

PROTECTING NATIONAL HONOR: ADVOCATING FOR LEGISLATION AGAINST CYBER HATE TARGETING PAKISTAN'S ARMED FORCES

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ABSTRACT

Cyber hate constitutes a great danger for the Armed Forces of Pakistan, being the reason for diminishing the reputation and culture of discipline among the forces while influencing the general opinion of civilians. Through the discussion of cyberattacks on the military, this article focuses on the ludic nature of military cyberattacks and underlines the necessity for legislative intervention. Lack of respective laws is the main factor behind online defamations and misinformation spread by the Armed Forces. Applying analogy to foreign experience, the article advocates for the implementation of integrated regulatory measures targeted at digital violence. Proposed models provide for jurisprudence and policy principles to provide for strong legal mechanisms that would help formulate holistic national approaches to safeguard the Armed Force's honor, dignity, and reputation. Nevertheless, these solutions are short of the desired outcomes due to the already highlighted challenges, such as enforcement. The solution to facing these challenges should be to adopt legislative reforms as the main route to maintaining the respect of the Pakistan Armed Forces. Effectively, the reforms can lead the country to stand firmly against the threats that are inherent in the future.

KEYWORDS:

Armed forces, cyber hate, legislation, national honor, Pakistan

1. Introduction

Cyberspace offers new dimensions of digital social integration, with the accompanying pros and cons of this digital age. Cyber-hate is a challenge that the Pakistan Armed Forces find at the crossroads. This article will examine the cyber hate targeted at the Pakistan Army, the existing legal loopholes, and the need for legislative reforms as a way of protecting national dignity in the digital age. Online content and propaganda aim to undermine the professionalism and integrity of the armed forces, manifesting as cyber hate (Lieberman, 2017). These activities do

not only weaken the morale and capacities of the state, but they also erode public trust and national identity (Al Abd, 2022). Social online platforms and media enable the spreaders to ramp up their rhetoric anonymously, which, as a result, leads to the expansion of their social base and the damage that goes beyond reputation.

The situation becomes complicated, but Pakistan's law is unable to provide the cases with legal accusation or grant cyber hate incidents any foresight. New legislative amendments are required to equip the authorities with the proper arsenal so that they can handle such attacks in a more

effective way. The development of specific laws dedicated to tackling cyber hate is of great importance. This entails mass sensitization of the community on how to become responsible digital citizens, as well as lobbying for robust laws. International precedents act as examples, and partnerships with global actors further intensify the effect of legislation. The legislation should entail the criminalization of cyberbullying, harsher sentences, and quicker removal of offensive material. However, the challenge of applying some of those solutions lies in the technical difficulties and the jurisdictional matters, and the balance between freedom of expression and the prevention of harm needs to be found as well (Janković & Stošić, 2022). Practically, we ought to work together in order to tackle these issues and thus make sure that cyber hate is fought. A state should achieve this by calling for reforms, borrowing outlooks from other countries, and adopting complete laws in the digital era.

2. Cyber hate and its impact on armed forces

The Pakistan Armed Forces increasingly view cyber hate, which manifests in various forms, as a significant security challenge. Principally, it lowers the strength and dynamics of troops, in which dynamics and mutual understanding are the most relevant and remarkable elements deciding the success of teamwork (Lieberman, 2017). Hate-filled extreme views and harassment spread destructive ingredients that harm the capabilities of each person and breed unhealthy division among the force, which could reduce its effectiveness (Saha, Chandrasekharan & Choudhury, 2019). The altered depiction of army officials on social media will lead to a decline in the public's confidence. This will decrease the willingness of civilians to join and work with authorities. It could play against the country's image internationally and cause damage to its historical ties with other states. A majority of the campaigns of

disinformation and pro-violence speeches are now targeting the armed forces, their families, and the nation as a whole, thus resulting in radicalization and building a national security threat (Amit, Barua & Al Kafy, 2021). Preventing cyber hate is a built-in precondition for the army's efficiency and legitimacy, which eventually go to the core of the security and stability of Pakistan.

3. Evaluating the legislation addressing cyber hate against Pakistan's Armed Forces

The provisions of the Prevention of Electronic Crimes Act (PECA, 2016), in Pakistan, namely, Sections 11, 20, and 21 of PECA, indirectly deal with cyber hate by tackling different types of destructive internet behavior. Section 11 of PECA especially deals with hate speeches and prohibits the circulation of information that would lead to interfaith, pro-sectarian, or racial strife. This point takes into account the possibility for the online content to call upon violence or discrimination against the weaker groups of society. Section 20 of PECA is dedicated to offences that target the dignity of a person. It is unlawful to spread information that can damage one's reputation or privacy. While it does not directly address the military, this provision can include defamatory publications that target the army's image, reputation, and morale. Besides, Section 21 of PECA includes offences related to the modesty of a person, such as disseminating sexually explicit materials with the goal of causing harm or blackmail.

These policies would address different forms of cyber harassment, but they may still appear to be ineffective in combating cyber hate against the military. In these provisions, there is no direct mention of the armed forces, which could limit its applicability (Haider, Ali & Zubai, 2023). Additionally, the wide scope and ill-defined terms used in these acts may be responsible for the inconsistent judgement

and, therefore, the incompetence of the acts in dealing with cyber hate towards the military. Lacking clear and specific measures to counter cyber hate against the military, these provisions may not fulfil the purpose of protecting their worth and dignity in cyberspace. Legislative gaps make it more challenging to prosecute cyber hate offenders because there are no suitable legal norms for these kinds of crimes.

4. Legislation addressing cyber hate against armed forces in other jurisdictions

The UK's Malicious Communications Act (Legislation.gov.uk., 1988), particularly Sections 1, 2, and 3, deals with different types of malicious communications. Section 1 focuses on intentional distress through electronic means, while Section 2 deals with spreading false information. Section 3 delves into the recurring abuse of the communications network by people with malicious intent, resulting in unnecessary annoyance or anxiety. Section 127 of the Communications Act (UK Public General Acts, 2003) deals with improper use of public electronic communications network. Germany's Network Enforcement Act (NetzDG, 2018) requires social media networks to take off unlawful content, among them hate speech. However, the strategy has a two-edged sword; it fights online hate but could possibly not concentrate on cyber hate that is directed at the armed forces. The law requires platforms to have such a complaint management system. The US Uniform Code of Military Justice (UCMJ, 1951) addresses both violations and misconduct within the military. Article 88 forbids contempt towards officials, including commanders and government officials. Article 117 is concerned with hate speech or gestures, either online or offline, and these may also cover the army. Article 134, by its definition, covers offences that are not found anywhere else. However, the effectiveness of these articles relies on their interpretation and enforcement.

5. Reforming legislation addressing cyber hate against Pakistan's Armed Forces

The reform of the Prevention of Electronic Crimes Act (PECA, 2016) in Pakistan, for the purposes of fighting and prosecuting cyber hate against the military, should borrow ideas from different international laws such as the UK's Malicious Communications Act (Legislation.gov.uk., 1988) and the Communications Act (UK Public General Acts, 2003), Germany's Network Enforcement Act (NetzDG, 2018), and the US Uniform Code of Military Justice (UCMJ, 1951). On the basis of sections 11, 20, and 21 of PECA, the reforms should focus on behaviours involving distress, lies, and hatred against the army online.

Section 11 of PECA should be amended to incorporate similar provisions to the UK's Malicious Communications Act that prevent people from sending communications with such intent. This implied that any online message or post intended to cause emotional harm to any member of the armed forces would be considered a crime. Moreover, Section 20 of PECA should include provisions similar to those in the UK's Communications Act, especially Section 127, which covers the unacceptable use of electronic communication networks. According to this amendment, a person who used the platform of the Internet to spread fake news and hate towards the army could be sentenced. Moreover, Section 21 of PECA needs some reinforcement to be almost the same as Germany's NetzDG, which forces social networks to delete illegal content like hate speech or violent incitement quickly. Pakistan could impose similar obligations on internet service providers and social media platforms to ensure prompt response to cyberattacks targeting the armed forces (Haider, Ali & Zubai, 2023). Besides, the PECA should include US UCMJ provisions that would cover crimes not covered in other articles. This will give the prosecution power to step

forward against the perpetrators of cyber hate targeting the armed forces if their actions result in harm to or the reduction of military reputation.

6. Proposed amendments in the legislation addressing cyber hate against Pakistan's armed forces

In order to effectively counter digital hate against Pakistan's armed forces and to strengthen the legal provisions of the Prevention of Electronic Crimes Act, certain amendments are proposed. First, by adding a new section to introduce the offence of "*digital hate speech against the armed forces*". This section is intended to comprise individuals sending threats, offensive materials, or hate speech via electronic communication with an intention to harass, intimidate, or incite violence against military personnel.

In the second place, another section will speak of the "*obligations of online platforms*". It will oblige online platforms, including social media and internet service providers, to delete illegal content, such as hate speech directed at the military, within 12 hours from the receipt of a relevant complaint. Besides, this section will advocate the necessity of developing transparent complaint mechanisms for incidents of digital hate speech reporting and reports concerning content moderation efforts submitted to the relevant authorities.

Moreover, a section will be included that will cover the "*ban on digital hate speech against military personnel*". This will address harassment using digital hate speech against military personnel, including adding inappropriate or derogatory speech content to PECA.

Furthermore, Section 11 of PECA will be amended to "*prohibiting hate speech*" by expressly prohibiting hate speech on the basis of military affiliation or to stir up contempt against identifiable groups within the Armed Forces.

These amendments facilitate the total binding of PECA to international leading

practices for ensuring the defence of military servicemen from online abuse and harassment as well as combating cyber hate linked to Pakistan's Armed Forces.

7. Challenges in implementing the legislation addressing cyber hate against Pakistan's Armed Forces

The suggested reforms and amendments in the Prevention of Electronic Crimes Act (PECA) draw from the UK Malicious Communication Act, the Communications Act, the Germany Network Enforcement Act (NetzDG), and the US's Uniform Code of Military Justice (UCMJ) to redress cyber hate towards the military. However, the implementation of these policies is likely to face numerous challenges.

Unsurprisingly, one of the biggest challenges is the administration and execution of the new definitions. Such borrowing can also provide a framework, but specifics may be difficult to adapt to our particular legal and cultural context. To prevent misinterpretation and errors in law execution, it is imperative that the amendments be written clearly and unambiguously.

Apart from the theoretical aspects, we must deal with the practical implementation of the obligations imposed on online platforms. Platforms, which have to delete the illegal content within a specific period, are bound to get off the hook, particularly in cases where content moderation can be complicated and highly controversial (Theil, 2022). Establishing the mentioned mechanisms in a transparent way that would require multifaceted cooperation between content providers and authorities represents an important but perhaps difficult step to undertake.

Besides the previously mentioned issues of applying prohibitions on hate speech to online platforms, there are also problems with jurisdiction and anonymity. Finding out the culprits of cyber hate against the armed personnel and making them responsible as per the proposed-amended

PECA might be done through a joint operation with the international law enforcement agencies and a well-developed capability for online activities like trackers and tracers.

Furthermore, it is possible that this will raise questions about freedom of expression and censorship. The measures intended to shield individuals in the armed forces from online hate speech while guaranteeing that people have the right to express objections or critiques call for careful thinking (Kapelańska-Pręgowska & Pucelj, 2023). Broad and ambiguous clauses have inbuilt restrictions on the fair wording of speech and expression.

Moreover, the righteousness of the reformed and amended PECA depends on the consistency and fairness that the amended legislation shows in the process of applying it to different cases and people to maintain the rule of law and avert any accusations of partiality or discrimination. Running through these challenges involves considering them carefully, involving stakeholders, and regularly monitoring and adjusting the legislation.

8. Conclusions

The cyber hate harming the armed forces of Pakistan requires urgent action and strong legislation to maintain their morale, fame, and, under the circumstances,

effectiveness. Cyber hate makes national security interests weak by ruining domestic trust in the military and exciting violence, which in turn leads to legal reforms in an effort to maintain the force's honor and integrity. The mass-scale spread of online hate speech and false information is a major problem in the spotlight of the legislature, which targets cyber hate through thorough measures and regulations. Pakistan may borrow from such experienced precedents from other nations to create a legal framework that harmoniously reconciles the conflicting issues of freedom of expression and effective enforcement systems.

The proposed reforms and amendments to the Prevention of Electronic Crimes Act will be an essential step in tackling cyber hate in the armed forces, but their implementation in practice may encounter many roadblocks. Diverse legislations in the international environment, including those in the UK, Germany, and the USA, provide the framework, but the issue of adaptation to national law and culture is quite complex. In the last resort, the efficiency of the amended PECA will depend on prompt and fair application, which can be facilitated by ongoing observation, the involvement of interested parties, and the adoption of flexible approaches to law enforcement.

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