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The Legal Status Of Electronic Theft In The Light Of The Quran And Hadith, A Research Study

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Abstract:

Moral values are considered an integral part of every aspect of life, but when they reach the extremes of social degradation and deprivation, they encompass all aspects of life that lead to the emergence of morality and civilization. This kind of dilapidation affects pure scientific tendencies and activities. The tragedy is that when moral and scientific values and traditions are destroyed in the specialized institutions and schools and universities for knowledge, wisdom, and cognition, it's astonishing. It is a state of moral and mental inferiority beyond which and the concept of decline is not possible. Presenting the intellectual ideas and results of a leading researcher as one's own is called plagiarism in the field of science and research. Electronic theft refers to the theft of information that is available online in which the computer is used as a tool. Stealing data by using information technology devices or forcibly stealing something secure is called electronic theft. Using someone's

property without his permission is an undesirable act in Islamic law and seizing someone's property from head to toe is an unforgivable crime. It is illegal in Islamic law to get acquainted with a person's secrets and to spy on his secrets. In this regard, the relevant Shariah point has been clarified in the article.

Keywords: Moral, Values, Electronic theft, Social, Degradation

1. Introduction

Moral values are considered to be an integral part of every aspect of life but when they reach the extremes of social degradation and deprivation, they embrace those aspects of life that lead to the emergence of morality and civilization even the purest scientific tendencies and activities are affected by this kind of abasement and inferiority. It is astonishing. it is a state of moral and mental decadence beyond which it is not possible to imagine further decline. It is called plagiarism in the field of science and research. This is called "scientific evolution" in Arabic and "plagiarism" in English. The "Lisanul Arab" dictionary described that:

"انتحل فلان شعر فلان او قال فلان اذا دعاة انه قائله وتنحله ادعاة وهو لغيره ونحله القول ينحله نحلا: نسبه اليه ونحلته انحله نحلا، بالفتح: اذا اضمفت اليه قولا قال غيره وادعيتة... ويقال: نحل الشاعر قصيدة: اذا نسبت اليه وهي من قيل غيره"¹

It means that when one attributes one's poem to oneself and says that the poem is one's own but the poem does not belong to him, it is called annihilation. And to claim it is mine. But the term extinction is no longer limited to attributing one's words or poems to another but is used to refer to all aspects of modern scientific plagiarism.

In English: "Plagiarism" is used in the same sense. Therefore, its definition is as follows: "Using another person's ideas or expressions in your writing, without acknowledging the source constitutes plagiarism (kidnapper), plagiarism refers to a form of intellectual theft."²

That is to say, plagiarism is the use of one's thoughts and feelings in one's writings without expressing one's gratitude to the source. Electronic theft is the theft of information that is available online. It is information theft in which the computer is used as a tool. Therefore, it is called electronic theft. That is personal data from someone's computer information or programs or stealing data from conventional sources through information technology devices. Depending on the purpose there can be many forms of plagiarism, Some of which are mentioned below.

¹Abn e Manzor, Jamalul Deen Muhammad bin Mukarram, lisanul Arab(Bairot: Dar Sadir,2003)14/213

²Joseph Gibaldi, MLA Style Manual and Guide to Scholarly Publishing (New York: MLA, 1998), 151.

- **Accidental Plagiarism**

Sometimes, during research in an institution, the researcher dies morally due to a lack of knowledge of principles used by the researcher, the concept of plagiarism, or the proper use and methods of research by the client. Coincidentally, I find results that are similar to the results of others, but because the clients are not used properly, such results also fall into the category of research, although such accidents are accidental as happens.

- **Unintentional Plagiarism**

This means that sometimes the same information and conclusions that have been presented by another researcher reappear due to a large amount of material and information, but all this is unintentional.

- **Intentional Plagiarism**

This means copying someone's research work in whole or in part without intentionally (knowingly) quoting.

- **Self Plagiarism**

This refers to plagiarism in which a researcher represents a part of his / her published work in a partial manner or under another title. According to Ceres, there are three types of theft.

1. Stealing word for word

2. "Patchwork quilt" is a quilt whose fabric is made by sewing patches of different fabrics.

3. To summarize the research material of others in one's own words. In this last category, if the source is admitted, it is not theft and if the source is not admitted, it is theft³.

Using someone's property without his permission is an undesirable act in Islamic law and seizing someone's property from head to toe is an unforgivable crime. The Shari'ah has laid down regular rules and regulations in this regard. Allah Almighty Said:

"وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا جِزَاءً بِمَا كَسَبَا تَكْلَافًا مِنَ اللَّهِ"⁴

And(as for)the male thief and the female thief, cut off(from the wrist joint)their (right)hands as a recompense for that which they committed, a punishment by way of example from Allah.

Because of its sanctity and abomination, the Shari'ah itself has prescribed its punishment. It was not left to the discretion and will of the rulers. This was also punishment in the first Shari'ah Shah WaliUllah says.

"واعلم أنه كان من شريعة من قبلنا ... القطع في السرقة فهذه ... كانت متوارثة في الشرائع السماوية وأطبق عليها جماهير الأنبياء والأمم ومثل هذا يجب أن يؤخذ عليه بالنواجذ ولا يترك"⁵

³Dr. Gian Chand, Tehqiq Ka Fun, (Islam Abad: Muqtadirah Qoumi Zaban Pakistan,1994) 202

⁴Al-Quran, Almaid, 5:38

And know that it was from Sharia before us. Cutting in the theft It was inherited in the heavenly laws and it was applied to it by all the prophets and nations, and like this, it must be taken with the molds and not left.

2. Various Incidents Of Electronic Theft, Their Reality, And Islamic Perspective

Electronic theft is a similar crime. The punishment will be the same as described above. Therefore, below are some of the cases of electronic theft.

2.1 Hacking online documents

In this advanced age, people steal online documents, steal two-headed documents and lose millions. Make millions of dollars illegally. People are satisfied by saving their documents in their e-mails. They are secretly stolen. Islamic law strictly forbids the illegal collection of other people's wealth. Allah Almighty says.

"وَلَا تَأْكُلُوا أَمْوَالَكُم بَيْنَكُم بِالْبَاطِلِ"⁶

And eat up not another's property unjustly (in any illegal way e.g. stealing, robbing, deceiving, etc.)

By explaining this verse, IbnArabi (may Allah have mercy on him) says:

"معناه: ولا تأخذوا ولا تتعاطوا ... يعني بما لا يحل شرعاً ولا يفيد مقصوداً لأن الشرع نهى عنه. ومنع منه. وحرّم تعاطيه، كالربا والغرر ونحوهما ... قال علماءنا: هذا النهى محمول على التحريم قطعاً غير جائز اجتماعاً."⁷

That is, do not take or deal with that which is not lawful and intended. Because the Shari'ah forbids and forbids it, it makes its matter haraam like rubbish and rubbish. Consensus is haraam and unlawful.

In Hadith, Hazrat Muhammad Mohammad (P.B.U.H) said:

"من أخذ شبراً من الأرض ظلماً فإنه يطوقه يوم القيامة من سبع أرضين من نار جهنم."⁸

Whoever wrongs even a pillow of the earth for a man, on the Day of Resurrection he will be bound with the shackles of the seven earths by the fire of Hell.

According to this hadith, illegal occupation through other means and cyber technology will also be included. Therefore, theft of manuscripts and documents on the Internet will also be illegal and haraam.

⁵Shah Wali ulAhhah, Ahmad bin Abdul Raheem, Muhadith Dihlvi(1179), Hujjatullah e Blbalighah (Bairot: Darul jeel, 1426 hijri) 2/245

⁶Al-Quran, Albaqara, 2:188

⁷Muhammad bin Abdullah ibn e Arabi(543hij), Ahkamul Quran(Bairot: darulkutab alelmia,1424 hijj)1/138

⁸Ahmad bin Hussain Albehque, Shiabul Eman, Muhaqiq: Abdul Ali (Alriaz: maktabatul Rushd1423 hijj)5113

2.2 Theft of Ideas

With the development of cyber technology, people have started to save their samples online, because everything is made on the computer and stored in the computer. Now people are stealing online ideas and samples from the computer. It is illegal and haraam for hackers to steal original company's manuscripts and sell them in the market. Islamic law does not allow this under any circumstances. Therefore, the hadith of the Holy Prophet (P.B.U.H) is blessed:

"لا يحل مال امرء مسلم إلا بطيب نفسه"⁹

That the property of a Muslim is not lawful for anyone; But with his cheerfulness.

"لا يجوز لأحد أن يتصرف في ملك الغير بلا إذنه"¹⁰

It is not permissible for anyone to occupy another's land without his permission.

Further, the fatwa of Mufti Jafar Milli Rahmani is as follows:

"If a person, organization or company or government secures their confidential affairs in the Internet or computer files through codewords, then spying on another person to get the code word and take advantage of the confidential information stored in the files. It is illegal and must be avoided.¹¹ "

2.3 Wi-Fi hacking

People who use computers and the Internet a lot, sometimes business people buy Wi-Fi for their usage. They secure a Wi-Fi connection with a code so that no one can not use it without permission. Some people are so fast and skilled that they can hack the Wi-Fi code and continue to use its Wi-Fi connection without consent.

According to the scholars, this is also a theft. It is haraam and unlawful to use it without the permission of the original owner. Regarding the prohibition of this ugly act, Dr. Ahmad Abdul Aziz Haddad says:

"Using Wi-Fi without permission is a sin; stealing it can have negative effects on the owner, and using Wi-Fi without permission is tantamount to infringing on the property rights of an Internet service provider."¹²

2.4 Hacking of Drafting

Nowadays, while Wi-Fi hacking and other things are being hacked on computers, there is also hacking of complete books lying on online websites. People write their books and upload them on their websites. It is not allowed to make a financial profit through it. Some

⁹Al darqutni, Abul hassan Ali bin Umer, Sunan Dar Qutni, kitabul Buyo (Bairot: moasisatul Risalah) 2885, 142

¹⁰Ali Haider Afandi, Durarul Hukkam fi Sharh e Mujalla tul Ahkam (Dar ul Jeel, 1411 Hijri) 1/96

¹¹Urdu.newstrac.com/.../wipe

¹²Urdu.newstrac.com/.../wipe

people make financial gain by stealing these books which is illegal. Islamic law forbids taking someone else's thing even in jest. It is narrated on the authority of 'Abdullah ibn Sa'ib that the Prophet (peace and blessings of Allah be upon him) said:

"لا يأخذ أحدكم متاع أخيه لاعبا ولا جادا، فإن أخذ عصاة فليرد عليه"¹³

None of you should take anyone's belongings, neither in jest nor in seriousness. If you have taken your brother's wood, deliver it to him.

2.5 Website hacking

People create websites for different purposes. They write their articles or essays and post or upload their videos and audios. They create websites to promote them. They introduce it through a source or introduce it to someone, then put up advertisement posters in various places to inform the people about the details of your product. For this purpose, people use their websites. People create websites for different purposes. They write their articles or essays and post or upload their videos and audios. They create websites to promote them. They introduce it through a source or introduce it to someone, then put up advertisement posters in various places to inform the people about the details of products. For this purpose, people use their websites.

By using an online link, anyone may get or know detail by searching the website through this link for getting the information easily. But nowadays these websites are not safe e. Some people hack such websites. Then they continue to use this website without the acknowledgment of its original owner.

Islamic law does not allow the use of websites without permission. Allama Ibn Abidin writes about this:

"إذا وجد البقر والبعير في الصحراء فالترك أفضل، لأن الأصل في أخذ مال الغير الحرمة"¹⁴

That, if a man finds a cow or a camel alone in the forest, it is better to leave them alone, because it is haraam to take the property of others.

If something is lying around, you cannot take it for your personal use without the acceptance of its owner. It is unlawful and haraam. The fatwa is universal.

"لا يأخذ مال الغير ولا يتلفه سواء كان ذلك المال أقل"¹⁵

That no one can take or destroy the property of others, no matter how small it may be.

¹³ Abu bakkar bin Abi Shaiba (235 Hijr), Musnad abn e Abi Shaiba (Al riaz: Maktaba tul Rushd 1409 Hijri), 682

¹⁴ Shami, Muhammad Ameen bin Abideen, (Bairot: Darul Fikr)4/281

¹⁵ Alfatawa Alhindia, (Bairot: Dar ul Fikr, 1310 Hijri), 5/3912

2.6 Hacking of personal documents

In modern times, the security of things is managed on the Internet. A person creates his an e-mail account and saves all his things i.e. photos, numbers, videos, letters, his codes, etc. on it so that he can be safe and come to work when needed. No one else is allowed to know about these things at all but some people hack these things. In this way, they get to know the various things lying in their account and get to know their family secrets. Curiosity and espionage based on all these secrets are haraam and unlawful according to the Qur'an.

"يَا أَيُّهَا الَّذِينَ آمَنُوا اجْتَنِبُوا كَثِيرًا مِّنَ الظَّنِّ إِنَّ بَعْضَ الظَّنِّ إِثْمٌ وَلَا تَجَسَّسُوا وَلَا يَغْتَب بَّعْضُكُم بَعْضًا"¹⁶
That O believer! Avoid many assumptions, because some assumptions are sins. Do not trace and none of you gossip.

In this way, it is haraam according to the command of the Holy Prophet (peace and blessings of Allah be upon him) to spy on someone to gain knowledge of their secrets.

"لا تحاسدوا ولا تبأغضوا ولا تجسسوا ولا تحسسوا وكونوا عباد الله إخواناً"¹⁷

Do not be jealous of one another, do not hate one another, do not try to find out the whereabouts or news of anyone, do not spy, and be brothers among the servants of Allah.

It is clear from this hadith that it is haraam according to Sharee'ah to get acquainted with one's secrets and to spy on one's secrets. Mufti Tahir Qasmi says about this:
"Similarly, trying to obtain secret information through hackers or from another's computer is a kind of curiosity which is forbidden in the Qur'an"¹⁸

Theft of such safe things leads to heartache and persecution of the owner. There is a strong warning from the Prophet (Peace and Blessings of Allah be Upon Him) on this subject.

"والله لا يؤمن والله لا يؤمن والله لا يؤمن قيل: ومن يارسل الله ﷺ: قال: الذي لا يأمن جاره بوائقه"¹⁹

By God, that person is not a believer, By God, that person is not a believer, By God, that person is not a believer, One whose neighbor is not safe from his mischief

According to this hadith, it is unlawful and haraam in Islamic law to get acquainted with a person's hidden things and to spy on his things.

It is also known from the hadiths that spying on someone's secrets or hidden things is haraam according to shari'ah. This act is a crime and haraam according to shari'ah.

¹⁶Al-Quran, Alhujrat 49:12

¹⁷Muslim bin Alhajaj, Almuslim (Bairot: DarI khyaul Turas Al arabi), 1263

¹⁸Mufti Muhammad Tahir Qasmi, Internet Ka Deeni Maqasid K liay Istimal, (HaiderAbad: Daftar", Mahnama Piam", Shumara October 2010, Dar ul Uloom Rahmania), 14

¹⁹Al aini, Badrul Deen Mahmood bin Ahmad, Umdatul Qari Sharh Bukhari, (Bairot: DarI khy ul Turas Alarabi), 22/109

2.7 Head of credit cards and special numbers

People create their e-mail and save their belongings on it, they also save their credit cards, debit cards, online banking, bank accounts, and other important numbers and other things on the e-mail so that they can be easily taken advantage of because they are very important. They store thousands of millions and millions of dollars worth of things. If anyone knows these numbers, he can cause the loss of millions to this man.

Some people steal their passwords through online banking and transfer the money to another account as if by stealing bank account numbers, tens of millions and crores of rupees are lost to others. In Islamic law, transferring money from someone else's account to one's account or someone else's account is also theft and fraud. There is a strict promise about this in the Shari'ah of Muhammad. The Qur'an says:

"يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ."²⁰

O Believers, And eat up not another's property unjustly (in any illegal way e.g. stealing, robbing, deceiving, etc.).

However, according to Islamic law, this act, that is, the illegal acquisition of another's property, is more severe than the prohibition of drinking alcohol. Allama Ibn Abidin says about this:

"أخذ مال الغير من الظالم... ولا تباح بحال كالكفر... ولذا قالوا: إن تناول مال الغير أشد حرمة من شرب الخمر"²¹

That it is not permissible under any circumstances to take the property of others unjustly (in an unlawful way) like disbelief, therefore the scholars consider it unlawful to take the property of others unlawfully even more than the prohibition of drinking alcohol.

Mufti Jaffar Sahib Rahmani says about this:

"It is illegal and haraam to buy and sell someone's credit card number and password through internet and secretly buy and sell it from his account, the bill of which comes to the credit cardholder. Strict promises have been made on the use of goods"²²

2.8 Software hacking

In this advanced age, running a computer system requires two things: hardware and software. There are generally two types of software. A specific machine language is spoken

²⁰ Al-Quran, Alnisa, 4:29

²¹ Shami, Ibn e Abideen, Muhammad Ameen (1252Hij) Fatawa Shami, (Bairot: Darul Fikr 1412Hij), 6/135

²² Rahmani, Jafir Malli, Mufti, Almasail ul Muhimah tu Fima Ub tulitbihi, I, Aamatu (Muharashtra: Ishaat ul omakal kowa, 1434 Hij) 1/187

to use application software, i.e. computer tools, in which instructions are given to the computer.

The second type is the system software, which creates a link between hardware and software. All the programs that run on a computer run through the software. For example, people create their software for medical systems, banking systems, business systems, and various other purposes. This software, especially business software, is made in millions and millions.

The software has specific passwords for which the program is protected so that no one can know the details contained in the software. Despite this level of security, some people would hack the software instead of buying it. After hacking the passwords, the original owners remove the passwords and use the software for their purposes and take full possession of it. Yes, therefore, hacking and stealing this software in Islamic law is similar to disposing of property. Therefore, Islamic law does not allow it at all. Doing so is haraam and unlawful.

2.9 Hacking of code words and pictures

Through programs like Facebook and WhatsApp, etc., people send their specific things to certain people. Sometimes they send household secrets, secret pictures, and pictures to others, for which an account is saved on the Internet, people also use this internet account. The Hacker in this way duplicates the first page of Facebook and they send the page to the original owner to ask for a password. The real owner assumes it is real and gives his name and password. It immediately reaches the thief or hacker. Now he steals all the information and secrets contained in it and becomes aware of the secrets of the real owner.

The history of scientific betrayal and theft is very old. The center and axis in it are sincerity of intention and training and morality. The ancient testimony reveals such problems. AbuBakar Al-Khawarizmi writes

"ومن آفة العلم خيانة الوراقين"²³

That a calamity of knowledge is the betrayal of the believers.

Due to the use of modern scientific electronic means, cyber science, etc., the seriousness of this problem has increased. On the one hand, it has helped to provide solutions to the problems encountered in the research process, on the other hand, these inventions have facilitated human nature. The attitude of liking and facilitation has also been nurtured. Scholarly taste, hard work, and curiosity have been replaced by researchers with many

²³Alkharzmi, Abubakkar, Rasail e Abi Bakkr Al kharzmi, (Bairot:Manshorat Dar makabatul Hayat1970), 150

virtues, careless and superficial type of machine-style researchers, especially in short-term university research. The trend is stronger.

Dr. Muhammad Feroz-ud-Din Shah Khaga, in his dissertation "The Legal, Jurisprudential and Ethical Rules of Scientific Theft and Transformation and its Protection" discusses cyber theft and its various forms in detail:

"Of course, there is no doubt that the intellect of a researcher and scholar will be used or an excerpt from his compilation and authorship will be quoted and quoted with complete fidelity and caution without any compromise, tampering, and tampering." However, in this sense, the quote can be called a "literal quote". Using the thought of a researcher or author, it can be called an "intellectual quote".

It should be noted that referring to both types of quotations and attributing them to their origin is a matter of scientific honesty and is also a requirement of Islamic law because it does not take into account and express one's words or thoughts in any way. It is deception and theft and betrayal. Therefore, quoting from one's text or thought is a "Shari'ah quote" and not pointing to the source of the quotation would be a "non-Shari'ah quotation", and the latter is scientific theft or "extinction". It will be called because it is an encroachment on the intellectual rights and property of others.²⁴

3. Conclusion

There is no doubt that cyber technology is playing a vital role in human life in the modern era. Cyber technology has enhanced research activities education and the environment. Online libraries, lectures, and research articles have solved the educational complexities of teachers and students to great extent. But while this technology has given easy access to a man to excellent and authoritative writings and articles in the field of education and research, it has made him easy-going, effortless, and a workaholic. Instead of using his mental and intellectual abilities in the field of research, he steals the ideas of other researchers which is considered a moral degradation in the field of research. And this approach is tantamount to stagnating the field of research. And instead of offering solutions to the problems facing the new generation, their research and inquisitive thinking are vanishing.

This article illustrates the forms of electronic theft and their legal status, as well as the extent to which a researcher in the field of research can benefit from the research and ideas of

²⁴Khaga, Muhammad Feroz ul Deen Shah, Dr. Ilmi sarqa wa Intihala our is say Tahafuz k qanooni, Fiqhi, wa Akhlaqi Zawabit, (Peshawar Islamics: shumara 1, Jild 5, Jan-June 2014), 16-17

others. This article describes the forms of electronic theft and their legal status by clarifying that how much a researcher can get the benefits from other,s research and ideas. And what other forms are involved in plagiarism and theft? The same guidance is given through arguments of the Qur'an, Hadith and, Islamic scholars. It is clear that stealing one's documents, writings and ideas is like stealing one's property and other valuable material.

So, it is clear there is no offense to referring to a scholar and researcher's ideas with respect and trust. Whether the quote is vocabulary or written by the author's or researcher,s thoughts. The researchers should demonstrate honesty and integrity in both cases because faithfulness is a component tool of any research. In case of non-reference, or without prior consent it will be considered theft which is the corruption of any other scholarly ownership. The researcher should be loyal and true to create a way of success for everyone. For the researcher, it is necessary to make the truth and be cleaned by the special academic plagiarism.



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