

## HOAX FROM THE PERSPECTIVE OF ISLAMIC LEGAL THOUGHT: REACTIVATING *QAT'I-ZANNI* IN THE POST-TRUTH ERA

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### Abstract

The widespread dissemination of news in the Post-Truth era, relying on content and the speed of sharing without critically questioning its source or the transmitter, has an impact on subjective claims of truth that are prone to causing conflicts. This article discusses the issue of the spread of hoaxes in the Post-Truth era from an Islamic legal perspective. This study investigates the criteria by which news (*al-khabar*) is deemed true or false based on its source and transmitter. It highlights the importance of using *qat'i-zanni* (definitive-presumptive) reasoning to assess the credibility of news sources and the quality of their transmitters as a procedure for analyzing the truthfulness of reported information. Through a combination of qualitative methods from Islamic legal literature and modern philosophy, the research finds that *qat'i-zanni* reasoning can be used critically to determine the validity of information in the digital age. The conclusion suggests that all information shared in the Post-Truth era should be treated as presumptive, not definitive.

**Keywords:** Hoax; Islamic legal thought; *qat'i-zanni*; Post-truth.

### **Khulasah**

Penyebaran berita secara meluas dalam era pasca kebenaran, yang bergantung kepada isi kandungan dan kelajuan perkongsian tanpa mempersoalkan secara kritis mengenai sumber atau pelapor maklumat, telah memberi kesan kepada dakwaan kebenaran subjektif yang cenderung membawa kepada konflik. Makalah ini membincangkan isu penyebaran berita palsu di era pasca kebenaran dari perspektif pemikiran hukum Islam. Kajian ini mengkaji kriteria berita (*al-khabar*) yang benar atau palsu berdasarkan sumber dan pelapornya. Makalah ini menekankan kepentingan menggunakan penaakulan *qat'i-zanni* untuk menilai kredibiliti sumber berita dan kualiti pelapor sebagai prosedur untuk menganalisis kebenaran maklumat yang disampaikan. Melalui gabungan kaedah kualitatif daripada literatur pemikiran hukum Islam dan falsafah moden, kajian ini mendapati penaakulan *qat'i-zanni* boleh digunakan secara kritis untuk menentukan kesahihan maklumat di era digital. Kesimpulan kajian ini menunjukkan bahawa semua maklumat yang dikongsi di era pasca kebenaran sepatutnya dipertimbangkan sebagai andaian, dan bukan sebagai sumber muktamad.

**Kata kunci:** Berita palsu; pemikiran hukum Islam; *qat'i-zanni*; pasca-benar.

### **Introduction**

The *qat'i-zanni* (definitive-presumptive) reason has only been studied by focusing on the authenticity and status of the information in classical Islamic civilization.<sup>1</sup> However, it remains relevant and applicable to the challenges faced by digital society in the post-truth era.<sup>2</sup> The significance of

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<sup>1</sup> Muhammad Mu'adh Mustafa al-Khin, *al-Qat'i wa al-Zanni fi al-Thubut wa al-Dalalah 'ind al-Usuliyin* (Damascus: Dar Kalim, 2007).

<sup>2</sup> Intisar A. Rabb & Sharon Tai, "Digital Islamic Law: Purpose and Prospect," *International Journal of Middle East Studies* 50(1) (2018), 113-118.

this concept lies in identifying and verifying the validity of a news story. In the post-truth era, hoaxes spread through social media due to people's uncritical approach to filtering and analyzing the authenticity of the information and news they receive.<sup>3</sup> Therefore, this article discussed presenting the *qat 'i-zanni* reason as a critical approach, asserting that all information in the digital era is not *qat 'i* but only *zanni*, and the truth should be questioned first.

Hoaxes, as a phenomenon in the post-truth era, have been studied from various perspectives. Jayson Harsin<sup>4</sup> and A. Canon<sup>5</sup> examined the history and development of hoaxes, their production, and dissemination. Additionally, Rebekah Spera and David M. Pena-Guzman,<sup>6</sup> Pratiwi Utami,<sup>7</sup> Tukina and Marta Sanjaya,<sup>8</sup> and Noni

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<sup>3</sup> Eugenio Tacchini, et al., "Some Like It Hoax: Automated Fake News Detection in Social Networks," in *Technical Report UCSC-SOE-17-05, School of Engineering* (Santa Cruz: University of California, 2017), 1-12.

<sup>4</sup> Jayson Harsin, "Post-Truth and Critical Communication," in *Oxford Research Encyclopedia of Communication* (Oxford: Oxford University Press, 2018).

<sup>5</sup> A. Canon stated: "Every user of social media has become a kind of publisher who can produce their news to be conveyed or disseminated because social media has democratized the process of making news". See A. Canon, "You are the New Gatekeeper of the News", *The Conversation*, <http://theconversation.com/you-are-the-new-gatekeeper-of-the-news-71862>.

<sup>6</sup> Rebekah Spera & David M. Pena-Guzman, "The Anatomy of a Philosophical Hoax: The Politics of Delegation in Contemporary Philosophy," *Metaphilosophy* 50(1-2) (2019), 156-174, <https://doi.org/10.1111/meta.12343>.

<sup>7</sup> Pratiwi Utami, "Hoax in Modern Politics: The Meaning of Hoax in Indonesian Politics and Democracy," *Jurnal Ilmu Sosial dan Politik* 22(2) (2018), 85-89, <https://doi.org/10.22146/jsp.34614>

<sup>8</sup> Tukina & Marta Sanjaya, "Information Hoax in Political Years 2019: Learning and Challenges," *Proceeding, KNE Social Sciences: 3<sup>rd</sup> International Research Conference on Economics and Business*, 2020, 20.

Marlianingsih, et al.<sup>9</sup> analysed the relationship between hoaxes and politics. The relationship between hoaxes, religion, and political contestation was examined by Wien Hesthy Rahayu,<sup>10</sup> Christiany Juditha,<sup>11</sup> Erwin Jusuff Thalib,<sup>12</sup> Sonny Eli Zaluchu,<sup>13</sup> and Aprinus Salam.<sup>14</sup> Notably, previous studies did not explore the post-truth relationship with Islamic perspectives.

In contrast, Justin Parrot<sup>15</sup> attempted to describe how Islamic literacy responds to post-truth issues. Parrot's study quoted several verses from the Qur'an and presented hadith science narratives as symbols of Islamic literacy in viewing phenomena in the post-truth era. However, prior studies did not analyse the hoax phenomenon based on the discipline of Islamic legal theory (*usul al-fiqh*). Therefore, this study employs the *usul al-fiqh* perspective and critical philosophy to analyse the hoax phenomenon in the post-truth era.

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<sup>9</sup> Noni Marlianingsih, Yumna Rasyid & Ninuk Lusyantje, "Online Media and Politics: Critical Discourse Analysis about Hoax News," *Advance in Social Science, Education, and Humanities Research* (2020), 12.

<sup>10</sup> Wien Hesthy Rahayu, "Decoding Hoax on the Issue of Religious Politicizations in Indonesia on New Media Era," *International Journal of Progressive Sciences and Technologies (IJPSAT)* (2018), 112-116.

<sup>11</sup> Christiany Juditha, "Interaksi Komunikasi Hoax di Media Sosial serta Antisipasinya," *Jurnal Pekommas* 3(1) (2018), 3.

<sup>12</sup> Erwin Jusuf Thaib, "Hoax in Social Media and its Threats to Islamic Moderation in Indonesia," *Proceeding of the International Conference on Da'wa and Communication*, 2020, 261-269.

<sup>13</sup> Sonny Eli Zaluchu, "Dinamika Hoax, Post-Truth, and Response Reader Criticism," *Religio: Jurnal Studi-Studi Agama* 10(1) (2020), 98-117.

<sup>14</sup> Aprinus Salam, "The Hoax Phenomenon in Indonesian Society: Observing Anti-Diversity Memes Since 2014," *Humaniora* 30 (2018), 315-324.

<sup>15</sup> Justin Parrot, "Finding Truth in Age of Misinformation; Information Literacy in Islam," Yaqeen Institute for Islamic Research, December 12, 2019, <https://yaqeeninstitute.org.my/read/paper/finding-truth-in-the-age-of-fake-news-information-literacy-in-islam>, 1-19.

This study adopts a dialectical integration approach between the discipline of *usul al-fiqh*, employing *qat'i-zanni* reasoning, and critical philosophy. The rationale for employing integration in this article is an academic effort to engage in a discussion of *qat'i-zanni* in *usul al-fiqh*, which is imbued with theological nuances, and to merge it with the critical aspects within the framework of modern philosophy enriched with humanistic nuances. Generally, both *usul al-fiqh* and philosophy regard hoaxes as indicative of an uncritical and non-idealization of human knowledge in receiving and transmitting news. The reactivation of the *qat'i-zanni* concept maps the truth status of an informative narrative and critiques the transmission process.

Consequently, critical philosophy is synergized to photograph and criticize the hoax phenomenon based on critical reasoning and ethical policy actions. This provides a paradigmatic foundation for reactivating *qat'i-zanni* reasoning integrated with the philosophy of studying and criticizing hoaxes. The integration of *usul al-fiqh* and philosophy constructs human critical reasoning in receiving and analyzing information and news narrated and transmitted massively in the post-truth era.

### ***Al-Khabar* in Islamic Legal Perspective and the Phenomenon of Hoaxes in the Post-Truth Era**

In the literature of Islamic legal theory (*usul al-fiqh*), fake news is an integral aspect of the discussion on news stories (*al-khabar*). Al-Juwayni in *al-Burhan fi Usul al-Fiqh* stated that *al-khabar* is divided into honest or true (*al-sidq*) and lying or false (*al-kadhb*), which includes hoaxes.<sup>16</sup> The essence of hoaxes and *al-khabar al-kadhib* is the same, but the system and distribution of media differ due to time and

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<sup>16</sup> Abu al-Ma'ali al-Juwayni, *al-Burhan fi Usul al-Fiqh* (Cairo: Dar al-Wafa', 2010), 327. See also: Al-Juwayni, *al-Waraqat* (Saudi Arabia: Dar Sami', 1996), 15.

technological advances. In the *usul al-fiqh* tradition, *al-khabar al-kadhib* spreads slowly through word of mouth (*qila wa qala*), while a hoax spreads quickly and massively through the mass media almost simultaneously. Al-Zarkashi recognized the possibility of intentionally spreading and conveying false news or hoaxes in *al-Bahr al-Muhit fi Usul al-Fiqh*. The fourth volume of Al-Zarkashi's book states that the honesty or truth of news is discerned through its linguistic model.<sup>17</sup> Spoken and written language are effective methods of producing and distributing news to the public. Based on al-Zarkashi's statement, individuals with poor linguistic reasoning may struggle to analyse honest and false news.

The transmission of news, or *al-khabar*, in the science of *usul al-fiqh* questions both the narrator (*sanad*) and what is narrated (*matn*). While the first refers to the individual transmitting the news, the second pertains to the content being transmitted. Hoaxes can be traced regardless of whether the news transmission is accounted for or not. Therefore, it is crucial to analyse both the deliverer and the narrative method. In the classical *usuli* tradition of *usul al-fiqh (mutaqaddimin)*, the term *al-khabar* was introduced as a sub-discussion on how the words of the Prophet were transmitted and narrated by his followers.<sup>18</sup> *Al-khabar*, as analysed by later *usuli* scholars (*muta'akhkhirin*), was initially mapped based on linguistic studies using word diction (*al-lafz*) and its meanings (*ma'ani*). In the science of *usul al-fiqh*, the understanding and essence of *al-khabar* undergo a transformation when translated into contemporary language, shifting into the realm of information. *Al-khabar* and information inquire about the truth of the narrative source and the intended meanings

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<sup>17</sup> Badr al-Din al-Zarkashi, *al-Bahr al-Muhit fi Usul al-Fiqh* (Cairo: Wizarah Awqaf wa al-Shu'un al-Islamiyyah 1988), 219.

<sup>18</sup> Muhammad bin Idris al-Shafi'i, *al-Risalah* (Cairo: Dar Turath, 2005), 39.

through the transmitter, the object, and the language style used.<sup>19</sup> In *usul al-fiqh* literature, *al-khabar* is described based on its factual essence, as well as rational, empirical, and transmission aspects. Each of these descriptions undergoes a detailed analysis.

First, *al-khabar* is divided into true (*sadiq*) and false (*kadhib*), based on its factual essence, with no possibility that it could be right or wrong. From the perspective of *usul al-fiqh*, factual truth is also intertwined with theological truth. When it aligns with its factual essence, it is termed *al-khabar al-sadiq*; otherwise, it is known as *al-khabar al-kadhib*.<sup>20</sup> The division of *al-khabar* into honesty or falsehood constitutes the argument of the *usul al-fiqh* scholars who comprehend Ash'ariyyah theology and criticize the Mu'tazilah view. This criticism arises from the assumption that *al-khabar* can be true or false simultaneously.<sup>21</sup> The Mu'tazilah view is contested with the assertion that God is the Giver of News (*al-khabir*). Hence, the notion that *al-khabar* could be both true and false at the same time is deemed unacceptable, as God, being the source, cannot lie or make mistakes.<sup>22</sup>

Second, the rational and empirical division of *al-khabar* is categorized into three types. The first type is the truth which could be known (*ma yu'lam sidquh*) based on its status, as seen in *khabar al-mutawatir*. Alternatively, it could be known based on its instruction, indicating that it is impossible to convey falsehood, as seen in *khabarullah*, *khabar al-rasul*, and *khabar ahl al-ijma'*.<sup>23</sup> The second type

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<sup>19</sup> Justin Parrot, "Finding Truth," 3.

<sup>20</sup> Sayf al-Din al-Amidi, *al-Ihkam fi Usul al-Ahkam* (Saudi Arabia: Dar Sami, 2003), 16.

<sup>21</sup> Al-Qadi 'Abd al-Jabbar al-Mu'tazili statement: "*Ma Dakhalah al-Sidq wa al-Kadhb*". Al-Jahiz statement: "*Ma laysa bi Sadiq wa la Kadhib*".

<sup>22</sup> The debate about *al-khabar* whether based on its essential certainty right or wrong or based on the probability that it can be right or wrong. See: Al-Amidi, *al-Ihkam fi Usul al-Ahkam*, 12-16.

<sup>23</sup> *Ibid.*, 18.

is the falsehood which could be known (*ma yu'lam kadhbuh*). According to al-Amidi, lies are identified through reasoning about how *al-khabar* could be rationalized and by observing whether it is empirical.<sup>24</sup> The third type is the truth and falsehood which cannot be known (*ma la yu'lam sidquh wa la kadhbuh*), such as *al-khabar* whose existence is in a *zanni* status. This type is established using reasoning and the comparison of propositions.<sup>25</sup> Therefore, human critical reasoning could determine the honesty or falsehood of an *al-khabar*.

Third, *al-khabar* is divided into *khabar al-mutawatir* and *khabar al-ahad* based on the issue of transmission. *Khabar al-mutawatir* is defined as news transmitted by multiple people to ensure scientific certainty, relying on the life history of the transmitters.<sup>26</sup> These definitions have their respective descriptions, where the term 'news' is a non-singular entity and could be *mutawatir* or *ahad*. However, the phrase "transmitted by people", or *jama'ah*, placed after the word *al-khabar* implies a variation in the number of narrators. The choice of 'beneficial to provide scientific certainty' or *mufid li al-'ilm* indicates that news conveyed without information about scientific certainty is not *mutawatir*. Furthermore, the phrase "based on the transmitter", or *bi mukhbirih*, implies that the subject transmitting accepts the status of *al-khabar*.<sup>27</sup> *Al-khabar al-mutawatir* could produce certainty of truth in what is reported (*qat'i*). Concerning hoaxes in the post-truth era, the truth or certainty of news could be tracked and reanalysed through the transmitter.

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<sup>24</sup> *Ibid.*, 19.

<sup>25</sup> Fakhr al-Din al-Razi, *al-Mahsul fi 'Ilm al-Usul* (Beirut: Mu'assasah al-Risalah, 2008), 353.

<sup>26</sup> *Ibid.*, 227.

<sup>27</sup> Al-Zarkashi, *al-Bahr al-Muhit*, 231.

*Khabar al-ahad* is news that provides doubtful information, or *ma afada al-zann*,<sup>28</sup> though this definition cannot fully capture the fundamental difference between *khabar al-ahad* and *al-mutawatir*. The news may be delivered by more than one person but does not reach the number of transmitters required for *khabar al-mutawatir*. *Khabar al-mutawatir* could attain the degree of *qat'i* certainty, while *khabar al-ahad* remains at the level of *zanni* certainty.<sup>29</sup> *Mutawatir* and *ahad* provide avenues for studying the authenticity of the source and the transmission of the narrative. *Khabar al-mawdu'* is news whose transmission process and object of information lack an authentic source.

According to al-Subki's perspective, *khabar al-mawdu'* is information whose authenticity cannot be accounted for.<sup>30</sup> The mysteriousness of its authenticity casts a negative stigma on its transmitters. Ibn Jawzi, in *al-Mawdu'at*, stated that those who produce and disseminate the *al-mawdu'* narration of news (*al-wadda'un*) are considered liars (*al-kadhhabun*).<sup>31</sup> The mystery surrounding the authenticity of *khabar al-mawdu'* indicates that the narration is a lie (*al-maqtu' bi al-kadhb*).<sup>32</sup> From the perspective of *usul al-fiqh*, the honesty or falsehood of news is determined based on the authenticity of the narrative source, the object of the narrative, and the number of transmitters.

In contrast, a hoax in the post-truth era is a deliberately concocted untruth made to masquerade as fact.<sup>33</sup> It is a fabricated or misleading piece of information, often created

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<sup>28</sup> Al-Amidi, *al-Ihkam*, 42.

<sup>29</sup> *Ibid.*, 43.

<sup>30</sup> Taj al-Din al-Subki, *Jam' al-Jawami' fi Usul al-Fiqh* (Beirut: Dar al-Kutub al-'Ilmiyyah, n.d), 65.

<sup>31</sup> 'Abd al-Rahman bin 'Ali bin Jawzi, *Kitab al-Mawdu'at* (Madinah: al-Nashir Muhammad 'Abd al-Muhsin, 1992), 47.

<sup>32</sup> Al-Subki, *Jam' al-Jawami'*, 65.

<sup>33</sup> Curtis D. MacDougall, *Hoaxes* (New York: Dover Publication, 1958).

with the intention of deceiving or tricking people. Hoaxes can take various forms, such as false rumors, pranks, or fraudulent schemes. The term 'hoax' is often used interchangeably with terms like 'deception', 'sham', or 'fraud' when describing false or misleading information.<sup>34</sup> According to Hunt Allcott, hoaxes could be described as unintentional mistakes, rumors, conspiracy theories, satire news, misstatements of politicians, and false or misleading reports.<sup>35</sup> Previous studies have revealed that the European Union employs different terms than Hunt Allcott's version of the hoax concept and emphasizes the term 'disinformation' rather than 'hoax'. Although they have almost identical meanings, hoaxes only relate to incorrect or deceptive reports, while disinformation is intentionally spread as truth propaganda. Hunt Allcott's conceptualization of hoaxes and the European Union's perspective on disinformation raise questions about truthfulness and trustlessness.<sup>36</sup>

The conceptual framework for a hoax involves understanding the various elements and factors that contribute to the creation, dissemination, and impact of deceptive information.<sup>37</sup> There are several important

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<sup>34</sup> See, Jack Lynch, *Deception and Detection in Eighteenth-Century Britain* (New York: Routledge, 2016); The Editors of *Lingua Franca*, *The Sokal Hoax: The Sham That Shook the Academy* (Lincoln: University of Nebraska Press, 2000); Jack Edelson, et al., "The Effect of Conspiratorial Thinking and Motivated Reasoning on Belief in Election Fraud." *Political Research Quarterly* 70(4) (2017), 933–946.

<sup>35</sup> Hunt Allcott & M. Gentzkow, "Social Media and Fake News in the 2016 Election," *Journal of Economic Perspectives* 31(2) (2003), 21.

<sup>36</sup> Read: European Commission, *A Multi-Dimensional Approach to Disinformation* (Luxembourg: Publication Office of the European Union, 2018), <https://op.europa.eu/en/publication-detail/-/publication/6ef4df8b-4cea-11e8-be1d-01aa75ed71a1/language-en>.

<sup>37</sup> This conceptual framework for hoaxes is the result of our analysis of several articles, such as Mohammad Ali, "Fake-News Network Model: A Conceptual Framework for Strategic Communication to Deal with Fake News," *International Journal of Strategic*

keywords crucial to pay attention to regarding this matter. Firstly, purposeful deception: a hoax is characterised by the intentional creation and dissemination of false information. Hoaxes may be designed for various reasons, such as causing confusion, eliciting reactions, or achieving some form of personal or social gain. Secondly, creation and dissemination: hoaxes can be spread through different mediums, including social media, traditional media, emails, other communication platforms, or even word of mouth. Thirdly, content characteristics: hoaxes can take the form of false rumors, fabricated stories, doctored images, or misleading videos. Lastly, impact and consequences: hoaxes can have significant real-world consequences, ranging from public panic to reputational damage. The impact of a hoax can vary based on cultural, social, and political contexts.<sup>38</sup> By considering these aspects within a conceptual framework, one can gain a comprehensive understanding of the phenomenon of hoaxes and the broader issues associated with deceptive information in various contexts.

The rapid and massive spread of hoaxes threatens the stability of social life in the digital era.<sup>39</sup> Human

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*Communication* 16(1) (2022), 1–17; Nicolas Belloir, et al., "Conceptual Characterization of Fake News: A Positioning Paper," 16<sup>th</sup> International Conference on Research Challenges in Information Science (RCIS'22), Barcelone, Spain, (2022), 1–8; and Lucas Martins Dias Maragno & José Alonso Borba, "Conceptual Map of Fraud: Theoretical and Empirical Configuration of International Studies and Future Research Opportunities," *Journal of Education and Research in Accounting (REPeC)* 11 (Special Edition) (2017), 41–66

<sup>38</sup> Manjul Gupta, et al., "Fake News Believability: The Effects of Political Beliefs and Espoused Cultural Values," *Information & Management* 60(2) (2023), 1-12; Femi Olan, et al., "Fake News on Social Media: The Impact on Society," *Information Systems Frontiers* (2022), [https://dspace.stir.ac.uk/retrieve/dd033509-4646-4ace-9e6b-f024a8317279/Fake%20news%20on%20Social%20Media\\_%20the%20Impact%20on%20Society.pdf](https://dspace.stir.ac.uk/retrieve/dd033509-4646-4ace-9e6b-f024a8317279/Fake%20news%20on%20Social%20Media_%20the%20Impact%20on%20Society.pdf)

<sup>39</sup> Pratiwi Utami, "Hoax in Modern Politics," 86.

dependence on gadgets as communication tools and media in public spaces makes hoaxes easily circulated and spread on social media platforms, such as Facebook, Twitter, Instagram, and WhatsApp.<sup>40</sup> As a problem in the post-truth era, hoaxes could be considered a negative impact of the digital revolution. They are believed by everyone accessing and disseminating information through the internet network. Not all humans have the same knowledge and awareness to identify and verify news circulating on internet pages. This human failure in responding to and criticizing circulating news could trigger conflicts in life's political, social, and religious dimensions.<sup>41</sup>

Hoaxing is designed to exploit people's emotions, create fear or panic, or manipulate public opinion.<sup>42</sup> The primary goal of a hoax is typically to elicit a reaction from the public or individuals, spreading misinformation and causing confusion.<sup>43</sup> It's important to exercise critical thinking and verify information before accepting or spreading it to avoid falling victim to hoaxes and contributing to the spread of misinformation. The dissemination of information in the massive post-truth era

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<sup>40</sup> B. Pratama et al., "Legal Perspective of the Internet Hoax," The 1<sup>st</sup> Workshop on Multimedia Education, Learning, Assessment and its Implementation in Game and Gamification WOMELA-GG, COMDEV 2018, Medan Indonesia, 26<sup>th</sup> January 2019, <http://dx.doi.org/10.4108/eai.26-1-2019.2283207>.

<sup>41</sup> Regarding the negative impact of hoaxes on human life in general and Indonesian society in particular, see Henri Septanto, "Pengaruh Hoax dan Ujaran Kebencian: Sebuah Cyber Crime dengan Teknologi Sederhana di Kehidupan Sosial Masyarakat," *Kalbis Scientia: Jurnal Sain dan Teknologi* 5 (2018), 157-162.

<sup>42</sup> João Pedro Baptista & Anabela Gradim, "Understanding Fake News Consumption: A Review," *Social Sciences* 9(10) (2020), 1-22; James P. Walsh, "Social Media and Moral Panics: Assessing the Effects of Technological Change on Societal Reaction," *International Journal of Cultural Studies* 23(6) (2020), 840-859.

<sup>43</sup> Keonyoung Park & Hyejoon Rim, "Click First!: The Effects of Instant Activism via a Hoax on Social Media," *Social Media+Society* 6(2) (2020), 1-13.

becomes a transmission problem based on the division and description of *al-khabar*'s critical reasoning. People ensure that information has *zanni* status when propagated by only one, two, or three transmitters. This necessitates a critical investigation to receive and redistribute the information.

However, the wide openness of social media channels means that when information is disseminated by tens and even hundreds of transmitters simultaneously, it exceeds the number of *khabar al-mutawatir* transmitters. The question becomes whether the news could be declared *qat'i*, suggesting that reusing *qat'i-zanni* to contextualize the news finds its critical philosophical paradigmatics. At this point, the conceptual frameworks for hoaxes, such as identifying the source of information, the transmission of information, and the consequences of claiming truth, are three aspects analysed specifically in an integrative manner through the concept of *qat'i-zanni*.

### ***Qat'i-Zanni* Reason as an Epistemology of Critical Thinking**

In *usul al-fiqh*, the relationship between religious humans and the language signs of religious texts is framed by definitive (*qat'i*) and presumptive (*zanni*) concepts.<sup>44</sup> These two concepts require human reasoning to track and identify religious teachings and map absolute truth and hypothetical cases.<sup>45</sup> In *usul al-fiqh*, *qat'i-zanni* is related to the authenticity of the narrative source, or *al-thubut*, and its meaning, or *al-dalalah*. Therefore, *qat'i* and *zanni* discuss how human reason accepts linguistic narratives and understands their meaning simultaneously. As a term, *qat'i* denotes a religious truth mutually agreed upon with no

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<sup>44</sup> Al-Hasan Shahid, *Nazariyyah al-Tajdid al-Usuli min al-Ishkal ila al-Tahrir* (Saudi Arabia: Markaz Nama, 2012), 55.

<sup>45</sup> Hassan Hanafi, *Min al-Nass ila al-Waqi'* (Cairo: Markaz al-Kutub, 2005), 58.

interpretation (*ma la khilafa fi*).<sup>46</sup> The truth of *qat'i* is absolute, while *zanni* is speculative because it involves disagreement on the use of religious narratives and the possibility of different interpretations (*ma fihi khilaf*).<sup>47</sup> In terms of human religious reasoning, *qat'i-zanni* constructs legal and moral ideals and plays a vital public role.

Al-Shafi'i in *al-Risalah* asserted that reality has a legal narrative<sup>48</sup> because the source of religious narratives is not only the Qur'an and *mutawatir* hadiths. Awareness of untrue narrative sources that need debating becomes acceptable to accommodate other religious narratives. Therefore, the concept of *zanni* relates to *al-thubut* and is described in *khobar al-wahid* in *usul al-fiqh*. *Khobar al-wahid* is a religious narrative conveyed by one or more people through one transmission line.<sup>49</sup> Therefore, its status is not at the same level as that of the Qur'an and the *mutawatir* hadiths narrated by many people. The truth of the Qur'an and *mutawatir* hadiths is certain, or *qat'i*, while *khobar al-wahid* is speculative, or *zanni*. The status of *khobar al-wahid* is *zanni al-thubut*, however, the *usul al-fiqh* ulama of the Shafi'i school apply it as a source of law, provided it is verified.<sup>50</sup>

The concept of *qat'i-zanni* is related to the truth status of the narrative source (*al-thubut*) and the indications (*al-dalalah*) of its meaning. *Al-thubut* could be present in both *qat'i* and *zanni*, *al-dalalah*, meaning that operational practice also recognizes *qat'i al-dalalah* and *zanni al-dalalah*. While *al-thubut* focuses more on receiving narrative sources, *al-dalalah* focuses more on the interpretation and meaning of what is narrated. In this case,

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<sup>46</sup> *Ibid.*, 45-74.

<sup>47</sup> *Ibid.*, 75-89.

<sup>48</sup> Al-Shafi'i, *al-Risalah*, 474.

<sup>49</sup> See: Ahmad bin Mahmud Abdul Wahab al-Shanqiti, *Khobar al-Wahid wa Hujjatuh* (Madinah: al-Jami'ah al-Islamiyyah, 2002).

<sup>50</sup> Al-Shafi'i, *al-Risalah*, 391-469; al-Juwayni, *al-Burhan*, 345-354; al-Ghazali, *al-Mustasfa*, 343-375.

*qat'ī al-thubut* is about the absolute agreement in accepting religious narrative sources, while *zanni al-thubut* is about disagreement in accepting.

The explanation of the *qat'ī-zanni* concept means that *qat'ī al-dalalah* discusses the agreement of interpretation and uniformity of meaning universally. In line with this, *zanni al-dalalah* examines the differences in meaning and the necessity of partial interpretation. According to *qat'ī al-dalalah*, the meaning of what is narrated is static and final (*ma la ihtimala fih*), while *zanni al-dalalah* perceives that the meaning is always open, dynamic, and plural (*ma fih ihtimal*).<sup>51</sup> This implies a difference between the two in the science of *usul al-fiqh*. In this case, *al-thubut* relates to theoretical reasoning *ma la khilafa fih* for *qat'ī al-thubut* and *ma fih khilaf* for *zanni al-tsubut*, while the theoretical reasoning in *al-dalalah* is *ma la ihtimala fih* for *qat'ī al-dalalah* and *ma fih ihtimal* for *zanni al-dalalah*.

In *qat'ī-zanni* reasoning, a *qat'ī al-thubut* narrative or text does not necessarily make the signs of meaning also *qat'ī al-dalalah*. Although the Qur'an and the *mutawatir* hadiths are *qat'ī al-thubut*, they have diverse textual interpretations, demonstrating plurality in meanings. In this case, the existence of various interpretations necessitates diverse meanings. According to *al-dalalah*, the meaning indications of these texts are *zanni al-dalalah*. Therefore, the results of interpretation and meaning are partial and cannot be applied universally. Based on the concepts of *qat'ī al-dalalah* and *zanni al-dalalah*, the clarity of the meaning of what is narrated proves that *usul al-fiqh* seeks to maintain the sacredness of religion (*al-din fi dhatih*).

Additionally, *usul al-fiqh* intends to open spaces for meaning in religious teachings relevant to the plurality of human life (*al-din li dhatina*). What is not true and debatable necessitates human reason to translate religious

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<sup>51</sup> 'Abd al-Wahhab Khalaf, *Ilm Usul al-Fiqh* (Cairo: Maktabah Da'wah Islamiyyah, n.d.), 34-35.

teachings. In this situation, al-Ghazali emphasized that human reason is vital when reading religious texts.<sup>52</sup> Since each reasoning is related to its preconception, the interpretation of religious texts is not uniform. Differences in interpreting religious texts indicate that the debated meaning should not be applied universally.

The *qat 'i-zanni* reason could be applied to determine the status of the sources of hoaxes in the post-truth era and map meanings based on their language systems. Before news is decided as a hoax, the initial entity is only news (*al-khabar*) and should be analysed, accepted, or rejected using critical reasoning in classical *usul al-fiqh*. This needs to be realized together because being uncritical in accepting or rejecting news could lead to conflicts with their critical and social community reasoning. Only the Qur'an and *mutawatir* hadiths have the degree of *qat 'i al-thubut*, meaning that other sources of narration are *zanni al-thubut*. The initial narrative is in the *zanni al-thubut* position regardless of the source and should be questioned, analysed, criticized, and even redefined.

Concerning the interpretation and meaning of what is informed based on *qat 'i-zanni* related to the linguistic signs used, all narratives of information are *zanni al-dalalah*. Hoaxes can be seen as part of linguistic matters due to their connection with specific narratives, whether they are in written or spoken form.<sup>53</sup> This is because the dissemination of hoaxes can occur through the sharing of written content

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<sup>52</sup> Abu Hamid al-Ghazali, "Qanun al-Ta'wil," in *Majmu'ah Rasa'il Imam al-Ghazali* (Beirut: Dar al-Kitab, n.d.), 127.

<sup>53</sup> Rui Sousa-Silva, "Fighting the Fake: A Forensic Linguistic Analysis to Fake News Detection," *International Journal for the Semiotics of Law-Revue Internationale de Sémiotique Juridique* 35(6) (2022), 2409–2433; Jack Grieve & Helena Woodfield, *The Language of Fake News*, 1st ed. (Cambridge: Cambridge University Press, 2023); Kholid, I Ketut Darma Laksana & I Nengah Sudipa, "The Hoax News Text on Social Media: A Critical Discourse Study," *International Journal of English Language Studies* 3(10) (2021), 14–21.

on social media or through orality. In its application, *dalalah* can be utilized to uncover indications within a narrative, whether explicit ( *mantuq* ) or implicit ( *mafhum* ), which are written or unwritten. The tradition of critical thinking in the  *usul al-fiqh*  reason has been affirmed by classical ulama, specifically al-Ghazali. In  *al-Mustasfa min 'Ilm al-Usul* , al-Ghazali placed the science of  *mantiq*  at the beginning of the discussion before delving into legal  *istinbat*  trinkets.<sup>54</sup> He was concerned about critical reasoning in the  *Qanun al-Ta'wil* . Al-Ghazali stated:

“Whoever denies reason has denied  *shara'* . Because of critical reasoning, the truth of  *shara'*  is known. How could logic be denied by  *shara'* , while  *shara'*  is not determined (truth) except by critical reasoning?”<sup>55</sup>

Related to the rise of hoax phenomena, critical thinking could be raised through the reactivation of the  *qat 'i-zanni*  reason while integrating it into contemporary philosophy. This epistemological construction formed in the study of  *usul al-fiqh*  is a fusion of dialectical reasoning between the core of the text and contextual reality. It is expected that the two could synergize into a unified whole and comprehensive epistemic reasoning. Re-epistemification of  *usul al-fiqh*  reasoning is an epistemological domestication process ( *al-tadakhul al-ma'rifi* ) between  *shari'ah*  and the awareness of philosophical thinking.<sup>56</sup>

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<sup>54</sup> Al-Ghazali,  *al-Mustasfa* , 109.

<sup>55</sup> This expression in Arabic text is: “ *Man kadhaba al-'aql faqad kadhaba al-shar'* .  *Iz bi al-'aql 'ulima sidq al-shar' wa kayfa yukadhdhab al-'aql bi al-shar' wa ma subita al-shar' illa bi al-'aql.* ” See, al-Ghazali,  *Qanun al-Ta'wil* , 127.

<sup>56</sup> Taha 'Abd al-Rahman,  *Tajdid al-Manhaj fi Taqwim al-Turath*  (Beirut: Markaz Thaqafi, 2012), 75-80 & 237-242.

Information media are a narrative source for human knowledge in the current post-truth era.<sup>57</sup> Each piece of information has its own orientation, whereas *khobar al-kadhib* in *usul al-fiqh* and hoaxes in the study of philosophy are forms of humans uncritically accepting, believing, and publishing the news. Information is called misinformation when it is false or misleading, and it is known as disinformation when it is intentionally falsified to obscure and cover up the facts. Therefore, uncritical thinking in receiving and analyzing information could cause human knowledge about something to be incomplete.

The conceptual frameworks for hoaxes explained in the previous section and the explanation of *qat'i-zanni* reasoning above can both be elaborated integratively to provide an understanding of how to critically address the spread of hoaxes in the digital era. Regarding the source of information in the spread of hoaxes, the conceptual frameworks mention that hoaxes can be produced through various social media, digital platforms, or statements delivered without clarity regarding the quality of the news source. *Qat'i-zanni* reasoning can be applied to address this source problem. By maximizing *qat'i-zanni* reasoning, modern humans, especially Muslim communities, can understand that any news not derived from the Qur'an and *mutawatir hadiths* are considered *zanni al-thubut*, and therefore, its authenticity and truthfulness should be doubted. Source tracing ensures that it has the authority to issue information and can be accounted for by analyzing the narrator and the text.

Regarding the topic of the spread of hoax news, as mentioned in the conceptual frameworks for hoaxes, the *qat'i-zanni* reasoning related to the issue of the transmitter

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<sup>57</sup> Regarding this, Wittgenstein stated: "When we say: Every word in language signifies something we have so far said nothing whatever." See Ludwig Wittgenstein, *Philosophical Investigation* (London: Basil Blackwell, 1986), 7.

can be integrated to conduct analytical thinking about the narratives reported in the digital era. This will stimulate the process of critical thinking that all information in the digital era is textual news, which is *qat'i al-dalalah*. Its meanings are in the position of *zanni al-dalalah* in the rational-experimental space. Source tracking places the object of study outside the narrated text, while analytical thinking directly analyses the text.<sup>58</sup>

Moreover, analytical thinking about the contents of the news helps modern humans understand and rationalize all the narratives they receive. Logic is critical in assessing whether the news is rational and acceptable, while analytical studies utilize the human experience and reason to analyse whether the news is a hoax.<sup>59</sup> Thus, to identify the authenticity and truthfulness of the news, it should not be evaluated based on how many media or parties transmit it, but rather the content reported must be critically analysed and reconsidered for its rationality.

In the conceptual frameworks for hoax, it has been mentioned that the spread of fake news will have complex consequences as it can lead to chaos, panic, and even cause damage in the public sphere.<sup>60</sup> To mitigate the negative impacts caused by hoaxes, *qat'i-zanni* reasoning can be integrated to map and assess the claims of truth in disseminated news in the digital era. Considering that all news not derived from the Qur'an and *mutawatir hadiths* is regarded as *zanni al-thubut* and *zanni al-dalalah*, the

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<sup>58</sup> Analytical studies here cannot be separated from our knowledge of narrative sources. For Wittgenstein, as stated by Milton K. Munitz, "the meaning of linguistic expressions is determined by rules of use that people devise and adopt." Milton K. Munitz, *Contemporary Analytic Philosophy* (New York: Macmillan, 1981), 273.

<sup>59</sup> Analytical thinking is one of the critical steps to analyzing and filtering the news mentioned by al-Shafi'i in *al-Risalah*. See: al-Shafi'i, *al-Risalah*, 392.

<sup>60</sup> Walsh, "Social Media and Moral Panics", 840-859; Park & Rim, "Click First!: The Effects of Instant Activism", 1-13.

assertion of truth in news cannot be made outright. Thus, unlike the unquestionable truth quality of news from the Qur'an and *mutawatir hadiths* (*qat'i*), the truthfulness of news in the post-truth era needs to be regarded as *zanni*, and its quality must be verified and validated again.

The three approaches mentioned above have arisen from an exploration of the *qat'i-zanni* concept, intricately connected to the aspect of interest (*maslahah*), and conceptual frameworks enriched with ethical nuances. In this context, legal subjects, as human beings, are required to manifest these values of interest in the public sphere.<sup>61</sup> In the context of this research, it is imperative for news producers and transmitters to cultivate ethical awareness before reporting and disseminating news. Hoaxes share similarities with *khabar al-kadhib* in the study of *usul al-fiqh*. A historical continuum of hoaxes exists, bridging the classical *usul al-fiqh* period to the current post-truth era. This underscores the perpetual need for human awareness and critical discernment when receiving news.

In *usul al-fiqh*, the relationship between hoaxes and legal information is delineated as *al-haq* and *al-batil*, as they are intricately linked to concepts of obedience and disobedience.<sup>62</sup> It is called truth and falsehood in the study of philosophy.<sup>63</sup> The relationship between hoaxes and the moral-ethical dimension is explored through *al-hasan* and

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<sup>61</sup> David Johnston, "A Turn in the Epistemology and Hermeneutics of Twentieth Century *Usul al-Fiqh*," *Islamic Law and Society* 11(2) (2004), 233–282; Abbas Barzegar, "The Living Fiqh, or Practical Theology, of Muslim Humanitarianism," in *Migration and Islamic Ethics: Issues of Residence, Naturalization, and Citizenship*, ed. Ray Jureidini & Said Fares Hassan (Leiden: Brill, 2020), 28–46; George F. Hourani, "Ghazali on the Ethics of Action," *Journal of the American Oriental Society* 96(1) (1976), 69–88; Felicitas Opwis, *Maslahah and the Purpose of the Law: Islamic Discourse on Legal Change from the 4<sup>th</sup>/10<sup>th</sup> to the 8<sup>th</sup>/14<sup>th</sup> Century* (Leiden, Brill, 2010).

<sup>62</sup> Al-Shafi'i, *al-Risalah*, 107.

<sup>63</sup> See, Bertrand Russell, *An Inquiry into Meaning and Truth* (London: George Allen and Unwin LTD), 226-235.

*al-qabih* in *usul al-fiqh*<sup>64</sup>, equivalent to the concepts of good and bad in philosophical studies.<sup>65</sup> By delving into the conceptual frameworks of hoaxes and *qat 'i-zanni* reasoning concerning sources, transmissions, and truth claims, the reactivation of *qat 'i-zanni* in the post-truth era can be illustrated in the following graphic:

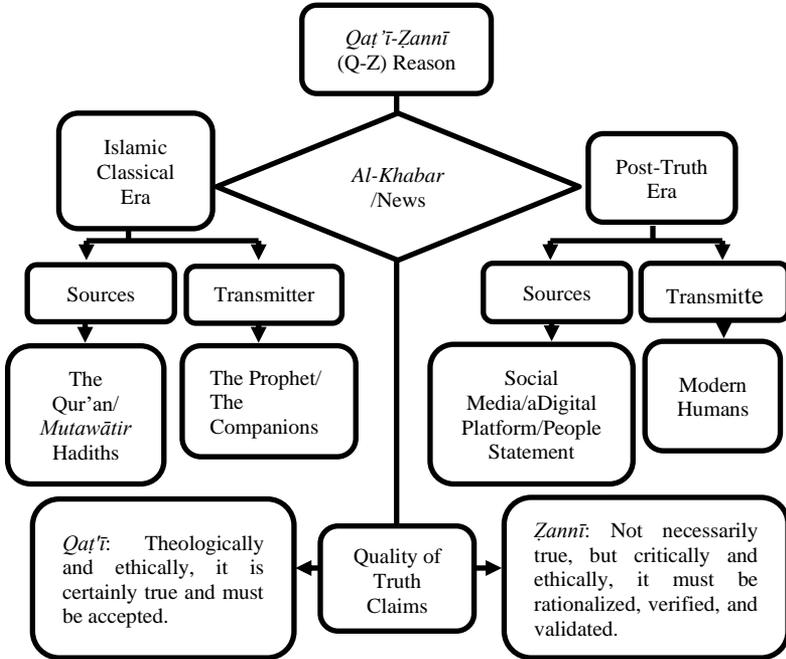


Figure 1: The reactivation of *qat 'i-zanni* in the post-truth era

The latent danger of hoaxes in promoting immoral behavior blurs the boundaries of religion (*al-din*) and

<sup>64</sup> Al-Juwayni used the term *al-taqbih* and *al-tahsin*, while al-Ghazali used *husn al-af'al* and *qubh al-af'al*.

<sup>65</sup> Steve Fuller, "What Can Philosophy Teach Us About the Post-Truth Condition," *Springer Nature Singapore* (2018), 13.

religious knowledge (*al-ma'rifah al-diniyyah*). As a noumenon (*al-shay' fi dhatih*), religion is marginalized by its sacredness, with truth claims as human interpretations of a phenomenon (*al-shay' li dhatina*). Hoaxes in the post-truth era could place the phenomenon in the status of noumena, triggering socio-political and religious problems. The dialectics of texts and interpreters is a study in Islamic legal philosophy. Building ethical awareness is also a religious-philosophical process. The moral concepts extracted from dogmatic teachings and legal reasoning constructed empirically reflect how the ideal of human consciousness is formed. This should be observed because ignoring it means the epistemological relationship between legal and moral would change direction from what should be practiced to a hoax. It would change from what should be believed to be an opinion and from a philosophical one to a philodoxy.<sup>66</sup>

The Qur'an is a *qat'i* text and the primary reference source in the *masadir al-ahkam* hierarchy, teaching that ethics are essential in human life. Ethical teachings in the Qur'an are dispersed across various verses and chapters. According to the study of An-Na'im, most ethical teachings were present during the Mecca period.<sup>67</sup> This implies that ethical awareness changes an initially morally flawed social paradigm. In the Arab-Mecca society, laws mandated obedience and implementation based on inter-tribal agreements. However, many of these ancient rules did not reflect ethical teachings. Therefore, it becomes logical why many ethical teachings in the Qur'an were revealed when the Prophet was in Mecca. This is emphasized by the words

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<sup>66</sup> Immanuel Kant, "Critique of Pure Reason," in *Basic Writing of Kant*, ed. Allen W. Wood (New York: The Modern Library-Classics, 2001), 23.

<sup>67</sup> See, Abdullah Ahmed Al-Na'im, *Toward an Islamic Reformation: Civil Liberties, Human Rights, and International Law* (Cairo: American University, 2012).

of the Prophet, stating that his commission carried the responsibility for perfecting ethics: "*Innama bu'ithtu li utammima makarim al-akhlaq.*"

Ethical teachings in the Qur'an and *mutawatir* traditions can be comprehended by classical *usul al-fiqh* ulama, and they are presented with various paradigms. The awareness of *usul al-fiqh* experts (*usuli*) in constructing ethical paradigms through moral teachings in *qat'i* texts requires legal decisions to always incorporate moral awareness. This implies a belief in the certainty of the revealed texts, with *qat'i* being used as the primary source in analyzing and initiating a law. It signifies that the truth of the narrative source informing ethical awareness through *usul al-fiqh* can be accounted for. Igniting ethical awareness through legal reasoning can be portrayed as a dialectic in the relationship between revelation, critical reasoning, and human experience. Therefore, *usul al-fiqh* is the appropriate locus to discuss this ethical awareness.<sup>68</sup>

Al-Shafi'i's magnum opus, *al-Risalah*, delineates an ethical paradigm mapped into two distinctive variables: obedience (*al-ta'ah*) and disobedience (*al-ma'siyah*).<sup>69</sup> To buttress his ethical paradigm, al-Shafi'i cited numerous verses from the Qur'an at the outset of the discussion. In his view, ethical awareness should precede the formulation of a law (*ma qabl hukm al-shar'*).<sup>70</sup> Al-Juwayni, in his book *al-Burhan fi Usul al-Fiqh*, contends that ethics is an intrinsic component of the divine law (*min ahkam al-shar'*).<sup>71</sup> Therefore, in al-Juwayni's perspective, the ethical paradigm is conceptualized through two processes of

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<sup>68</sup> Reinhart, "Islamic Law as Islamic Ethics," 186.

<sup>69</sup> Al-Shafi'i, *al-Risalah*, 107-114.

<sup>70</sup> Al-Shafi'i ethical paradigm can be found in *al-Risalah* through a statement: "*Al-'amal bi al-ta'ah wa al-wuquf 'an al-ma'siyah.*" See, al-Shafi'i, *al-Risalah*, 107.

<sup>71</sup> See, al-Juwayni, *al-Burhan*, 75.

ethical reasoning: *al-taqbih* and *al-tahsin*, grounded in God's commands and prohibitions.

On the other hand, al-Ghazali, in *al-Mustasfa min 'Ilm al-Usul*, posited morals as the essence of the divine law (*haqiqah hukm al-shar'*).<sup>72</sup> Since the law is intricately connected to divine speech (*khitab al-shari'*) and human actions (*af'al al-mukallaf*), al-Ghazali's ethical paradigm involves two substantive variables: *husn al-af'al* and *qubh al-af'al*.<sup>73</sup> Utilizing the science of *mantiq* as a tool for critical reasoning to determine ethics in human actions, al-Ghazali asserted that individuals with deficiencies in critical reasoning cannot be deemed reliable narrators of scientific information.<sup>74</sup>

Islamic legal thought underscores that humans were initially the target objects of religious texts, but they have evolved into the subjects interpreting these texts. The piety of human behavior in *usul al-fiqh* reflects the religious teachings constructed as legal rules. When *qat'i* religious texts are considered true sources, they become absolute laws, necessitating the realization of their moral teachings. According to al-Shafi'i, the absoluteness of ethical awareness through legal reasoning is discussed in the context of legal policies, asserting that individuals should embody right conduct both in externum and internum forums simultaneously. Therefore, legal decisions should be imbued with ethical awareness, and moral habituation, contextualising them becomes a rational undertaking.<sup>75</sup>

The epistemological relationship between *usul al-fiqh* and ethics can be understood through the dialectic of two

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<sup>72</sup> Al-Ghazali, *al-Mustasfa*, 175.

<sup>73</sup> *Ibid.*, 176.

<sup>74</sup> *Ibid.*, 109.

<sup>75</sup> Statement in Arabic: "*Nahkumu bi al-haqq fi al-zahir wa al-batin*". The terms forum externum and forum internum are used by Joseph Goering, as quoted by Junaid Quadri. See: Junaid Quadri, "Moral Habituation in the Law: Rethinking the Ethics of the Shari'a," *Islamic Law and Society* 26 (2019), 196.

interrelated variables: ethical questions concerning the command to do good (*al-amr bi al-ma'ruf*) and the prohibition to do evil (*al-nahy 'an al-munkar*).<sup>76</sup> In one of its principles, *usul al-fiqh* maintains that a command implies an obligation to be observed (*al-amr yadullu 'ala al-ijab*),<sup>77</sup> while a prohibition shows that it is forbidden (*al-nahy yadullu 'ala al-tahrim*).<sup>78</sup> Within the *usul al-fiqh* tradition, the reciprocal relationship between commands and prohibitions establishes ethical awareness as the standard for executing these legal directives. Moral habituation, as emphasized in this tradition, is centered on teaching the realization of benefits for all humans (*tahqiq masalih al-'ibad*). The term *al-'ibad* underscores the idea that everyone should act<sup>79</sup> in accordance with universal moral laws, unaffected by differences in belief, race, language, or ethnicity.<sup>80</sup>

The ethical teachings in the Qur'an and the *mutawatir* hadith are universal and comprehensive. The application of *qat'i* in social life is absolute and unconditional. Concerning hoaxes, the words of the Prophet, "Suffice it for a person to be considered lying by only telling everything that he heard..." are always relevant to the conditions of an era, no matter how advanced the technology is. This hadith is full of moral teachings. Based

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<sup>76</sup> Abdulmajeed Hassan Bello, "Islamic Law and Islamic Ethics: Interrogating the Relationship," *International Journal of Religions and Tradition* 2(1) (2016), 13.

<sup>77</sup> Extracted from the statement: "*Idha tajarradat sighah al-amr iqtadat al-wujub*." See, Abu Ishaq al-Shirazi, *al-Luma' fi Usul al-Fiqh* (Beirut: Dar al-Kattani, 2013), 95.

<sup>78</sup> Extracted from the statement: "*al-Nahy yaqtadi al-tahrim*." See, Jamal al-Din al-Asnawi, *Nihayah al-Sul fi Sharh Minhaj al-Usul* (Cairo: Alam al-Kutub), 293.

<sup>79</sup> Khaled Abou El Fadl, "Qur'anic Ethics and Islamic Law," *Journal of Islamic Ethics* 1 (2017), 14.

<sup>80</sup> Moral law consciousness in Kant's language is about a universal law which he calls the Moral Law. See, Kant, "The Critique of Practical Reason," 232.

on the *dalalah isharah al-nass* implicitly, anyone must analyse and verify news before conveying and disseminating it, meaning that ethical awareness is a moral and social responsibility. Therefore, all devices used in delivering news in this post-truth era are bound by the moral orientation of the *hadith*. This is why ethical awareness is needed for intrapersonal and intersocial life.

### **Conclusion**

This study found that any information whose narration source is not from the Qur'an or *mutawatir* hadith is not *qat'i al-thubut*. This indicates all information other than the two is *zanni al-thubut*. It is necessary to doubt the truth of every narrative, meaning that people are free to analyse and rationalize the news. The presence of hoaxes in the post-truth era also indicates that the human ability to access information should be balanced with awareness of identifying and verifying the information. The hoaxes believed to be facts and truths result from humans' inability to ensure the authenticity of information sources. The limitations of human knowledge regarding legal consequences and a lack of moral awareness in conveying information are two factors that can trigger the spread of hoaxes in the post-truth era.

The critical approach, based on *qat'i-zanni* reason, is the analysis of various narratives that involve three steps. These are tracing the authenticity of the source, examining the transmission process of the subject and the object, and re-criticizing to determine whether a narrative could be justified. Since a narrative cannot be independent, its paradigmatic footing is established by examining the various sides. As scientific narratives, *shari'ah* and philosophy ignite human critical reasoning. This study proved that *qat'i-zanni* reasoning in the discipline of *usul al-fiqh* could be combined with philosophy. It could be contextualized to provide humans with a critical discourse through legal thought and ethical awareness in addressing

and dealing with problems caused by digitization in the post-truth era. This includes considering issues such as freedom of speech, responsible journalism, and the potential harm caused by spreading false information.

Nonetheless, this research still exhibits certain limitations. This study only focused on the reactivating of *qat'i-zanni* reason, though there are several other concepts in *usul al-fiqh* useful in analyzing hoax phenomena in the post-truth era. The study has not been supported by the latest data on hoaxes from the other perspective of Islamic studies. Therefore, further studies from other disciplines of Islamic studies, such as personal circumstances from the perspective of the psychology of Sufism or thematic interpretations of religious texts related to the spread of false news, are needed.

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