ḥifẓ al-dīn* means the preservation of religious norms from things that defile them, both in terms of creed and charity, theory and practice, ensuring the integrity of religion and preventive action against behavior that can disrupt religious principles. *Ḥifẓ al-nafs* is defined as the protection of the right to life of each individual and society collectively and all things that can threaten the soul, such as the eradication of infectious diseases and punishment for murderers (Kasdi, 2014).

The *ḥifẓ al-'aql* is interpreted by preventing defects in the mind so that it can interfere with thinking and creativity. The existence of reason is important to explore religious values. So, it must be guarded from things that damage it such as liquor, narcotics, alcohol, and other illegal drugs. Then, *ḥifẓ al-nasl* means preserving the continuity of generations by facilitating the marriage process, and avoiding any activities that can break the continuity of life, such as vasectomy and tubectomy. Finally, *ḥifẓ al-māl* means developing the economic resources of the people, guaranteeing private property rights and maintaining the security of property and property (Kasdi, 2014).

The description of *maqāṣid al-sharī'ah al-darūrīyyah* above is not only oriented towards protection and preservation, but also towards development (Arifin et al., 2014). Therefore, Auda (2007) identifies human rights, one of which is freedom of speech, as one of the elements in the study of *maqāṣid al-sharī'ah*. *Ḥifẓ al-'ird* is placed in the *darūrīyyah* group as respect for human rights.

Auda's identification of freedom of speech within *maqāṣid al-sharī'ah* is shared by other Islamic jurists. Azhari (2003) explicitly states that Islam grants freedom to humans and this freedom needs to be protected because it is an inherent human right. The freedom mentioned by Azhari includes freedom of religion and belief, freedom to think and express opinions, freedom to own property, freedom to do business and own property, and freedom to choose a place of residence.

In addition to establishing freedom of speech as one of the human rights protected in Islam, Khallaf (2005) also points to a number of Qur'anic verses as the normative-theological basis. For Khallaf, some of the basic rights protected by Islam are freedom of the soul from any threat (Al-Baqarah: 193-194), freedom of choice of residence (Al-Māidah: 33, al-Nūr: 27-28), freedom of ownership (Al-Baqarah: 188, al-Nisā: 10, 29, al-Māidah: 38), freedom of belief (Al-Baqarah: 164, 256, al-A'raf: 185, al-Zukhruf: 22, Yunus: 99, al-

Ghāshiyah: 21-22, al-Kāfirun: 6), and freedom of thought and expression (Qs. Al-Zumar: 9, Thāha: 114 and al-Tawbah: 122).

However, Islam's high appreciation of freedom of speech as a realization of thinking does not necessarily lead to uncontrolled freedom. Freedom of speech cannot be understood in isolation from other arguments that limit it. In other words, freedom cannot be separated from the responsibilities that follow. By referring to the study of *maqāṣid al-sharī'ah*, freedom of speech can also be limited by a legal dictum that leads to the presence and absence of the benefits it brings. When it is believed that freedom of speech will not achieve any benefit and instead bring about harm, then freedom of speech becomes forbidden, and vice versa.

In the study of fiqh rules (*qawā'id fiqhīyyah*), the dictum of benefit both as the purpose of legal legislation, the basis of legislation and in its capacity as a source of law, is formulated into two important rules, namely rejecting mischief (المفاسد درأ) and achieving benefit (المصالح جلب) (Suyuty, 1999). Zakariya Ibn Barry (1998) more explicitly stated that the achievement of benefit is the essence of the law revealed by Allah (إينما كانت المصلحة فتم حكم الله).

In the context of *maqāṣid al-sharī'ah*, the intended benefit is one that does not contradict the fundamental values of religious teachings. Therefore, the benefit of one's freedom of expression is the benefit as taught by religion in the form of communication ethics indicated by various terms such as *qawlan sadīda* (truthful, not lying); *qawlan balīgha* (straightforward, effective); *qawlan ma'rūfa* (kind and polite words); *qawlan karīma* (respectful); *qawlan layyina* (gentle), and *qawlan maisyūra* (easy to understand).

The word "*qawlan sadīda*" (truthful, not lying) is repeated twice in the Quran, in Al-Nisā: 9 and Al-Ahzāb: 70. Al-Alusi (2003) explains that the term *qawlan sadīda* in its initial context is within the scope of family and relatives because it talks about offspring, but later it concerns a wider community because it is related to the future of the generation (offspring) with a new social environment in the future. Imam Al-Syawkanī (2005, p. 83), Al-Alusi (2003) and Imam al-Suyutī (1997), citing Ibn Abbās, explains that the diction "*qawlan sadīda*" indicates an order for believers to always be honest in their speech with their fellow communities. This is logical because being honest will become the character of each individual in interacting with fellow communities of believers and other communities with different akidah and beliefs.

The word "*qawlan balīgha*" (straightforward, effective) is found in only one verse in al-Nisā: 63. The meaning of "*qawlan balīgha*" is words that have a proof, which can be accepted logically, reasonably and scientifically justified. According to Shihab (2017, pp. 468–469), linguists explain that the *lafaz* consisting of *ba*, *lam* and *ghayn* means that something reaches something else. It also means sufficient, because sufficiency means that something reaches the required limit. The verse contains the phrase "*fi anfusihim*". The scholars are polarized on 3 (three) opinions about the meaning of "*fi anfusihim*", namely: a) an order for the communicator to know the interlocutor about the news he brings, both in quality and quantity; b) an order to remind or give advice privately and confidentially; c) an order to convey their own secrets to the interlocutor, so that they feel that Allah has revealed their personal secrets that have been closed tightly to the interlocutor (Shihab, 2017).

The word "*qawlan ma'rūfa*" (kind and polite words) is found in 6 verses, namely: al-Nisā': 5 and 8, al-Baqarah: 235 and 263, al-Ahzāb: 32, and Muhammad: 21. These verse texts are generally sent to be used by believers to others who are related. Good speech (*qawlan ma'rūfa*) should be used when giving explanations to them (Al-Jazairi, 2011). Al-Jazairi (2011) explains that the term *qawlan ma'rūfa*, linguistically means words that are pleasing to the heart, and do not cause sadness or anger. Al-Zamakhsari (1997) defines it as language that is permitted and allowed by Allah. *Qawlan ma'rūfa*, in addition to the command to speak beautifully to orphans, is also a prohibition against rebuking and harming them. Al-Suyutī (1997) and al-Alusi (2003) interpret *ma'rūfa* as a clear word, not addressed to only one person. The term *qawlan ma'rūfa* in other verses, such as al-Nisa: 8 also refers to words that do not contain insults, ridicule, and trivialization (Al-Jazairi, 2011).

The word "*qawlan karīma*" (respect) is used in one space: Al-Isra. The term in the verse is used when communicating with parents. "*Qawlan karīma*" is the pinnacle of truth, honesty and ethics in

communicating with others. This means that the *qawlan karīma* delivered or spoken by someone can be called *qawlan karīma* if it contains elements of honesty, truth, ethics and sincerity.

The word "*qawlan layyina*" (gentle) is found in one surah in the Qur'an, namely in surah Thaha [20]: 44. This verse teaches how to speak elegantly, politely, and subtly. Gentleness in speech becomes the basis for a wise attitude in expressing opinions, which are characterized by polite remarks that do not hurt the interlocutor. This is in line with the interpretation of al-Mishbah (Shihab, 2017) that da'wah is basically a gentle invitation. The key point is that the Prophet Musa and the Prophet Harun were not rude even to the arrogant Fir'aun who claimed to be God (Al-Zuhayli, 1991). In line with Shihab and Zuhayli, Ibn 'Ashūr (1964) defines *qawlan layyina* as words that contain suggestions, invitations, giving examples, where the speaker tries to convince the other party that what is conveyed is correct and rational, with no intention of denigrating the opinion of the person.

The word "*qawlan maisūra*" is found in one place, namely Al-Isra: 28. Scholars have different interpretations of this phrase. Al-Thabari (1967) explains that the Companion Sa'id al-Khudri interpreted the phrase *maisūra* as *ma'rūfa*. Meanwhile, Al-Zamakhsari (1997) explains it with "*qawlan za maisūra wahuwa yusra wa da'āhum*". In addition to good, easy, gentle words and so on, it is a promise to give something when it is available. Some of the expressions found in the Qur'an are the objectives of the Shari'ah (*maqāṣid al-syarī'ah*), which are the signs and basis for the ethics of expressing opinions.

Characteristics of hate speech from the perspective of *Maqāṣid al-sharī'ah*

Freedom of speech as a basic right guaranteed in Islam becomes permissible as long as it creates benefits. Otherwise, it becomes forbidden when it gives birth to *mafsadah*. From here, we can also identify issues that become exceptions to freedom of speech, one of which is hate speech.

Referring to the study of *maqāṣid al-sharī'ah*, Astuti (2015) found several verses that become restrictions on freedom of religion as well as restrictions on expressing opinions. First, the accusation of adultery (Al-Nūr: 23); second, the orientation to broadcast obscene news (Al-Nūr: 19); third, degrading and calling others names (Al-Hujurāt: 11); fourth, prejudice, spying and backbiting against one another (Al-Hujurāt: 12); fifth, divulging state secrets (Al-Nisa: 83); sixth, denouncing, swearing, slandering and obstructing good deeds (Al-Qalām: 10-13, Al-Humazah: 1).

The accusation of adultery, as mentioned in Al-Nūr: 23, refers to the prohibition against falsely accusing virtuous women of engaging in adultery. This act is considered to be the dissemination of false information, which not only causes harm to the emotions of the believers but is also regarded as an abhorrent deed (Al-Mahalli & Al-Suyuthi, 2018). Based on the context of the revelation, Ibn Katsir (Al-Dimasyqi, 2007) states that those who hurl accusations of adultery at honest *mukminat* women, who are unlikely to do so, even because they are busy remembering Allah and they do not have time to pay attention to such things, these people will be kept away from the compassion of Allah in this world and in the hereafter. They will be severely punished if they do not repent immediately (Shihab, 2017). This verse was revealed in connection with the hoax news about Aisha, the daughter of the Prophet, which emphasizes the prohibition of making false news (Al-Dimasyqi, 2007).

Surah Al-Nūr: 19 emphasizes the strict prohibition for those who broadcast heinous and shameful deeds among male and female believers. Spreading news that should not be broadcast is prohibited in Islam. This is in line with the Prophet's hadith which suggests that news containing ethical violations should be suppressed: "The true Muslims are those who are saved from the evil of their tongues and hands, and the one who migrates is the one who abandons the prohibitions of Allah" (Al-Bukhārī, n.d.).

Prejudice, spying and backbiting are prohibited actions as mentioned in Al-Hujurāt: 12. Al-Thabari (1967, p. 304) states that spying (*tajassus*) has 3 interrelated meanings, namely: a) searching or investigating other people's aurat; b) looking for other people's secrets, and c) looking for other people's disgraces that are not visible. Ibn Katsir (Al-Dimasyqi, 2007) explains that Allah SWT forbids His believing servants from prejudice, such as suspecting family, relatives and other people with bad accusations, especially to the extent of spying on them (*tajassus*). *Tajassus* in this verse means mentioning openly, or by gesture or in other ways that can be interpreted as words. Hence, it means hurting the person, angering him, and

dividing the community (Al-Maraghī, 1974). Quraish Shihab (2017, p. 254) also explains that *the word tajassasu* means an attempt to find out in a hidden way. Qutub (2003, p. 419) explains that the verse is a form of maintenance of human glory, honor, and freedom that should not be violated under any circumstances.

According to al-Mahalli and al-Suyutī (2018), Surah al-Nisa was about hypocrites or believers who have weak faith, hear news and then broadcast the news without first confirming the truth of the news to the Messenger and the companions, whether it is permissible to broadcast the news. This narration relates to people who, when they hear news of the victory of the believers or the killing of their enemies, or news of the defeat or killing of the believers, they immediately broadcast it without confirmation. This means that they are not concerned with how they should keep the news secret and true, and this is forbidden.

If they had conveyed the news to the Messenger of Allah, and the people of knowledge, and the leaders, then indeed those who wanted to know the secret of the matter would have learned the nature of the news from the leaders, so that they could ascertain its truth and understand something that should be announced or hidden (Al-Zuhaylī, 2001). This verse is evidence for a moral rule. When there is a discussion on a matter, it should be submitted to the person who is entitled to it, and no one should be given precedence, because he is closer to the truth and more likely to be safe from mistakes.

This verse also reveals the prohibition of haste and hurry in conveying information and that the news should be submitted to the authorities because it may hold benefits or vice versa, which can harm the country (As-Sa'di, 2003). A similar interpretation is also found in the Tafsir of the Indonesian Ministry of Religious Affairs (1990). When the hypocrites hear news that cannot be proven, they immediately broadcast it with the aim of causing chaos. In fact, they should have submitted the news to the state.

Some of the verses above are not only seen as limitations on freedom of speech, but also the indications of hate speech. If the actions described in some of these verses are committed by someone, then the action can be considered as hate speech. Based on these verses, the indicator that distinguishes hate speech from freedom of speech is its effect on the destruction of *ḥifẓ al-ird* and *ḥifẓ al-nafs*.

Hifẓ al-ird (preserving honor) and *ḥifẓ al-nafs* (preserving life) are *maqāshid* factors that fall into the *dharūrīyyat* category. This shows that the framework that becomes the distinguishing indicator between hate speech and freedom of speech is in the substantial realm; if this is done, it will threaten the human life both in this world and in the hereafter, namely the level of *maqāshid* in the *dharūrīyyat* category. This is different from the *hajjīyyat* (secondary) and *tahsinīyyat* (tertiary) categories which do not have an impact on the endangerment of human life (Husamuddin, 2020).

In the distinguishing indicators between freedom of speech and hate speech in the area of *ḥifẓ al-ird*, there are verses about the prohibition of accusing adultery (Al-Nur: 23); orientation to broadcast obscene news (An-Nur: 19); demeaning and calling others names (Al-Hujurāt: 11); prejudice, spying, and backbiting against each other (Al-Hujurāt: 12); and denouncing, swearing, slander, and obstructing good deeds (Al-Qalam: 10-13, Al-Humazah: 1).

The distinguishing indicator between freedom of speech and hate speech in the category of *ḥifẓ al-nafs* is leaking state secrets, as stated in Al-Nisa: 83. This verse, in the understanding of Shihab (2017), is related to the actions and bad attitudes of hypocrites who openly spread issues that threaten life, whether the issue of war or others with the aim of spreading misunderstanding and chaos.

In addition to the prohibition of life-threatening actions, there is a verse that contains a prohibition against reviling other people's worship or religion, which can be categorized as a distinguishing indicator between hate speech and freedom of speech, as stated in al-An'am verse 108: "And do not revile those whom they worship besides Allah, for they will revile Allah beyond measure without knowledge. Thus, we have made every nation think well of their works. Then to God is their return, and He will tell them what they have done".

The verses on freedom of speech can be developed by exploring key terms that are in line with the meaning of hate speech, such as *namīmah* (a behavior of pitting or spreading slander between one person and another with the aim of making the people hostile to each other), *ihitiqār* (means belittling others either

by using words, demonstrations, or images with the aim of humiliating others), *ghibah* (broadcasting other people's secrets) and *fitnah* (trying to make others fall in the trials of life).

The characteristics of hate speech can be identified from the perspective of priority benefits, namely *ḥifz al-naḥs*, *ḥifz al-'ird*, and *ḥifz al-din*. They can also be identified from the perspective of the range of wickedness that will be caused, namely *fardiy* (personal) wickedness and *ijtima'i* (social) wickedness. In this case, all actions that belong to *hifd al-'ird* are also included in the category of *maḥsadat fardi*, while the categories of *hifd al-naḥs* and *hifd al-din* are included in the scale of *ijtima'i* wickedness.

The following description provides an overview of the different indicators between freedom of speech and hate speech from the perspective of *maqāṣid al-sharī'ah*.

Table. 1. Freedom of speech and hate speech from the perspective of *maqāṣid al-sharī'ah*

Perspectives	Characteristics	
	Freedom of Speech	Hate Speech
Implication	In line with the protection of dignity, soul and religion	Contrary to the protection of dignity, life and religion
Verses	<p>Verses that point to communication ethics include:</p> <ul style="list-style-type: none"> • <i>qawlan ṣadīdan</i> (Al-Nisa: 9 and Al-Ahzab: 70); • <i>qawlan balīgha</i> (al-Nisa: 63); • <i>qawlan ma'rūfa</i> (al-Nisa': 5 and 8, al-Baqarah: 235 and 263, al-Ahzāb: 32, and Muhammad: 21); • <i>qawlan karīma</i> (Al-Isra: 17); • <i>qawlan layyīna</i> (Thaha: 44) and • <i>qawlan maisyura</i> (Al-Isra: 28) 	<p>Violating the verse <i>ḥifz al-'ird</i>, including:</p> <ul style="list-style-type: none"> • Accusation of adultery (Al-Nūr: 23); • Orientation to broadcast obscene news (An-Nūr: 19); • Demeaning and calling others' names (Al-Hujurat: 11); • Having negative assumptions /prejudice, spying on and gossiping (Al-Hujurat: 12); • Slandering, cursing, spreading slander, and obstructing good deeds (Al-Qalam: 10-13, Al-Humazah: 1) <p><i>Hifz al-naḥs</i>:</p> <ul style="list-style-type: none"> • Leaking state secrets (Al-Nisa: 83) <p><i>Hifz al-dīn</i>:</p> <ul style="list-style-type: none"> • Prohibition of reviling the worship of others (al-An'ām ayat 108)
Mafsadat Scale/Damage	<p>Not causing mischief on either a <i>fardi</i> or <i>ijtima'i</i> scale.</p> <p>Verses that prohibit destructive actions</p>	<p>Causing harm that is <i>fardi</i> and <i>ijtima'i</i> in nature.</p> <p>The scale of <i>maḥsadah fardi</i> includes:</p> <ul style="list-style-type: none"> • Accusation of adultery (Al-Nur: 23); • Orientation to broadcast obscene news (An-Nur: 19); • Demeaning and calling people names (Al-Hujurat: 11); • Having negative assumptions /prejudice, spying on and gossiping (Al-Hujurat: 12); • Slandering, cursing, spreading slander, and obstructing good deeds (Al-Qalam: 10-13, Al-Humazah: 1) <p>The scale of <i>maḥsadah ijtima'i</i> includes:</p>

- Leaking state secrets (Al-Nisa: 83);
- Prohibition of reviling the worship of others (al-An'ām ayat 108)

The entire identification of the verses categorized as hate speech is formulated through legal consideration of the harm that will be caused, which according to *maqāṣid al-sharī'ah*, is referred to as *i'tibār al-ma'al* consideration, namely considering the legal effects that will occur. This is different from *taḥqīq al-manāt*, which requires one to understand the current legal reality

Hate speech, as shown by the indicators, also revolves around the consideration of *i'tibār al-ma'al*, which is justified through the *maqāshidiyah* rule which states that "considering the effects of actions is justified and intended by shara', whether the action is in accordance or violates the intended effect". This means that if there is an action that has an effect incompatible with the objectives of Shara', it must be prevented, and conversely, someone's actions that are predicted to be in line with the objectives of Shara' must be legalized

Conclusion

Freedom of speech is an inherent right of every individual. Islam, through the principles in *maqāṣid al-sharī'ah*: *ḥifẓ al-ird* (protecting honor), *ḥifẓ al-aql* (protecting reason), and *ḥifẓ al-dīn* (protecting religion), protects everyone in expressing their opinions. However, freedom of expression is identified as a derogable right. Therefore, violations of the limits of expressing opinions are prohibited actions and can be categorized as damaging or hate speech. The identification of the limitation of freedom of expression is based on the benefit generated based on the priority scale as formulated in *maqāṣid al-sharī'ah*. If the expression of opinion cannot bring benefit or the harm caused is greater, then it needs to be abandoned and can be referred to as hate speech. From the perspective of *maqāṣid al-sharī'ah*, this study emphasizes that freedom of speech is guaranteed and protected, but at the same time it is limited by the prohibition of hate speech. Some of the *Sharī'ah* objectives related to freedom of speech elaborated from the texts show the importance of *ḥifẓ al-ird* (protecting honor), *ḥifẓ al-aql* (protecting reason), and *ḥifẓ al-dīn* (protecting religion).

References

- 'Ashur, I. (2006). *Maqāṣid al-Shariah al-Islamiyah*. Dar al-Salam.
- 'Ashūr, I. (1964). *al-Tahrīr wa al-Tanwīr*. Isa al-Bāb al-Halabī.
- Al-Alusī. (2003). *Ruh al-Ma'ānū*. Dār al-Fikr.
- Al-Bukhārī, I. (n.d.). *Shāiḥ al-Bukhārī*. Dār Sa'būn.
- Al-Dimasyqī, A.-I. A. al-F. I. I. K. (2007). *Tafsīr al-Qur'an al-`Adzīm: Tafsīr Ibnu Kathīr*. Al-Kitāb Al Ilmī.
- Al-Ghazali. (1971). *Al-Mustashfa min Ilm al-Ushul*. Dar al-Kutub al-Ilmiyah.
- Al-Jazairi, A. B. J. (2011). *Tafsīr Al-Qur'an Al-Aisar (Jilid 2)*. Darus Sunnah.
- Al-Mahallī, & Al-Suyuthī. (2018). *Tafsīr Jalālayn*. Ummul Qura.
- Al-Maraghī., A. M. A.-M. bin M. bin M. bin 'abd al-M. (1974). *Tafsīr al-Maraghī*. CV Thoha Putra.
- Al-Shatibi. (2004). *Al-Muwafaqat fi ushul al-Syariah*. Dar al-Kutub al-Shariah.
- Al-Suyuthī. (1997). *Al-Dūr al-Ma'tsūr*. Dār al-Fikr.
- Al-Syawkanī, M. bin A. bin M. (2005). *Fath al-Qadīr al-Jāmi' bayna Fannai al-Riwāyah wa al-Dirāyah min 'Ilm al-Tafsīr*,. Dār al-Fikr.
- Al-Thabari, I. J. (1967). *Jāmi' al-Bayān fi Ta'wīl al-Qur'an*. Dār al- Fikr.
- Al-Zamakhsari. (1997). *Al-Kasysyāf*. Dar al-Fikr.
- Al-Zuhaylī, W. (1991). *Tafsīr al-Munīr*. Dār al-Fikr.
- Al-Zuhaylī, W. (2001). *Tafsīr Al-Wājiz*. Dār al-Fikr.
- Alaburić, V. (2018). Legal Concept of Hate Speech and Jurisprudence of the European Court of

- Human Rights. *Politicka Misao*, 55(4), 230–252. <https://doi.org/10.20901/pm.55.4.09>
- Alkiviadou, N. (2019). The Legal Regulation of Hate Speech: The International and European Frameworks The Legal Regulation of Hate Speech. *Politicka Misao : Časopis Za Politologiju*, 55(4), 203–229. <https://doi.org/10.20901/pm.55.4.08>
- Amnesty International Indonesia. (2021). *Kebebasan Berekspresi*.
- Anam, M. C., & Hafiz, M. (2015). Surat Edaran Kapolri Tentang Penanganan Ujaran Kebencian (Hate Speech) dalam Kerangka Hak Asasi Manusia. *Jurnal Keamanan Nasional*, 1(3), 341–364. <https://doi.org/10.31599/jkn.v1i3.30>
- Anggara, Eddyono, S. W., Wiryawan, S. M., Wagiman, W., & Abidin, Z. (2010). *Pidana Penghinaan Adalah Pembatasan Kemerdekaan Berpendapat Yang Inkonstitusional: Amicus Curiae (Komentar Tertulis)*. ELSAM.
- Arifin, S., Abdullah, M. A., Rachman, B. M., Asfinawati, & Pratiwi, C. S. (2014). *Hak Asasi Manusia Untuk Kebebasan Beragama dan Berkeyakinan di Indonesia*. Pusat Studi Agama dan Multikulturalisme (PUSAM) Program Pascasarjana Universitas Muhammadiyah Malang.
- Arisandy, D. P., Asmuni, & Nasution, M. S. A. (2022). The Majelis Ulama's Fatwa on Freedom of Expression On Social Media: The Perspective of Maqashid Sharia. *Al-Istinbath: Jurnal Hukum Islam*, 7(2), 467–486. <https://doi.org/10.29240/jhi.v7i2.5235>
- As-Sa'di, A. bin N. (2003). *Taisir Karim Ar-Rahman fi Tafsir kalam Al-Manan*. Jam'iyah Ihya At-Turats Al-Islami.
- Auda, J. (2007). *Maqasid al-Shariah as Philosophy of Islamic Law: A System Approach*. The International Institute of Islamic Thought.
- Auda, J. (2013). *Al-Maqasid untuk Pemula*. SUKA Press.
- Azhari, M. T. (2003). *Negara Hukum: Suatu Studi Tentang Prinsip-prinsip Dilihat dari Segi Hukum Islam, Implementasinya pada Periode Nagara Madinah dan Masa Kini*. Kencana.
- Biro Humas Lemhannas Republik Indonesia. (2022). *Gubernur Lemhannas RI: Tiga Tantangan Terbesar Eskalasi Politik Indonesia 2023-2024*. Lemhannas Republik Indonesia.
- CNN Indonesia. (2022). *Ferdinand Hutahaean Diperiksa soal Cuitan "Allahmu Lemah" Hari Ini*. CNN Indonesia. <https://www.cnnindonesia.com/nasional/20220110070228-12-744485/ferdinand-hutahaean-diperiksa-soal-cuitan-allahmu-lemah-hari-ini>
- Cohen-Almagor, R. (2016). Hate and Racist Speech in the United States: A Critique. *Philosophy and Public Issues*, 6(1), 77–123. <https://philpapers.org/rec/COHHAR>
- Curtis, W. M. (2023). *Hate Speech*. Encyclopedia Britannica. <https://www.britannica.com/topic/hate-speech>
- Deveci, C., & Binbuğa Kınık, B. N. (2019). Nationalist bias in Turkish official discourse on hate speech: a Rawlsian criticism. *Turkish Studies*, 20(1), 26–48. <https://doi.org/10.1080/14683849.2018.1479961>
- Fasa, M. I. (2017). Reformasi Pemahaman Teori Maqasid Syariah (Analisis Pendekatan Sistem Jasser Audah). *HUNAF: Jurnal Studia Islamika*, 13(2), 218. <https://doi.org/10.24239/jsi.v13i2.438.218-246>
- Febriana, T., & Budiarto, A. (2019). Twitter Dataset for Hate Speech and Cyberbullying Detection in Indonesian Language. *2019 International Conference on Information Management and Technology (ICIMTech)*, 1(August), 379–382. <https://doi.org/10.1109/ICIMTech.2019.8843722>
- Frenda, S., Ghanem, B., Montes-y-Gómez, M., & Rosso, P. (2019). Online Hate Speech against Women: Automatic Identification of Misogyny and Sexism on Twitter. *Journal of Intelligent & Fuzzy Systems*, 36(5), 4743–4752. <https://doi.org/10.3233/JIFS-179023>
- Gelber, K. (2019). Terrorist-Extremist Speech and Hate Speech: Understanding the Similarities and Differences. *Ethical Theory and Moral Practice*, 22(3), 607–622. <https://doi.org/10.1007/s10677-019-10013-x>
- Hamim, K. (2021). Hifz Al-Lisān As Maqasid Al-Sharī'ah Al-Darūriyyah (Its Importance and

- Relevance in the Contemporary Era). *Samarah*, 5(1), 317-337. <https://doi.org/10.22373/sjhk.v5i1.9139>
- Hare, I, & Weinstein, J. (2009). *Extreme Speech and Democracy* (Ivan Hare & J. Weinstein (eds.)). Oxford University Press Oxford. <https://doi.org/10.1093/acprof:oso/9780199548781.001.0001>
- Howard, J. W. (2019). Free Speech and Hate Speech. *Annual Review of Political Science*, 22(1), 93-109. <https://doi.org/10.1146/annurev-polisci-051517-012343>
- Husamuddin. (2020). Hifzh Al-'Ird dalam Transformasi Sosial Modern (Upaya Menjadikan Hifzhu Al-'Ird Sebagai Maqāshid Al-Dharūriy). *At-Tasyri': Jurnal Ilmiah Prodi Muamalah*, 11(2), 119-132. <https://doi.org/10.47498/tasyri.v11i2.298>
- Ibn Barry, Z. (1998). *Mashadir al-ahkam al-islamiyyah*. Dar al-Sha'bi.
- Institute for Criminal Justice Reform. (2012). *Mengenal Kovenan Internasional Hak Sipil dan Politik*. Institute for Criminal Justice Reform.
- Irawan, D. (2023). *Andi Pangerang Hasanuddin Ancam Muhammadiyah, Ini Kata Kepala BRIN*. DetikNews. <https://news.detik.com/berita/d-6688515/andi-pangerang-hasanuddin-ancam-muhammadiyah-ini-kata-kepala-brin>
- Kadir, M. A. (2004). *Hukum dan Penelitian Hukum*. Citra Aditya Bakti.
- Kang, P. H. (2018). Constitutional Treatment of Hate Speech and Freedom of Expression: a Canada - U.S. perspective. *Revue Des Droits de l'homme*, 14. <https://doi.org/10.4000/revdh.4109>
- Kasdi, A. (2014). Maqashid Syari'ah Dan Hak Asasi Manusia (Implementasi Ham Dalam Pemikiran Islam). *Jurnal Penelitian*, 8(2), 247-268. <https://doi.org/10.21043/JUPE.V8I2.836>
- Kasim, I. (2001). *Hak Sipil dan Politik, Esai-Esai Pilihan*. eLSAM.
- Khallaf, A. W. (2005). *Politik Hukum Islam* (Faraz Umaya (ed.)). Tiara Wacana.
- Kusuma, S., & P. Lubis, D. (2016). Media Sosial Dan Kebijakan Kapolri Mengenai "Hate Speech" (Ujaran Kebencian). *Jurnal Komunikasi Pembangunan*, 14(1), 151-159. <https://doi.org/10.46937/14201613556>
- Maarouf, A., Pröllochs, N., & Feuerriegel, S. (2022). The Virality of Hate Speech on Social Media. *Proceedings of ACM Conference (Conference'17)*, 1(1), 1-12. <http://arxiv.org/abs/2210.13770>
- MacAvaney, S., Yao, H., Yang, E., Russell, K., Goharian, N., & Frieder, O. (2019). Hate speech detection: Challenges and solutions. *PLOS ONE*, 14(8), e0221152. <https://doi.org/10.1371/journal.pone.0221152>
- Marwandianto, M., & Nasution, H. A. (2020). Hak Atas Kebebasan Berpendapat dan Berekspresi dalam Koridor Penerapan Pasal 310 dan 311 KUHP. *Jurnal HAM*, 11(1), 1. <https://doi.org/10.30641/ham.2020.11.1-25>
- Miles, M. B., Huberman, A. M., & Saldaña, J. (2014). *Qualitative data analysis: a methods sourcebook*. SAGE Publications, Inc.
- Mubarok, J. (2002). *Kaidah fiqh : sejarah dan kaidah asasi*. Raja Grafindo Persada.
- Muladi. (2009). *Hak Asasi Manusia: Hakekat, Konsep dan Implikasinya dalam Perspektif Hukum dan Masyarakat*. Refika Aditama.
- Mundzir, M. (2023). Kontekstualisasi Pemahaman Hadis Al-Ifki (Hoax) dalam Berinteraksi di Media Sosial: Aplikasi Hermeneutika Nasr Hamid Abu Zayd. *Riwayah : Jurnal Studi Hadis*, 7(2), 221-240. <https://doi.org/http://dx.doi.org/10.21043/riwayah.v7i2.11027>.
- Nasution, B. J. (2014). *Negara Hukum dan Hak Asasi Manusia*. Mandar Maju.
- Ni'ami, M. F., & Bustamin. (2021). Maqāshid Al-Syari' Ah Dalam Tinjauan Pemikiran Ibnu 'Āsyūr Dan Jasser Auda. *Juris: Jurnal Ilmiah Syariah*, 20(1), 91-102. <https://doi.org/10.31958/juris.v20i1.3257>
- Nozick, R. (1974). *Anarchy, state, and Utopia*. Basic Books.
- Pamungkas, A. S. A. (2016). Perspektif Hak Asasi pada Surat Edaran Kapolri Nomor SE/06/X/2015 dalam Penanganan Penyebaran Ujaran Kebencian Melalui Media Sosial2. *Jurnal Fakultas Hukum Universitas Atmajaya Yogyakarta*, 1-13.

- Parekh, B. (2012). Is There a Case for Banning Hate Speech? In M. Herz & P. Molnar (Eds.), *The Content and Context of Hate Speech: Rethinking Regulation and Responses*. Cambridge University Press.
- Qutub, S. (2003). *Tafsīr Fī Zilāl al-Qur'ān*. Gema Insani Press.
- Shihab, M. Q. (2017). *Tafsir Al-Mishbah* (Volume 2). Lentera Hati.
- Suyuty, J. (1999). *Al-ashbah wa al-nadhair*. Dar al-Fikr.
- Syakur, M. (2021). Ujaran Kebencian dalam Al-Qur`an Hate Speech in Al-Qur`An. *Hermeneutik: Jurnal Ilmu Al Qur'an Dan Tafsir*, 15(2), 335–358. <https://doi.org/10.21043/hermeneutik.v15i2.8483>
- T. Editors of Encyclopaedia Britannica. (2023). *Freedom of Speech*. Encyclopedi Britannica. <https://www.britannica.com/topic/freedom-of-speech>
- Tamam, A. B. (2021). Ujaran Kebencian di Media Sosial Perspektif Hukum Islam dan Hukum Positif di Indonesia. *Alamtara: Jurnal Komunikasi Dan Penyiaran Islam*, 5(1), 1–10. <https://doi.org/10.58518/alamtara.v5i1.678>
- Yola, D. S. (2017). Hate Speech in Nigeria: Opportunity in Crisis. *SSRN Electronic Journal*, 4(2), 28–35. <https://doi.org/10.2139/ssrn.3263272>
- Zaidan, A. K. (1994). *Al-Wajiz fi Usul al-Fiqh*. Maktabah al-Masair.
- Zaprulkhan. (2020). *Rekonstruksi Paradigma Maqasid al-Syariah: Kajian Kritis dan Komphrensif*. Ircisod.