

INTERNATIONAL SEMINAR ON ISLAMIC STUDIES
UNIVERSITAS MUHAMMADIYAH SUMATERA UTARA
15 MARCH 2023

DIGITALISATION AND THE ILLUSION OF LAWLESSNESS

Assoc. Prof. Dr. Sonny Zulhuda
Ahmad Ibrahim Kulliyah of Laws
International Islamic University Malaysia



The background of the slide features a dark, textured surface with a laptop on the left side. The laptop screen shows a data visualization with a line graph and a bar chart. Floating around the laptop are several semi-transparent digital overlays, including a circular gauge, a bar chart, and a line graph. The background is also filled with a pattern of falling letters and numbers, creating a digital rain effect.

Agenda

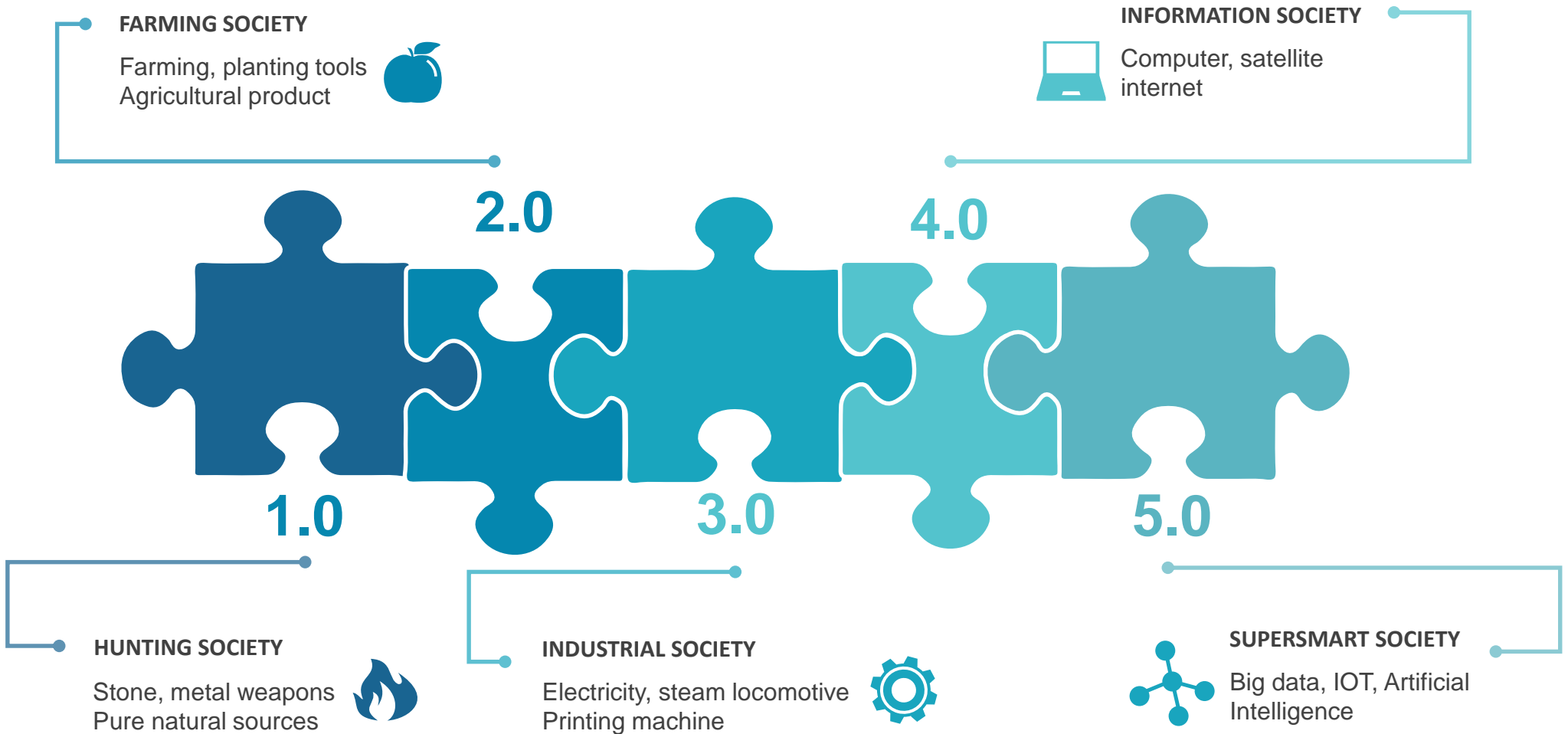
01 The Society 5.0

02 The Digitalisation

03 The Dynamics

04 The Way Forward

“Society 5.0”



Digitalisation & Datafication



“Datafication”

The process by which subjects, objects, and practices are transformed into digital data.

A technological trend turning many aspects of our life into data.

Kenneth Cukier & Viktor Mayer-Schoenberger (2013)

DATAFICATION

What Google Knows

Google compiles enough data to build comprehensive portfolios of most users—who they are, where they go and what they do—and the information is all available at google.com/dashboard. Here are just a few things WSJ reporter Tom Gara found out about himself.

GOOGLE SEARCH 64,019

Google thinks Tom performs most of his searches around 8 a.m. ET, but this is probably skewed by years spent outside the U.S.

ANDROID DEVICES 3

Google knows all of Tom's synched Android phones, including the old Nexus S phone that he gave to his mom.

WALLET 3

Credit cards (two expired) saved in Google Wallet, plus two shipping addresses and 13 itemized purchases since June 2009.

DOCS 855

Documents Tom has created, plus the 115 he has opened that belong to other people.

Graphic by
Alberto Cervantes/
The Wall Street Journal

EMAIL 134,966

All of Tom's emails since he first got a Gmail account in 2004. Google also stores his 6,147 chats.

CONTACTS 2,702

Google knows the people that Tom emails the most. At the top is a friend in Egypt.

YOUTUBE 9,220

Videos Tom has watched, listed in chronological order, including a series viewed in June about canoes.

GOOGLE PLAY 117

That's how many apps Tom has downloaded from Google's store.

PASSWORDS 35

Number of website passwords saved in Google's Chrome browser.

LOCATION Willunga, South Australia

Due to an unknown glitch, Google bases Tom's location from one of his old Android phone's mother

Social media posts,
likes, loves,
mentions, threads,
shares, comments,
follows, subscribes,
emojicons, etc.

Travels, locations,
wearables, cookies,
transactions,
pictures, blogs,
vlogs, logs, etc.

101001101001000010101
0011110111011011011010
101000011100101011001
010100111010100010101
0001011010110110110100
010101110001010100010
1000101110101100010011
010011010010000101010
0111101110110110110101
010000111001010110010
101001110101000101010
0010110101101101101001

DATA

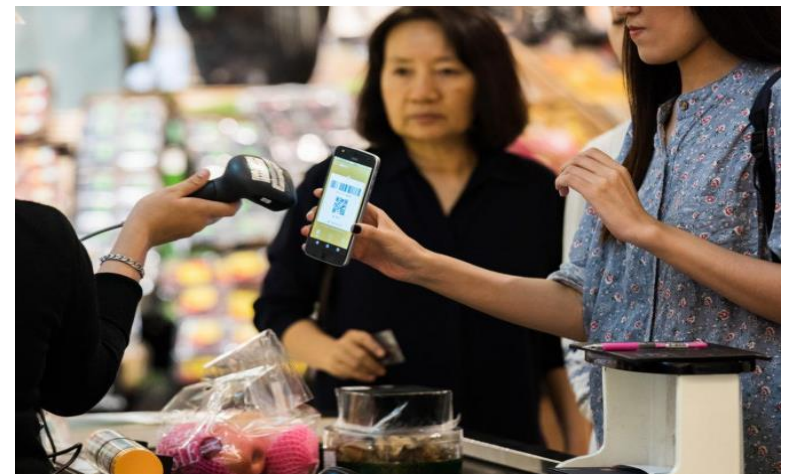
DATAFICATION



101001101001000010101
0011110111011011011010
101000011100101011001
010100111010100010101
0001011010110110110100
010101110001010100010
1000101110101100010011
010011010010000101010
0111101110110110110101
010000111001010110010
101001110101000101010
0010110101101101101001



sonnyzulhuda.com



SOCIETY 5.0

Incorporate **technologies** such as Big Data, the Internet of Things (IoT), robotic technology and the Ai in all industries and social activities.

GOALS

to **achieve both** economic development and solutions to social problems in parallel.

THE DYNAMICS

Businesses, governance, works, education, social bonding and family values are being **redefined** in the wake of the massive adoption of the digital technologies.

THE ANOMALIES

Legal anomalies such as the spread of **hoaxes** and online **scams**, breach of digital **privacy**, abuse of **personal data** for pecuniary gains, and online **predatory behaviour** are haunting our shared space and may eventually **hinder the full benefit** of the datafication

THE SOCIETY, THE DYNAMICS AND THE ANOMALIES

The more we use the contemporary digital network, the less economic value it is bringing to us!

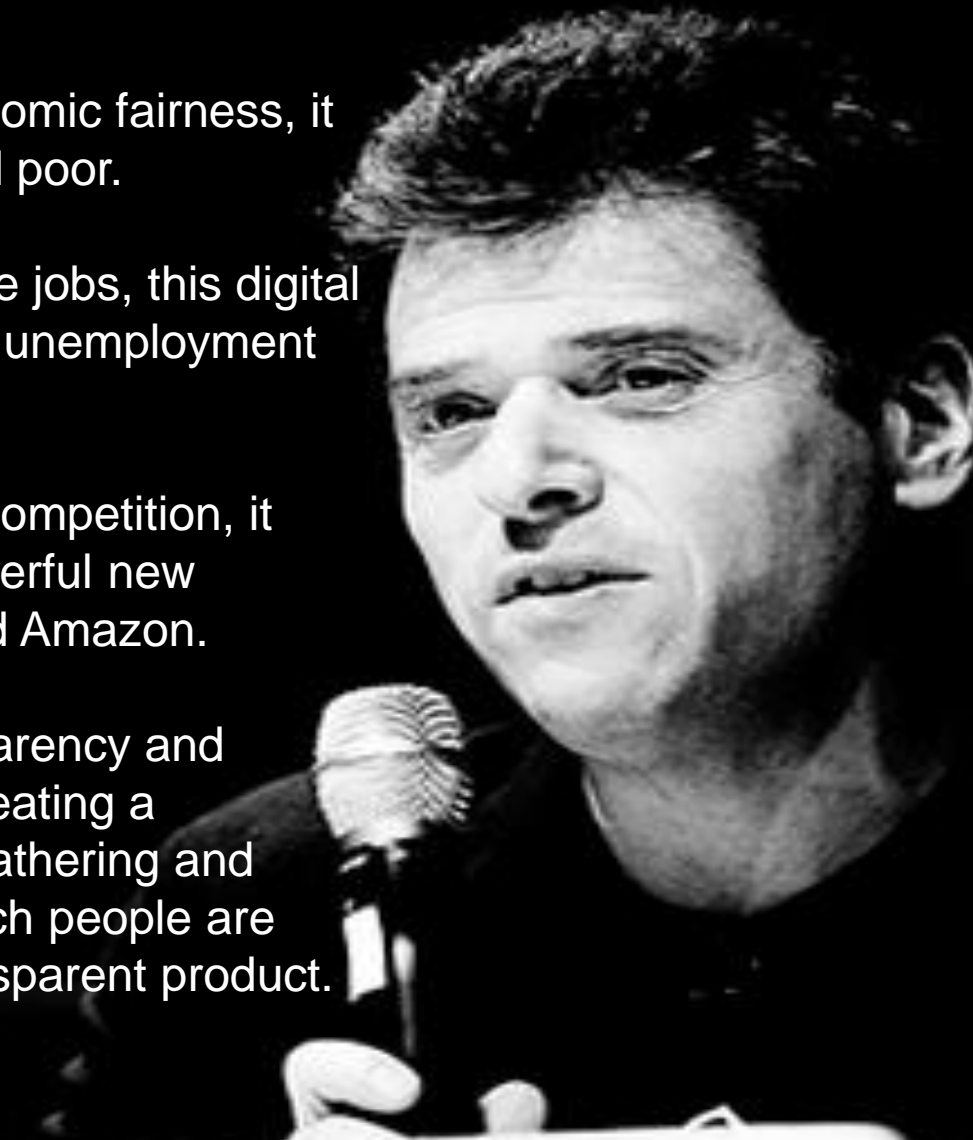
Rather than promoting economic fairness, it grows gulf between rich and poor.

Rather than generating more jobs, this digital disruption causes structural unemployment crisis.

Rather than creating more competition, it has created immensely powerful new monopolists like Google and Amazon.

Rather than creating transparency and openness, the Internet is creating a panopticon of information-gathering and surveillance services in which people are packaged as an all-too-transparent product.

Andrew Keen (2015)



The Internet Is Not The Answer

'Keen has written a very powerful and daring manifesto questioning whether the Internet lives up to its own espoused values. He is not an opponent of Internet culture, he is its conscience, and must be heard.'
Po Bronson

Andrew Keen



ROSS ULBRICHT San Francisco, USA

At 27, created SILK
ROAD platform

At 29: Owned Bitcoin
asset valued at Rp 1.1
billion

Sentenced to life
imprisonment without
parole by a US Court in
2015 at the age of 31.



messages(0) | orders(0) | account

Shop by category:

Drugs(752)
Cannabis(280)
Ecstasy(35)
Dissociatives(11)
Psychedelics(84)
Opioids(62)
Stimulants(53)
Other(107)
Benzos(70)
Lab Supplies(6)
Digital goods(98)
Services(48)
Money(55)
Weaponry(15)
Home & Garden(14)
Food(4)
Electronics(5)
Books(49)
Drug
paraphernalia(28)
XXX(30)
Medical(3)
Computer
equipment(4)
Apparel(4)
Musical
instruments(2)
Tickets(1)
Forgeries(13)



5 Marijuana Butter
Chocolate Chip...
฿8.53



4mg. TIZANIDINE
(zanaflex) x25
฿2.09



US customers only
Express...
฿2.79



4 x 20MG Original Lily
Cialis
฿7.85



(1g) High-grade Crystal
Meth
฿11.95



MindFood - Protect your
brain!...
฿3.69



to US 1/4 lb (qp) BC
Master Kush...
฿121.37

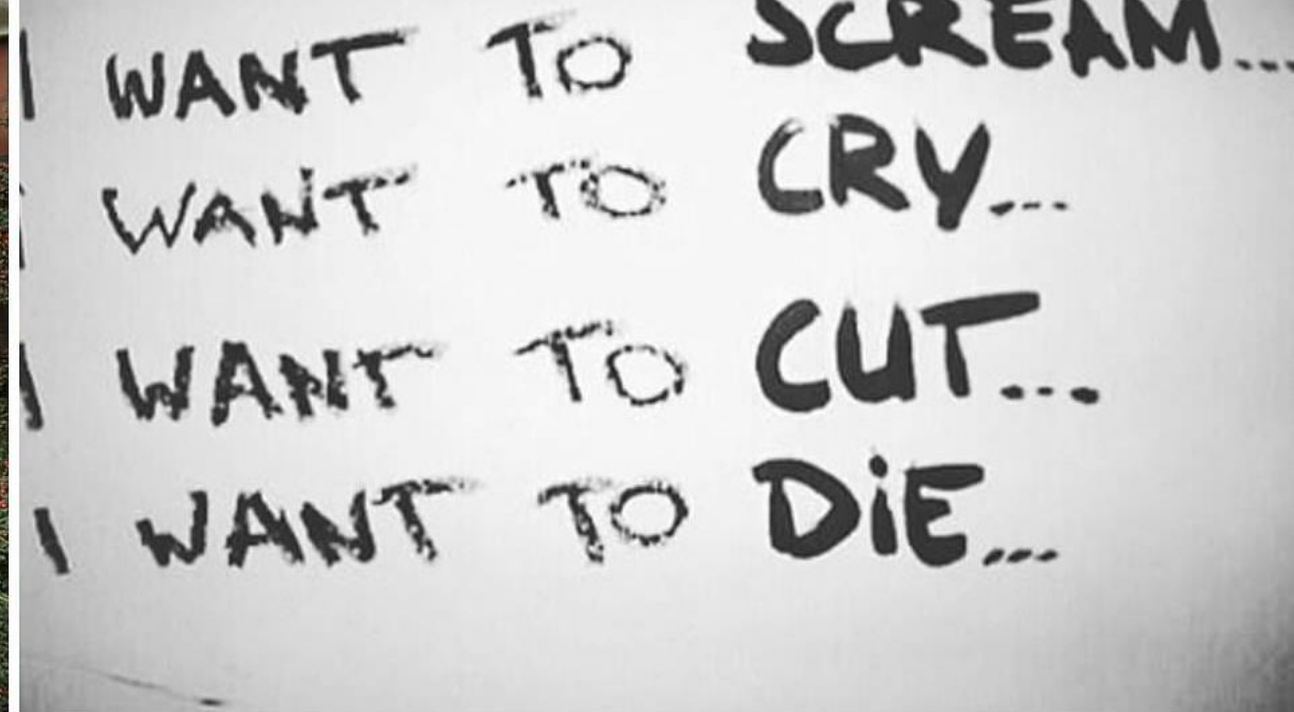


How to Grow Mushrooms
฿0.14



Mushroom Indoor
Growing - Easy...
฿0.29

STORY NO. 2



Molly Russell, London, UK, an Instagram active user (120 posts a day).



In 6 months:

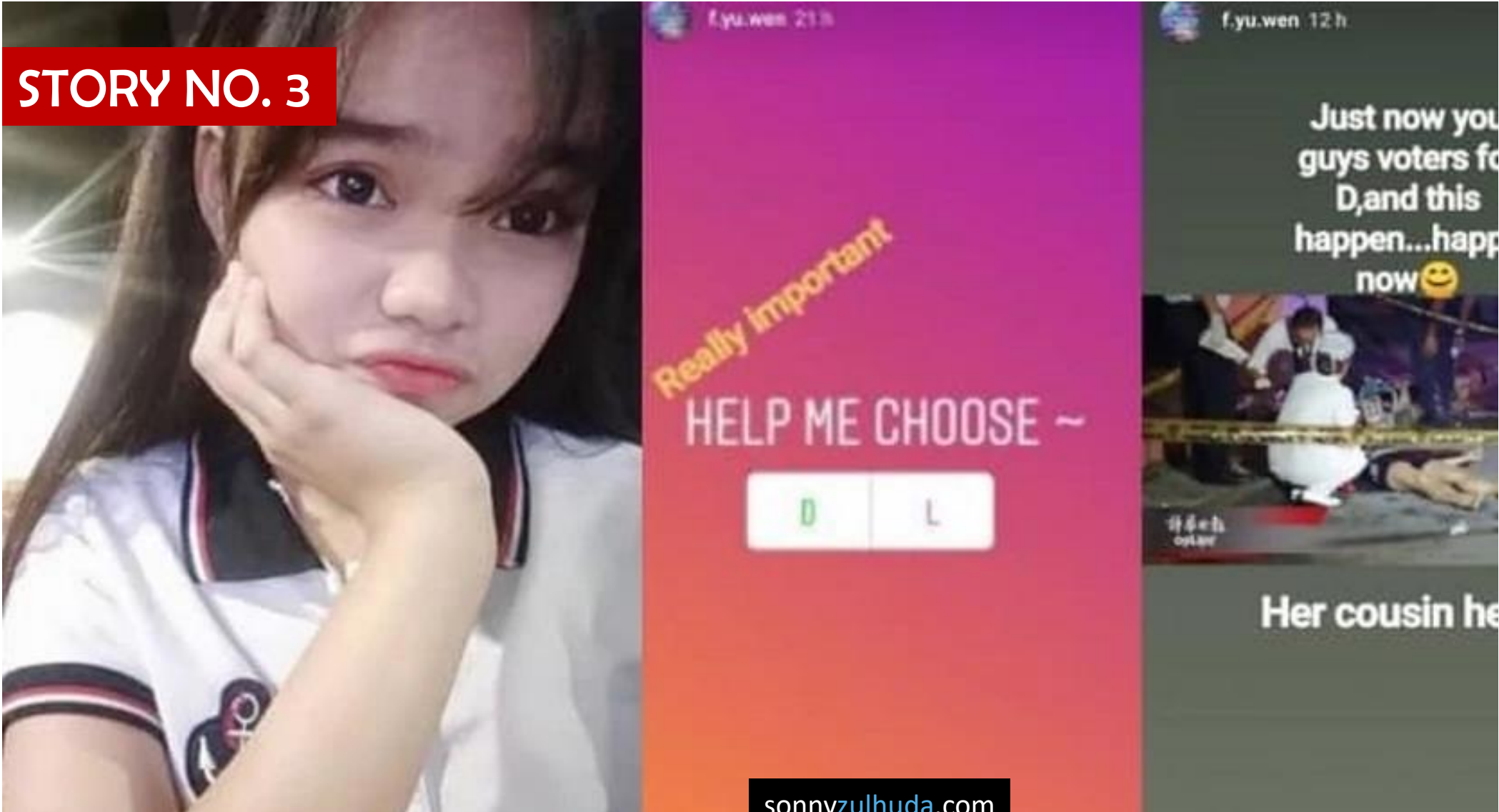
“Like 11000+ post”

“Share 3000+ post including 1500+ video”

Committed suicide at 14 after accessing materials categorized as “self harm” and “suicidal”.

Davia Emilia from Malaysia (16 y.o.) jumped to her death after 69% of Instagram poll chose “death” for her (2019)

STORY NO. 3



STORY NO. 4

TAKAHIRO SHIRAISHI (26) from Kanagawa, Japan, offered on Twitter his “service” to help suicidal teens to die after first raping and molesting them.

The victims

Akari Suda, 17
Fukushima,
Fukushima Pref.



Hitomi Fujima, 26
Kasukabe,
Saitama Pref.



Aiko Tamura, 23
Hachioji, Tokyo



Kureha Ishihara, 15
Oura,
Gunma Pref.



Mizuki Miura, 21
Atsugi,
Kanagawa Pref.



Natsumi Kubo, 17
Saitama,
Saitama Pref.



Shogo
Nishinaka, 20
Yokosuka,
Kanagawa Pref.



Hinako
Sarashina, 19
Tokorozawa,
Saitama Pref.



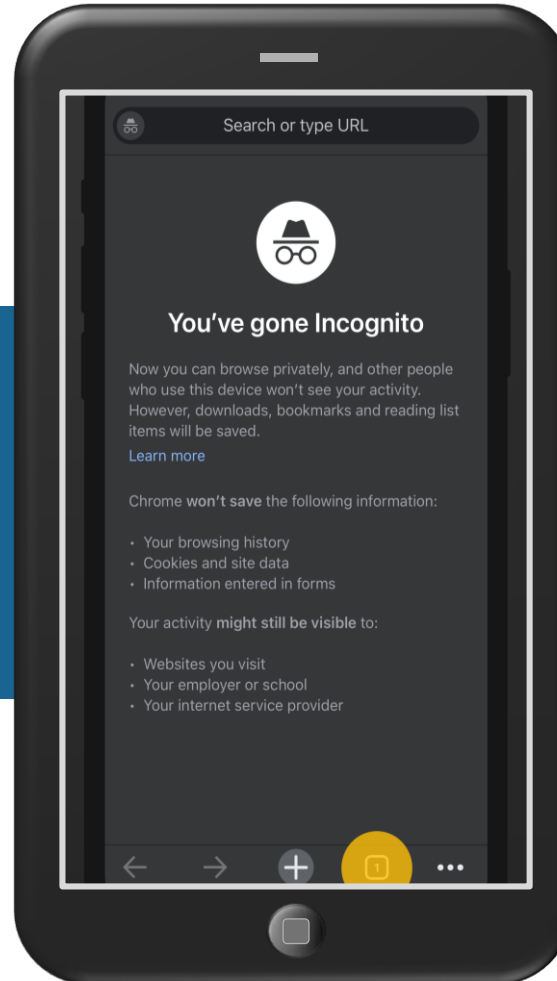
Kazumi
Maruyama, 25
Yokohama,
Kanagawa Pref.



The Illusion of Lawlessness

THE ROOT?

Behind these anomalies is the **false sense of unassailability** of the Internet, i.e. the belief that cyberspace is a lawless space. The absence of physical presence of authority, among others, leads to this myth of anonymity, hence the wrongdoing and crimes are committed.




THE ROOT?

These anomalies are the result of few factors: (1) Problem with **upbringing and education**; (2) **Competing values**; (3) **Misunderstood technology**; and (4) For Muslims, it is about the **ignorance** of the basic tenet of Islamic ethics.

The Declaration of the Independence of Cyberspace

- No authority or sovereignty over the global cyberspace?
- The real-space law has no place, no power, and no enforcement
- It is governed by people where the Internet originated
- A non-physical world, thus not subject to real-life laws
- The problems in real world does not extend to cyberspace
- The only law: golden rule, a rule of ethics.
- Property law does not apply, as mind creation can be freely reproduced



“Governments of the Industrial World, you weary giants of flesh and steel, I come from Cyberspace, the new home of Mind. On behalf of the future, I ask you of the past to leave us alone. You are not welcome among us. You have no sovereignty where we gather.”

- John Perry Barlow, *The Independence of Cyberspace* (1996) -

The Response

Many believe that cyberspace simply cannot be regulated. Behavior in cyberspace, this meme insists, is beyond government's reach. The anonymity and multi-jurisdictionality of cyberspace makes control by government in cyberspace impossible. The nature of the space makes behavior there unregulable.

This belief about cyberspace is wrong.

It is based on two wrong assumptions: that the nature of cyberspace is fixed, cannot be changed — or that government cannot take steps to change this architecture.

**Lawrence Lessig, Lawrence Lessig. (1999).
“The Law of the Horse: What Cyberlaw might
Teach.”(1999) 113 Harvard Law Review 501.**



The Illusion of Lawlessness?



False Sense of Anonymity

Kevin Mitnick (1995) on hacking spree believing that he could beat authority.



Doing Away with Government

Edward Snowden (2013) is wanted by the US Government for an alleged leaking of secret information.



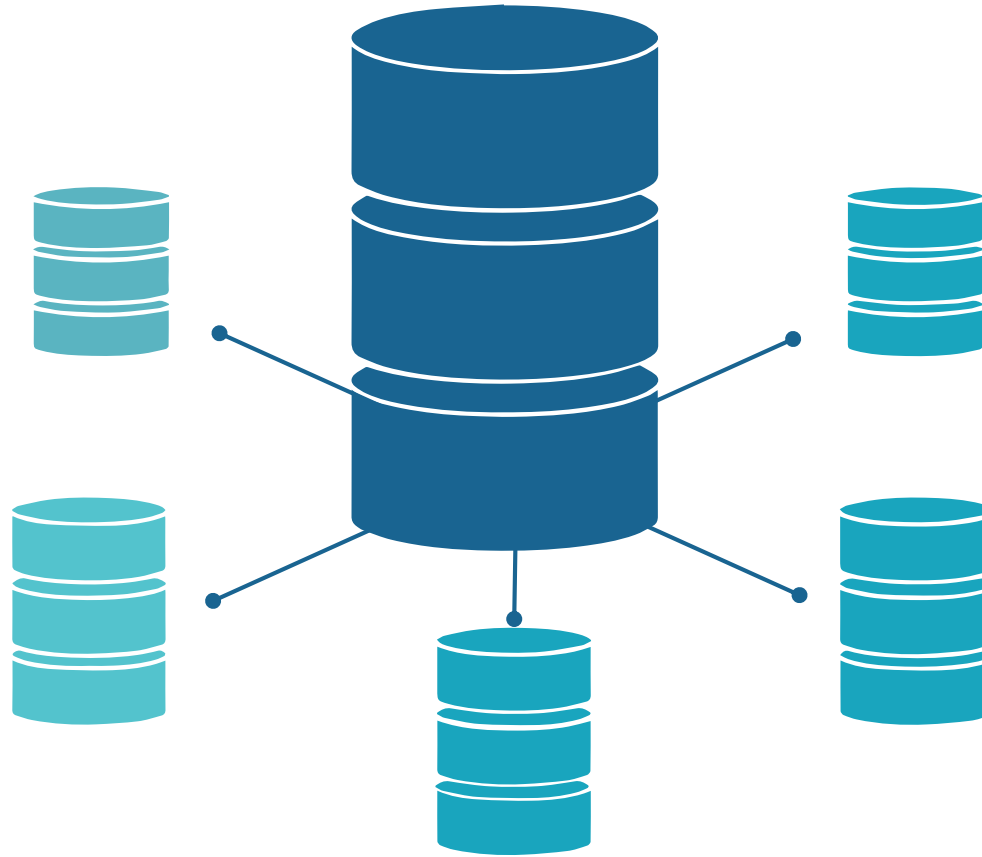
Freedom of Expression

Ross Ulbricht and the Road Silk (2015) launched a commercial portal for illicit materials in the dark web, arguing for freedom of expression



Predatory Behaviour

Takahiro Shiraishi (2020) made his Twitter account to provide help for those who want to commit suicide.



Disregard Personal Data

Facebook/Meta (2021) made a public enemy by allowing data of its users misused in the political campaign.



Declaration of Principles: Building the Information Society

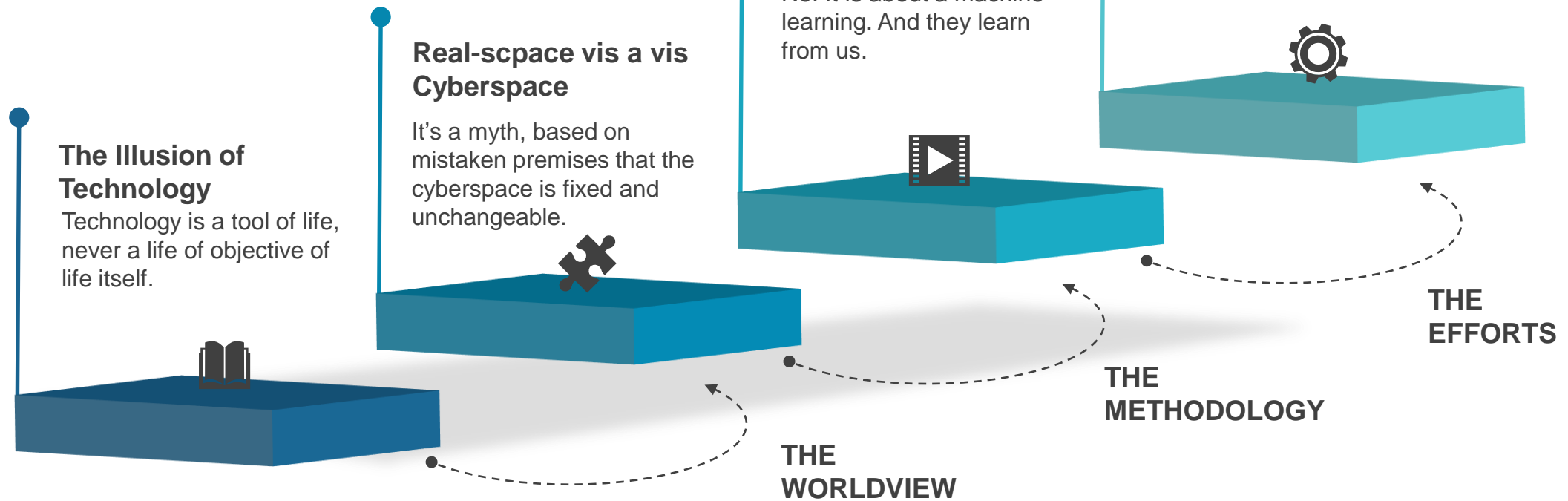
The World Summit on the Information Society 2003-2005 (ITU)

- The Information Society should **respect peace and uphold the fundamental values** of freedom, equality, solidarity, tolerance, shared responsibility, and respect for nature.
- We acknowledge the **importance of ethics** for the Information Society, which should foster justice, and the dignity and worth of the human person. Emphasis on the **role of family in society**.
- The **use of ICTs and content creation** should respect human rights and fundamental freedoms of others, including personal privacy, and the right to freedom of thought, conscience, and religion.
- All actors in the Information Society should take **appropriate actions and preventive measures**, as determined by law, against abusive uses of ICTs.

How to Rectify this Illusion of Lawlessness?

يَمْعَشَرُ الْجِنَّ وَالْإِنْسَ إِنِ اسْتَطَعْتُمْ أَنْ تَنْفُذُوا مِنْ أَقْطَارِ السَّمَوَاتِ وَالْأَرْضِ فَانْفُذُوا لَا تَنْفُذُونَ إِلَّا بِسُلْطَانٍ ﴿٣٣﴾

○ assembly of jinn and humans! If you can penetrate beyond the realms of the heavens and the earth, then do so. "But" you cannot do that without "Our" authority.



Internalising the Worldview of Information Culture

(2:31) Then Allah taught Adam the names of all things and presented them to the angels and said: "If you are right (that the appointment of a vicegerent will cause mischief) then tell Me the names of these things.

وَعَلَّمَ ءَادَمَ الْأَسْمَاءَ كُلَّهَا ثُمَّ عَرَضَهُمْ عَلَى الْمَلَائِكَةِ فَقَالَ
أَنْبِئُونِي بِأَسْمَاءِ هَؤُلَاءِ إِنْ كُنْتُمْ صَادِقِينَ

Al-Baqarah: 31

(39:9) ... Ask them: "Are those who know equal to those who do not know?" Only those endowed with understanding take heed.

قُلْ هَلْ يَسْتَوِي الَّذِينَ يَعْلَمُونَ وَالَّذِينَ لَا يَعْلَمُونَ إِنَّمَا يَتَذَكَّرُ
أُولُوا الْأَلْبَابِ

Az-zumar: 9

(17:36) Do not follow that of which you have no knowledge. Surely the hearing, the sight, the heart - each of these shall be called to account

وَلَا تَقْفُ مَا لَيْسَ لَكَ بِهِ عِلْمٌ إِنَّ السَّمْعَ وَالْبَصَرَ وَالْفُؤَادَ
كُلُّ أُولَئِكَ كَانَ عَنْهُ مَسْئُولًا

Al-Isra': 36

References

1. Andrew Keen. (2015). "Internet is Not the Answer." London: Atlantic.
2. John Perry Barlow. (1996). "A declaration of the independence of Cyberspace." Electronic Frontier Foundation.
3. K. Cukier, V. Mayer-Schönberger, Mircea Pitici. (2014). "The Rise of Big Data: How It's Changing the Way We Think about the World." History.
4. Lawrence Lessig. (1999). "The Law of the Horse: What Cyberlaw might Teach."(1999) 113 Harvard Law Review 501.
5. Shoshana Zuboff (2019). "The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power." London: Profile Books Ltd.
6. Ziauddin Sardar, et.al. (2019). "Muslim Societies in Postnormal Times." Washington: IIIT.

THANK YOU

DR SONNY ZULHUDA

*Associate Professor at the International
Islamic University Malaysia*



sonny@iium.edu.my



sonnyzulhuda.com



twitter.com/zulhuda

