



The Crime of Defamation and Slander and Methods to Prove it Via the International Information Network in the Saudi regime and Jordanian law

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The technical and scientific development in modern media has lead to increasing the risk of damaging people's reputation by committing acts slur and slander to others, as the technology is often times misused to undermine the honor, dignity, status, or making people fall victim to hatred and contempt, which requires confronting this phenomenon by research and study to understand this technology, monitor it and deal with it in legislation. That is why this study comes to aim to determine the adequacy of the traditional systems and rules placed to protect people's reputation from any assault, and how adequate these are to the enormous development in various modern media outlets that are used to attack a person's reputation and dignity. And in an attempt to clarify these goals, the study is divided into two researches, the first research discusses the concept of slur and slander, the second research discusses methods of committing slur and slander through the internet, and the digital forensic evidence for the crimes of slur and slander through the internet. The study was concluded with important results, recommendations, general indexes, sources, and references.

Keywords: *Slur, slander, cyber crimes, digital evidence, information network, forensic evidence.*



Introduction:

Slur and slander are the most common crimes on the internet; it is misused to undermine the honor, dignity, status, or expose a person to the hatred and contempt of others; which might be assigned to others in the form of writings, drawings, pictures, and information messages.

In this study, slur and slander crimes and methods of proving them through the internet shall be discussed into three researches: The first discusses the concept of slur and slander, the second discusses methods of committing slur and slander through the internet, while the third research deals with the digital forensic evidence for the crimes of slur and slander through the internet.

The study problem:

The study problem can be summarized in the following question: How adequate the traditional technical and legal systems and rules are in proving slur and slander crimes on the internet?

The study problem:

- A. Explaining the laws that deal with slur and slander crimes on the internet.
- B. Handling the problems resulting from committing slur and slander crimes on the internet.
- C. Research the possibility of modifying traditional legal texts or developing new ones.
- D. Addressing the crimes of slur and slander committed through the internet.

The Importance of the study:

The importance of the study appears in shedding the light on the forensic responsibility of the perpetrator of the crime of slur and slander through the internet in both the Saudi Regime and the Jordanian law, as the spread of this crime has become a major threat, so we decided to do a thorough study of the responsibility of the perpetrator of the crime, perhaps this study will be the foundation on which researchers, law enforcers and legal professionals rely in their work.

Objectives of the study:

1. Identifying the nature of electronic slur and slander crime in both the Saudi regime and Jordanian law.
2. Identifying the methods of committing the electronic slur and slander crime.
3. Learning how to investigate and prove the electronic slur and slander crime.
4. Attempting to tackle these crimes of various kinds, forms and purposes.
5. Obtaining results about the general legal provisions related to the crime of slur and slander from several aspects. Recommendations have been made in the results of the study that may benefit researchers, legal authorities and society.



Research assumptions:

1. The misuse of communication networks increases the rate of the crime under study.
2. The traditional legislations are insufficient for proving forensic evidence of electronic slur and slander crime.
3. The traditional evidences are insufficient to prove the crime of electronic slur and slander.

The study methodology:

As this study discusses the slur and slander crime and methods of proving it via the internet as a comparative study, the scientific method used in it will be the descriptive analytical method, as I will be addressing the accurate description of the texts to try to answer the problem of the study and its analysis and develop appropriate solutions in order to reach the objective of the study which is to know and clarify the position the Jordanian legislator towards the slur and slander crime and methods of proving it through modern electronic networks.

Glossary:

Digital (technical) guide: It is all the data that can be prepared or stored in digital form that enables the computer to achieve a certain task.

The World Wide Web: A large number of documents stored in the computer network that allow anyone to view information related to other parties or persons.

The study limitations:

The subject matter of this study addresses the slur and slander crime and ways of proving it via the internet. Thus, other topics related to crimes that affect the persons reputation and status are out of this study's limitation, except within the necessary part required for this study, without going in depth into all its particulars, in order to come up with legal solutions and stay clear of undue prolongation and complexity, leaving room for students and researchers.

Research One: The Concept of Slur and Slander Crime

The Saudi and Jordanian legislators consider slur and slander among the acts that affect the society, as it harms a person's dignity and status, thus, perpetrators of this crime are penalized. In this research we shall address the concept of slur and slander crime as follows:

First requirement: The definition of slur and slander crime

Slur and slander are legal terms that do not necessarily have a single meaning, each term is a criminal act independent of the other, but they both share the fact that the both affect the dignity, status and honor of a person, and in this requirement we address the definition of the slur and slander as follows:



Section One: The linguistic definition of the slur and slander crime

First: The linguistic definition of the slur crime

Slur in language is: to slur someone, is to shame and blame (Anis, 1988: page 435). And to slur is to show the shortcomings of someone and blame him, to give a condemning opinion (Ahmed Bin Faris, Language standards dictionary, 1979).

Second: The linguistic definition of the slander crime

Slander is equal to defamation, which can mean: To curse (Ibn Manthoor: page 277). To attack: with arrows, stones and words (Ibn Faris: page 234). It is also used as a metaphor to throw hardships, and it is also to defame or lie. Also, it is to throw something at someone, a thrown town is a far away one (Abu Al-Hussein 1979).

Slander in language is: to slander someone, to shame him, to cheat and do unfavorable things (Zakaria, 1399 Hijri: page 343). To slander someone's honor is to defame him (Rashad Al-Din, 2000).

Equal to slander is to curse, it was said not to curse camels because they can stop blood shed, it is not approved to curse camels because they can be used in lieu of blood money to stop blood shed (Abu Al-Hussein: 2019).

To curse is "All ugly words used to undermine and defame the cursed" (Al-Desouqi, 1410 Hijri). Cursing is also "to accuse someone in his honor without proving adultery" (Al-Ani, 1970).

Section Two: The conventional definition of the slur and slander crime

The Jordanian legislator did not define slur and slander in the article (11) in the Electronic Crime Law No. 27 for the year 2015, but it only criminalized the acts of slur and slander on social media and other internet websites. Looking back at article (1/188) in the Jordanian Penal Code, it defined slur as "attributing certain material to a person, even if it is doubtful and questionable, that would undermine his honor and dignity or expose him to the people's hatred and contempt, whether that material is a punishable crime or not".

As for slander, article (188/2) defined slur as an "assault on the dignity, honor or status of others - even in the context of doubt and questioning - without stating a specific material".

On the other hand, the Saudi legislator addressed in paragraph (5) of Article (3) of the Saudi Information Crime Prevention Law, criminalizing acts of defamation of others and causing damage to them through various means of information technology, and Article (6) of the same system addressed the penalties imposed on acts that violate public order, religious values, public



decency, or the sanctity of private life through the internet, or one of the computers, where the act of "slander" is among the crimes to which these articles apply.

Section Three: The Juristic and judicial definition of the slur and slander crime

First: The Juristic Definition

Slur is defined as “Attribution of a specific incident that requires the punishment or contempt to a person, in public and on purpose” (Hosni, 1986).

It is also known as: "Spreading statements that shall damage a person's reputation or shall undermine his status within the community where he belongs, in a way that makes the community avoid him" (Communications 2003).

Slander, on the other hand, is “what requires a punishment by the law for attributing an act that is considered a crime punishable by the law” (Beattie, Kirsten, 2007).

It is also defined as: “An assault on the dignity, honor, or status of others, even if in doubt and questioning without furnishing a specific material” (Al-Saeed,1994).

As an example, if the perpetrator wishes evil for someone without specifying, such as wishing his death or destruction.

Second: the judicial definition

The Saudi and Jordanian courts did not clearly define slur and slander crimes, rather they settled for the concepts and definitions given by the legislators, and therefore the decisions of the Jordanian and Saudi courts on these crimes are very few and rare and came to address specific cases related to the elements of these crimes and availability, and did not address the development of their concepts and definitions, because their definitions Clear in the Jordanian Penal Code.

Second requirement: The elements of the slur and slander crimes through the Internet.

The general elements of any crime are the legislative element (no crime or punishment except as defined by law) and the material element, which is the act or conduct – whether positive or negative – as a result of the crime, and the casual relationship that connects the act to it. And in this section, we shall address the elements of the slur and slander crimes as follows:

First: The Forensic Element In Slur And Slander Crimes Through The Internet

The forensic element of the crime is the text of criminalization or prohibition and punishment, as it is the text that we rely on to criminalize an act and legalize punishment for it, and that this text is valid on the perpetrator of the criminal act in terms of time, place and people. And this is



where the legal rule which is “no crime or punishment except as defined by law” emerged, and this is what is known as the legality principle (Al-Saeed, 1983).

As for the Saudi legislator, paragraph (5) of Article (3) of the Saudi Information Crime Prevention Law contained a text criminalizing acts of defamation and harming of others, through various means of information technology, and Article (6) of the same system addressed with penalties imposed on acts which would violate public order, religious values, public decency, or the sanctity of private life through the internet, or one of the computers, where the act of “slander” is among the crimes to which these articles apply.

As for the Jordanian legislator, he criminalized the acts of slur and slander on social media and the internet in Article (11) from the Electronic Crime Law No. (27) for the year 2015, as it stipulated the punishment of whoever sends or re-sends data or information through the web or internet or any other system, that includes slur, slander or defamation of any person by incarceration for a period not less than three months and a fine of not less than (100) One Hundred Jordanian dinars and not more than (2000) two thousand Jordanian dinars.

Second: The Material Element In Slur And Slander Crimes Through The Internet

The material element of the crime is impeaching the slur crime based on a certain incident as defined by the law, that attacks the honor, dignity or status, and leads to hatred and contempt of a person, whether it is done verbally or in writing or publishing (Al-Shoqairat, 2009), such as claiming a person has committed a crime, or committed adultery, or is infected with a contagious disease, whether it was done verbally or in writing according to the traditional ways stipulated in Article (189) from the Jordanian Penal Code, or through the modern means of the internet and its services. These are all considered slur crimes that explicitly requires punishment.

As for the crime of slander, the material element impeaches an unspecified incident in which an attack on the dignity, honor or status of others, like someone calling a woman an "adulteress" without mentioning the adulterer. It is also considered slander to deny a person's eligibility to engage in a certain activity, and to hint that there are hidden matters that cannot be revealed out in the open (Al-Tawalba, 2012). The crime of slander is committed whether it is done verbally, in writing or by hinting.

The act of impeachment in the slur and slander crimes whether it is certain, doubted or questioned, and whether it was resulting from personal information obtained by the perpetrator or merely spreading stories about others or republishing information that are published elsewhere. (Adly, 2012).

In both crimes, the victim must be a known person, and the crime must take place in public.



Third: The Moral Element in Slur And Slander Crimes

The slur and slander are considered deliberate crimes, since the moral element is based on the general criminal intent (knowledge and will), which requires knowledge of the crime elements and the will that lead to the behavior that constitutes the crime, and to the criminal result of undermining the honor and dignity of the claimant (Shoqairat 2009).

Hence, the perpetrator must be aware that he is committing a form of slur or slander, whether by speaking in public face to face to the victim or in his absence, in writing, by publications and print, or by act, gesture or phone. Also, the perpetrator must be aware that this form of committing the crime by one of the means of publicity so that it spreads among people, and it is heard by others and is spread and broadcasted among people if in writing (Al-Hayari, 2010).

The intention to commit this crime is not affected by the availability of good will intentions by the perpetrator, i.e. his belief in the validity of the facts that he defamed the victim with, nor does the motive influence the availability of the criminal intent, such as the intention of the perpetrator to show the flaws of the victim or to expose his hypocrisy (Al-Shuqairat, 2009).

Also, the perpetrator's will to commit the crime must be directed with a free will that is not imposed with force or threat, because if the perpetrator is forced, his intention might not be to carry out slur and slander or to spread it among people, and therefore the criminal intent is unavailable and the material basis for the crime is absent, and the crime will become crime of contempt. (Sorour, 2003).

Forth: The Element Of Publicity And Its Presence In The Slur And Slander Crime On The Internet

Publicity is a special component in the crimes of slur and slander, and it is the most important element in these crimes that distinguishes them from other crimes affecting honor and status, and since these crimes are only carried out by the availability of publicity, then if they occur in a non-public manner, the crime of slur or slander shall not be constituted and it will turn into another crime (Nomuor, 1990)

Thus, the publicity is constituted in impeachment when the perpetrator expresses the meaning that includes a disgraceful matter that he attributes to the victim in a manner that allows the public to be informed of this matter. The Jordanian legislator requires that acts of slur and slander be committed in public, and that publicity does not have to be true, so that the meaning of the realism actually assigned to the knowledge of the public is sufficient, but it is sufficient to be judgmental or assumed (Al-Saeed, 1994).



1) The presence of publicity in slur and slander impeachment in electronic services of a private nature.

Some of the services available on the internet such as e-mail, direct remote communication service, and file transfer service are of a special nature, where the communication here is limited to two parties known to each other and it is not permissible for others to see the content of the messages exchanged between them except with the knowledge of the stakeholder (Al-Husseini, 1995).

This means that these services falls within the limitations of private correspondence that is legally protected by the confidentiality of remote telecommunications, thus ensuring that others are unable to reveal or view its content, which results in making them non-public correspondence with a private nature (Al-Qahwaji, 2006).

But what is the situation if someone keeps some data and expressions affecting the reputation and honor of a person in his e-mail without sending it to anyone?

We find that the email originally exists on the internet that millions of people visit, both good and bad, among those millions are hundreds or even thousands of so-called "hackers" who are able to penetrate the email of a person who might be significant in society, and see its contents such as messages, information, or data, and they might alter them (Al-Salmi, 2002).

2) The presence of publicity in slur and slander impeachment in electronic services of a public nature.

There are some public services provided by the internet that are available to the general public without distinguish, such as browsing websites and chat rooms. Also, any user of the Internet can create a site on the World Wide Web that anyone else in the world can visit, and thus publicity is available for writings, pictures, and drawings that contain offensive meanings if they are displayed on a website (Beattie Kirsten, 2007).

Forms of saying things out loud or repeating them through wireless means of communication or any other means, are the most common forms of publicity that applies to the Internet. So publicity is achieved if the perpetrator uses the Internet to broadcast or repeat his story, this is because the expressions used by the legislator are flexible, and can include the Internet, because electronic messages can contain voice, and they are usually sent from private places, so speaking out about it using the Internet achieves by publicity element (Hassan, 1999).

Second Requirement: Provisions For The Slur And Slander Crime Via The Internet

Looking back at the Article Three of the Law on Combating Information Crimes, it punishes with imprisonment every person who commits the crimes of Defamation and causing damage to



others via information technology for a period not exceeding one year and a fine not exceeding five hundred thousand riyals, or one of these two punishments.

While Article (11) of the Jordanian Electronic Crimes Law punishes acts of slur and slander through social media and other sites on the Internet by imprisonment for a period of no less than three months and a fine of no less than (100) one hundred Jordanian dinars and not more than (2000) two thousand Jordanian dinars for anyone who commits Intentionally to send, re-send or publish data or information on the of the internet or the websites or any information system that involves slur, slander or insult to any person.

And it is noticed that there is a difference between the Jordanian and Saudi texts in the maximum and minimum penalties imprisonment and fines.

In the Jordanian text, they set a minimum limit for imprisonment, while the Saudi text set a maximum limit for imprisonment, and in the fine, the Jordanian text specified the maximum and minimum limits while leaving the judge with discretionary power, while the Saudi text restricted the judge's authority to the maximum limit for the fine and left him the discretionary power to the minimum.

The Saudi legislator did well by leaving the judge with wide discretion in determining the appropriate punishment. For this purpose, he is guided by all considerations and circumstances prior to, contemporary or subsequent to the offender's activity, while the Jordanian organizer did not leave the judge with the discretionary power to choose one of the two penalties.

Research Two: Methods Of Committing Slur And Slander Crimes On The Internet And Digital Forensic Evidence

One of the most important methods of committing slur and slander through the internet is to commit it via the means of global electronic media, including e-mail, the world wide web, chat rooms, or its perpetration through threads presented by newsgroups and electronic publications or by electronic social media. We will address methods of committing slur and slander crimes through the internet and methods of obtaining digital forensic evidence within the following requirements:

Requirement One: Methods Of Committing The Crimes Of Slur And Slander Through Global Electronic Communications

Section One: E-Mail

The perpetrator can, through e-mail, attribute a certain material to a person who may be designated or non-designated, to undermine his honor or dignity or exposes him to the hatred of people (Al-Salmi, 2002). If the perpetrator used e-mail to commit these crimes, he is considered guilty of these crimes, also the slur occurs in what is published and broadcasted between people.



Publishing is done by sending an e-mail that includes slur and slander – whether it contains sound, image or writing – to more than one person, with the intention of insulting the victim (Al-Muslimi, 2007).

One of the crimes of slur and slander that occurred via e-mail was the incident of "glory hackers", where they issued a statement posted on the Internet by e-mail and reached many Internet subscribers, in which they clarified that a person under the name of "Hijazi Intellectual Club" had insulted Sheikh Al-Islam Ibn Taymiyyah And Sheikh Muhammad bin Abdel Wahab and other symbols of the Salafiat Dawah in one of the forums. (The glory Hackers) were able to penetrate the personal email of the aggressor, and then published his photos and his secrets were revealed on their website, where they dedicated a special page to attack him on the Internet (the incident is recorded on the website [http, / hijazi.htm](http://hijazi.htm) Accessed 1/17/2019).

Section Two: The World Wide Web

Anyone can access a person's personal data to expose his secrets, defame and slander him through the internet.(1993 Page 322)

Perpetrator might also commit slur and slander through the World Wide Web by sharing written, audio or video material that offends a person, that would damage his honor or dignity, and it often comes in a written form of slur and slander through publications, while it is done in web pages by posting and broadcasting distributing writings, drawings, memes, sketches, open letters and postcards that offend the victim (Al-Husseini, 1995).

Section Three: Chat Rooms

The most common form of slur and slander via chat rooms is written form, which are conditioned to be (Al-Shobaki, 2007):

1. What is broadcasted and published among people, or what is distributed among them in writing, pictures, memes or draft drawings (unfinished drawings).
2. What is send to the victim such as open letters and post cards, as in Article (3/189) in the Jordanian Penal Code No. 16, 1960.

Requirement Two: Committing Slur And Slander Crimes Via Chats And Social Media

Section One: News Groups And Electronic Publications

First: News Groups

Among the forms of slur and slander that happens through news groups, where both the perpetrator and the victim exchange messages through news groups, or post and comment on a certain matter, hence the publicity is present because all subscribers can view all incoming messages and comments on the subject matter they chose to discuss. In this case the information can only reach intersecting people within the same network (Khattab, 2006).



Second: Electronic Publications

The Saudi legislator has included in the electronic crimes fighting system the electronic, digital or technical means among the publications. Paragraph (5) of Article (3) of the same system stipulates: (Every person who commits any of the following information crimes is punished: Defamation or damaging of others and causing harm them, via various information technology methods).

Also, the Jordanian legislator included in the Electronic Crime Law and the amended Print and Publications Law of 2012, the electronic, digital or technical means. Article 2 defined the publication as: (Every mean of publication in which the meanings, words or ideas are written in any way, including electronic, digital or technical means). While Article (11) in the Electronic Crime Law considered publishing any data or information through the electronic, digital it technological means that includes slur, slander or insult of any person a crime.

Section Two: Committing Slur And Slander Crimes On Social Media

Among of the most important social networking sites is Facebook, which is a site that helps to form relationships between users, enabling them to exchange information, files, personal photos, videos and comments, and all of this is done in a virtual world, that cuts the barrier of time and place (Al-Zoubi, 2006). Also Twitter is a social site that provides a micro-blogging service that allows its users to send tweets about their status in a maximum of 140 characters per message. This is done directly via Twitter or by sending an SMS, instant messaging programs or applications provided by the developers (Al-Bahar, 1993).

Social media have also become part of the applications of smartphones, mobiles, tablets and iPods, among which are many programs that are compatible with their application with operating systems for all devices, and the most prominent and most famous and widely used is WhatsApp, which is classified among the list of the five most downloaded programs from the storage systems of operating systems, and it has many features included (Al-Muslimi, 2007).

However, social media networks, like any industry new to societies, have positives and negatives, which include forbidden negative behaviors that violate honor, dignity, and status, such as slur, slander, or defamation. And despite that, penal code sometimes are helpless and unable to combat such practices (Al-Kahwaji, 2006).

Requirement Three: The Digital Forensic Evidence of Slur and Slander Crimes Through The Internet

The Slur and Slander crimes through the internet are a challenge, whether for the victim, law enforcement or the judicial system. Because these crimes are very risky that sometimes they reach the level of a disaster due to the dangerous consequences that affect honor, status, reputation and social consideration (Hassan, 1999), and in this topic we shall review the

definition and conditions of the digital evidence in crimes of slur and slander through the internet and means of forensic evidence of these crimes, within two requirements, as follows:

Section One: The Definition And Conditions Of The Digital Evidence In Crimes Of Slur And Slander Through The Internet

First: The definition and conditions of the digital evidence in crimes of slur and slander through the internet requires the following:

1) The Definition Of The Digital Evidence Acquired From Electronic Means: Some would define the digital evidence as “The evidence obtained from computers in the form of magnetic or electric fields or pulses, which can be collected or analyzed using special programs, applications and technology, and is presented in the form of evidence that can be acknowledged by the judicial system” (Al-Qahwaji, 2006). While others defined it as “The evidence based in the virtual world and leads to crime” (Yunus, 2006).

2) Problems Of The Digital Evidence In Crimes Of Slur And Slander Through The Internet

Among the most important problems of digital evidence are:

- The real challenge in digital in slur and slander crimes is to make it convincing enough for the judge to decide to accept or reject the evidence; (The judge shall rule according to his personal convictions) (Article 162/2, the Jordanian Code of Criminal Procedure).
- There are certain requirements needed to accept the digital evidence in slur and slander crimes on the internet by the competent court.
- The accusatory system may need a presentation system to demonstrate to the court the crimes of slur and slander, whether in the form of documents, files, 3D pictures, images, x-rays or negative films.

Second: Conditions Of The Digital Evidence Acquired During The Inspection Of The Crime Of Slur And Slander

Evidence obtained from inspection of computer systems and electronic networks is not legitimate, and is considered void if obtained without the following conditions:

1) Electronic digital evidence must be beyond suspicion (certain)

Electronic digital evidence needs to be as close to reality as possible and be clear from any suspicions and speculations, as there’s no doubt to deny that a person is innocent unless he is defied by evidence stronger than his defense (Al-Muslimi, 2007). The result of this is that all electronic outputs such as print, electronic publications, discs and micro films are subject to the



forensic judge estimation, and the truth must be extracted from them in a manner consistent with certainty and away from doubt and speculations (Helema. 1993).

2) Electronic Outputs Must Be Discussed, Implementing The Principle Of Verbal Pleading

The principle of the necessity to discuss the criminal evidence in general, that the judge can base his conviction only on the evidentiary elements presented in the trial hearings and subject them to free discussion by the parties in the law suit (Nusseirat, 2007).

3) Evidence Obtained from Electronic Means Should Be Legitimate

It is decided that conviction for any crime is based on moral evidence, and this requires that the evidence be legitimate, meaning that it was obtained in accordance with the rules of ethics, integrity and respect for the law, as the legal rules and established systems in the conscience of a civilized society (Nusseirat, 2007).

Third: Means Of Obtaining Forensic Evidence Of Slur And Slander Crimes Via The Internet

The main means of evidence are inspection, examination, experience and seizing of things relevant to the crime (Hassan, 1999).

1. Digital forensic investigation of slur and slander crimes via the internet

The digital inspection of the crimes of slur and slander begins with the means that connect us to the Internet, the server, multiple devices and hardware in this framework, and if the matter is related to the knowledge of the Internet protocol of a person, then seeking Internet services (ISP) with the intention of obtaining information about the owner of the mentioned protocol, the service provider shall need a cover of legitimacy to justify doing so (Abd Allah Ahmed, 1997) (Al-Tawalbeh, 2004).

The investigation of electronic systems to search for slur and slander data includes all its material and moral components. The inspection may also include its communication networks and the people who use these methods (Awad, 2014). The physical components of these means consist of the input unit, the main memory unit, the calculation and logic unit, the control unit, the output unit, the secondary storage units, and the moral components are system software and applications (Abd Allah Ahmad, 1997). (Jad, 2007).

In order to obtain a permission to search electronic means to collect evidence for acts of slur and slander, this inspection is only valid if the crime for which evidence is intended to be collected is of a certain gravity that is related to a felony or misdemeanor, and that is what applies to the crime of slur and slander, and therefore excluded from its violation scope, and it is not required that a misdemeanor be punishable by imprisonment within certain limits, but rather it is

sufficient that the incident in question results in a crime of the type of misdemeanor (Abdullah Ahmad, 1997).

2. Evidence obtained for the occurrence of electronic slur and slander through information expertise

Experience is one of the most important means of gathering evidence, which the investigator uses when there is a physical incident or material object that requires recognition of the specialized expert judgment, according to the rule of the witness in terms of authenticity (Abdel Baqi, 2001).

Given the nature of the crimes of slur and slander, as it uses information technology as a tool to commit the crime, hence, unveiling it may need technical expertise, the need may arise from the beginning of the investigation stage for these crimes, then the need for it continues in the investigation and trial stages due to the technical nature of the methods of committing it and the moral nature of the assault (Abed, 2000).

The information expert's work in investigating the truth in slur and slander crimes through the internet is to collect and combine a group of sites that constitute these crimes, and then carry out a digital analysis for them to know their programmed preparation and attributing them to the course in which they were prepared, and determine the elements of their movement and how they were acknowledged, and then finally reaching the knowledge of the Internet Protocol (IP) that is attributed to the computer that published these sites (Al-Sagheer, 2001).

This crime may require experts and technicians, so their work extends to include reviewing and auditing the automated processes of data, as well as preparing software and operating the computer and its sciences, and that the success of procedures for investigating these crimes depends on the level of competence and specialization of these experts, and on the other hand, the investigation authorities must determine the role of the information expert in the case assigned specifically. (Rostom, 2000).

Conclusion:

Most of the crimes committed through the internet on a daily basis are crimes of slur and slander, and in the absence of penalties for the perpetrator of these crimes through the internet, it prompted me to research the nature of these crimes and their elements and forms when committed through the internet, and I have been exposed in this study to a number of these aspects and I tried to address them. In this modest study, I tried to address the application of the traditional provisions for crimes of slur and slander when committed across the internet and tried to search for legal texts that apply to them in Jordan and Saudi Arabia.



Results:

1. The research has shown that there are deficiencies in procedural legislation, many of which still stand in its protection of personal freedoms and the inviolability of private life from electronic means when traditional texts that only provide for the protection of these freedoms from traditional means of communication and punishment for them.
2. The research has shown that proving the crime of slur and slander through the internet raises great difficulties for those responsible for the investigation, and the lack of visual evidence constitutes a major obstacle to unveiling the crime, and the encryption of data stored electronically or transmitted over remote networks may constitute a major obstacle to proving the crime. And the search for evidence, is one of the most important difficulties facing the evidentiary process in the field of computer crime and the Internet, due to the ease of erasing the evidence in a short time.
3. The research has shown that forensic evidence, no matter how developed in terms to the crime of slur and slander, scientific and technical evidence, we must maintain the judge's discretionary authority in his estimation of these scientific and technical evidence, because by this we ensure that this evidence is free from the defects of scientific truth, and the judge remains in control of this fact because, through his discretion, he can explain suspicion in favor of the accused, and exclude the evidence obtained illegally.

Recommendations:

1. Amending the imprisonment penalty stipulated in Article (11) of the Electronic Crime Law under study by raising its minimum limit to be more deterrent to the serious material and moral damages that may result from this crime.
2. Amending Article (11) of the Electronic Crimes Law under study by tightening the fine penalty to reach its maximum limit, in a manner consistent with the severity of the material and moral damage resulting from the crimes of insult and defamation by electronic means.
3. Amending the procedural texts that provided for the protection of the sanctity of private life from control of others by means of the internet except in accordance with the restrictions and controls stipulated in these texts, so that this protection includes any means of communication in order to protect the private secrets of individuals from the emerging electronic methods.
4. Training experts, investigators and judges to deal with cybercrime of a complex technical and scientific nature, so that the truth can be accessed and unveiled on these crimes in protection of society and its members, and for the benefit of the accused themselves so that only the abuser is punished and the innocent are acquitted.



5. Develop investigative devices to ensure the reliability and validity of the physical evidence extracted from the World Wide Web.
6. Activating the role of civil society, especially NGOs, to play its role in protecting young people from falling into the wrongful practices and practices that are morally harmful via the Internet.
7. Establishing a new section for law faculties in Arab universities to study the legal protection of informatics; or under another name (cyber security).

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