Cyber Crimes Committed by Social Media Users in Saudi Arabia

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November 2016

The growth of social media has resulted in an increase in online crimes or “cyber crimes” such as blackmail, embezzlement, defamation, hacking of accounts etc.

Social media users may find themselves committing so-called “cyber crimes” without knowing that they are committing a crime or that they could be jailed or fined for their actions. On the other hand, some social media users know that what they are doing constitutes illegal use of social media, but think that the authorities can’t or won’t trace them.

There have been many reports of arrests and prosecutions of social media users (including many social media celebrities) for cyber crimes involving the use of social media. Consequently, it is important to understand the cyber crimes that most commonly land social media users in trouble and how victims and the authorities are able to take action in response to such cyber crimes when they occur.

What is Cyber Crime?

Cyber crime can be simply defined as ‘a crime committed by using a computer or the internet.’ Many actions may be considered a cyber crime, including gaining unauthorized access through the internet to someone else’s information or credit card data, supporting terrorist organizations or defaming someone. The Saudi Anti-Cyber Crime Law sets out all cyber crimes and their associated penalties.

How are Saudis protected against cyber crime?

The Saudi Anti-Cyber Crime Law aims to secure the safe exchange of data, protect the rights of users of the computers and the internet, and to protect the public interest and morals as well as people’s privacy.

We will address in this article only the cyber crimes that may be committed by using social media as well as the penalties for each of these crimes in accordance with the Saudi Anti-Cyber Crime Law.

A cyber crime can occur as a main crime (e.g. by transmitting illegal content) or it may be associated with another crime (e.g. transmitting content evidencing drug procession or use). A number of cyber crimes can be committed by using social media and each of these has a penalty.

List of cyber crime in Saudi Arabia

The following is a list of the main cyber crimes which are committed by use of social media, set out together with their associated penalties and the procedures for making a complaint. These have been grouped into three categories according to the seriousness of their associated penalties.

Cyber Crime – Group A:

1. **Gaining Illegal Access to a Computer to threaten or blackmail a natural or legal person to force him/ her to do or abstain from a certain action.**
   There have been reports of people who have been threatened or blackmailed by someone through Twitter or WhatsApp after the perpetrator has obtained unauthorized access to the victim's computer.
2. **Defamation of a Natural or Legal Person through Social Media.**
   Many of us express our attitudes, opinions or comments on events or news. Sometimes we may agree or disagree with someone else's opinion or thought. We may face a person who insults or defames us just because he or she disagrees with us. Defamation by social media constitutes a crime subject to penalties under the Saudi Anti-Cyber Crime Law.
3. **Breaching the Privacy of a Natural Person by Taking Pictures or Recording Videos using Cell Phone.**
   Privacy is protected under the Saudi Anti-Cyber Crime Law and the taking of an unauthorized picture or recording by a camera-equipped mobile 'phone can constitute a crime under the Saudi Anti–Cyber Crime Law.

Cyber Crime Penalties

Whoever commits any one of the above cyber crimes shall be punished by imprisonment for a term not exceeding one year and or a fine not exceeding SAR 500,000.

How to File a Cyber Crime Complaint?

Anyone who is a victim of one of these cyber crimes and wishes to file a complaint against the perpetrator must do so by the following procedure:

1. Report the crime at the nearest police station.
2. The Police station shall forward the crime report to the Saudi Bureau of Investigation and Public Prosecution (BIPP) to investigate the crime.
3. The BIPP shall investigate the identity of the suspect in cooperation with other authorities.
4. After the suspect is identified, the BIPP will order the suspect to appear for interrogation.
5. The BIPP will prepare a charge sheet and forward the case file to the Criminal Court.
6. The victim can join the public prosecution's case to demand damages or compensation.

As an aside, there has been a controversy between the Criminal Court and the Electronic and Audiovisual Publishing Disputes Committee about which tribunal has jurisdiction over this kind of case. During the course of this controversy a number of cases in the categories listed above were dismissed by the Criminal Court due to a perceived lack of jurisdiction. The Saudi Supreme Judicial Council has, however, settled this debate and has recognised that the jurisdiction in these cases belongs to the Criminal Court.

Cyber Crimes – Group B:

Hacking a Social Media Account

There have been numerous reports of Twitter accounts and Instagram accounts being hacked with the result that the owner of the account is not able to access his or her account, sometimes losing many followers.

Cyber Crime Penalties

Whoever obtains unauthorised access to a user's account and prevents or obstructs access to it shall be punished by imprisonment for a term not exceeding four years and or a fine not exceeding SAR 3,000,000.

How to File a Cyber Crime Complaint?

The procedure for filing a complaint is the same as set out above.

Cyber Crimes – Group C:

1. **Transmission, Publication or Storage of Material that is Inconsistent with Public Order or Morality, Religious Values or which Breaches the Privacy of a Natural Person.**
   Social media users daily transmit, post or tweet news, pictures and videos through social media without knowing that such acts might result in imprisonment and or fines if the transmitted content is of an objectionable nature (e.g. content that violates public order or morality). In a notable case, one Snapchat celebrity was arrested for "snapping" rumours. In fact, he went beyond that and starting insulting the Saudi Government, which was held to be an offence against public order.In another widely reported recent case, a Younow user was arrested for transmitting content to the public, which was considered to be inconsistent with public morality.
2. **Publishing Pornography.**
   Pornography is forbidden in Saudi Arabia. It is a cyber crime to publish or transmit any material of a pornographic nature through social media.
3. **Promotion or Facilitation of the Use or Distribution of Narcotics or Psychotropic Substances.**
   Use of narcotics and psychotropic substances is itself a crime in Saudi Arabia, but using social media to promote or facilitate their use is a crime in its own right that may be prosecuted in conjunction with the main offence. There are reports from time to time of social media users being prosecuted for this cyber crime after being arrested by the anti-drug authorities. In a recent case, an individual was arrested for publishing on the internet material having the purpose of promoting and facilitating drug use.

Cyber Crime Penalties

Whoever commits any of the above crimes shall be punished by imprisonment for a term not exceeding five years and or a fine not exceeding SAR 3,000,000.

How to File a Cyber Crime Complaint?

Different procedures apply in relation to the cyber crimes in this last group. Only the related authorities at the Ministry of Internal Affaires may report to the BIPP a case in relation to these cyber crimes and no one can join any such case seeking damages, since the crime itself typically doesn't affect a particular natural or legal person, but rather violates public order, morality and health.

Conclusion

From the foregoing it is clear that social media users should take care when using social media and should be mindful at all times of their rights and obligations under the Saudi Anti-Cyber Crime Law. The social media providers have lofty goals to make life, and communions between people from different countries, cultures, and faiths, easier. We just addressed in this article the illegal use (bad behaviour of same users) of the social media.

Learn how our litigation practices offer law assistance for matters relating to cybercrime in Saudi Arabia.