Explaining the Implications of Jurisprudence Knowledge for the Concept of Border Processing in the Rule of Cyberspace of the Islamic Republic of Iran

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1. Introduction

With the spread of information and communication technology and the half-century experience of the World Wide Web, the field of ICT has gone beyond the technological dimension and by combining different social elements, today, it has become the bedrock of the many and varied relationships and interactions of human beings along the real space. These different interactions have gradually created different social systems in the context of information and communication networks. In these new social systems, the virtual biodiversity of human beings has presented them with new legal, socio-cultural, economic, political, security, etc. issues, and consequently has profoundly changed the governance of societies. One of the fundamental issues in cyberspace governance is the issue of the territory and borders of nations - governments in cyberspace. In the pre-privatization period, the will of governments and states (3) was prevalent in their territory, and the people of that territory generally obeyed that dominant will. Following the inefficiencies and failures of governments in addressing the social affairs of the people on the one hand and the design of a mechanism to increase the profits of the capitalist stream on the other hand, the private sector was strengthened domestically, and part of the will and authority of governments, especially in the economic and productive spheres, was left to the private sector, and indeed to the capitalist movement. After the private sector, it was the turn of the civil sector (the third sector or the people) Participate in part of the will and authority of governments, and in fact determine the reduction of power of governments. In addition to these two cases, the flow of colonialism

and capitalism within the developed countries, after the period of mass production, faced the saturation of their countries' markets. And to continue the flow of profitable benefits, he thought of conquering the markets of other countries, but they faced obstacles, such as the establishment of powerful states and the existence of clear borders between countries. International investors, especially Americans, do not consider themselves to have access to the market and the people of the country (customers). The solution to this problem was to weaken the sovereignty of states and to demarcate nations. For this purpose and for other purposes not the subject of the present study, they established international organizations and companies such as the World Trade Organization, the World Bank, and the International Monetary Fund. With tools such as international agreements, index design, reporting, and pressure on countries to follow these indicators, these organizations seek to capture another part of the will of governments and states and capture the market and access their people (customers). According to what was stated up to this day - before the expansion of cyberspace - the two private and civil sectors within borders and the international sector outside borders have weakened significant parts of the will and sovereignty of governments and states. And they are moving to reduce the border between nations. The development of information and communication technology has caused the private and civil sectors, as well as international organizations and companies to redefine their activities on the platform of cyberspace platforms. And indeed, with the expansion of cyberspace, this trend of declining national sovereignty was strengthened. With the connection of different social levels in the world on the cyberspace platforms, the concept of geographical and political borders is gradually fading. And the meaning of the Homeland Territory of a state has changed.

The current situation of the Islamic Republic of Iran in the governance of cyberspace is such that the will and authority of the Islamic system is being weakened for the reasons stated. A significant part of the relations and social interactions of the Iranian people has been formed on the platform of cyberspace Platforms. Unfortunately, the prevailing will in these social systems has not been the cyberspace of the will of the Islamic Republic of Iran. And in some areas the will of the system of world domination prevail in the form of private, civil and international companies, and in others, the will and chaos of wills prevails. Since the concept of independence and border is a normative concept and is closely related to human well-being in this world and the hereafter, the religion of Islam has explained this concept. Also, first of all, in accordance with the principles of the constitution and the general policies of the system in the preparation and approval of all legal plans and

bills, the criteria of Sharia should be considered as the main source of legislation. Therefore, it is necessary to refer to the criteria of Sharia and knowledge of jurisprudence in order to extract implications for the concept of border in the governance of cyberspace. In the science of jurisprudence, in the topics related to jihad, al-Thaghar, al-Murabah, Dar al-Islam, and Dar al-Kufr, and in particular the rules of jurisprudence, including the rule of denying the mustache of infidels, the sanctuary of Arabism after the Hijra, etc., the components of independence, borders and territory are explained directly and indirectly. Therefore, the main purpose of the present study, which has been conducted with the methodology of signification research, extracting the implications of jurisprudential knowledge for conceptualizing the border in cyberspace governance is to achieve this main goal. Two preliminary steps have been taken to explain the border and territory from the perspective of jurisprudence and the border and territory in cyberspace.

2. Borders and realms from the perspective of jurisprudential knowledge

Marz (Al-Thaghar) from the point of view of jurisprudence is a position that has marked the end of the Islamic government and the end of the scope of its power, departments and services, or the position of threat and infiltration of the enemy for the identity and security of the Islamic government in all social areas, including political, economic, cultural, health, security, military. Accordingly, the border (relationship) can be watched (Al-Arsad) and warned (Al-Alam) on the territory of the will of the Islamic government and the enemy's positions of influence in all social areas, including political, economic, cultural, health, security, and military. With the aim of preserving the Islamic government and preventing the infiltration of the enemy by the government, he defined activists, elites and the people. Also, the realm of Islamic government or Dar al-Islam is a political and legal concept that the criterion for the validity of the title "Islamic political sovereignty and domination" is incidental and not necessarily surviving. Unless this title of mystics is removed and the Islamic government is obliged to provide the necessary multiplicity, the establishment and implementation of Islamic rules, the preconditions for the expression of Islamic rituals and security for Muslims and non-Muslims from the dependents and the trustworthy.

According to the issues discussed, the concepts of borders, frontier and territory of the Islamic government, the share of jurisprudential assistance derived from the above definitions and issues can be presented in the form of the following conceptual framework. A total of 36 shares of jurisprudential assistance were classified into 3 categories: border assistance (preservation and expansion of the Islamic government), border assistance (enemy threats

and countering it) and border assistance, which their description is given in the main text of the study. (Figure 1)
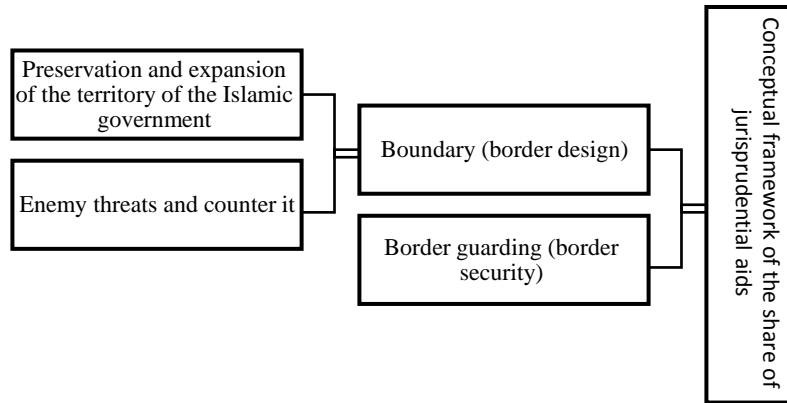
Figure 0-1: Conceptual framework of the share of jurisprudence knowledge grants
Source: Research Findings

3. Boundaries and territories in cyberspace

Cyberspace in a technical-social approach, means social systems resulting from user interaction on the basis of information and communication networks. Accordingly, the frontier of cyberspace can be defined as the set of rules that determine the realm of political and legal sovereignty of a state in cyberspace. And while identifying hard (information and communication technology) and soft (social systems derived from information and communication technology) threats, cyberspace is a barrier against them. These special rules usually have digital manifestations and border practices, such as Internet codes, filters, shields, and defensive walls. And all layers of cyberspace are defined and the layered model forms the boundary of cyberspace (Figure 2).
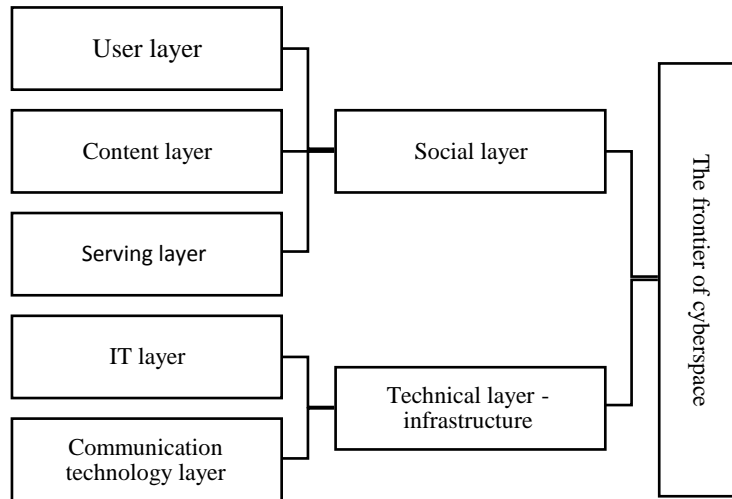
Figure 0-2: Layered model of borders in cyberspace
Source: Research Findings

4. The Implications of Jurisprudence Knowledge for Borders and Realms in Cyberspace

According to the methodology of signification research, each element of the conceptual framework of the share of jurisprudential aids for the technical and social layers of the cyberspace border has implications. In the present study, a total of 17 implications that are actually the result of the link between the share of jurisprudential assistance and the border layers of cyberspace, has been extracted in the following 5 categories and the conceptual framework of jurisprudential implications has created the boundary of space (Table 1). Of these 17 implications, 9 implications are explained in this article.

Table 0-1: Conceptual framework of jurisprudential implications for the frontier of cyberspace

Social layer	Technical layer - infrastructure	Conceptual Framework of aid contribution	
Implications of the Islamic government for the social layer	Implications of the Islamic government for the technical layer	The realm of Islamic government	Marginalization
Implications of enemy threats to the social stratum	Implications of enemy threats for the technical layer	Enemy threats	
Border implications for the socio-technical layer		Border guards	

Source: Research Findings

4.1. The First Implication

One of the important boundary rules in determining the virtual territory is the element of ownership and management in these domains. Territory is a specific space that reflects the arena of political rule. Hence, similar to real-world domains, this meaning is applicable in cyberspace. Also, the criterion for the validity of the titles of Dar al-Islam (the realm of Islam) and Dar al-Kufr (the realm of infidelity) over each realm is the political rule and domination of Islam and infidelity over that realm. In cyberspace, platforms are mainly virtual domains and the element of technical property (physical infrastructure) and the management of information and communication rules and protocols (logical infrastructure) is virtual political sovereignty and domination. Further explanation is that the realm is the space on which the will of the realm of is exercised and the members of the realm are substantially affected by that will. This meaning is applicable in cyberspace even more than in real space. Because according to the technical-infrastructure architecture of cyberspace platforms, the will of the owners and their managers, both directly and indirectly, in general and in part, can be applied to users. Also, due to the communication and psychological characteristics of cyberspace platforms, their users are even more affected by the dominance and specific orientations of that space than the members of the realm. Therefore, platforms that have the ownership of the technical infrastructure and the management of its logical infrastructure at the disposal of Islam, Dar al-Islam and, consequently, the platforms whose ownership of the technical infrastructure and management of its rational infrastructure are in the possession of infidelity, is Dar al-Kufr. The criterion for the validity of the titles of Dar al-Islam and Dar al-Kufr on cyberspace platforms is simply the factor of their sovereignty (ownership of technical infrastructure and management of logical infrastructure) and other factors, such as the population of Muslim and infidel users or the existence of Islamic or non-Islamic services and content on the platform, are not the criteria for determining Dar al-Islam and Dar al-Kufr and the rulings governing it. However, the Islamic sovereignty of the platforms is obliged to provide the necessary arrangements for the expansion of Islamic services and contents, and prevent the development of anti-Islamic services and contents and create sufficient security and freedom to express the rites and implement the Islamic rules.

4.2. The Second Implication

Membership, relocation, and departure from domains and platforms must be regular and accompanied by authentication. Thus, the membership and relocation of all Muslims, infidels and the ambassadors of the infidel countries in these territories and platforms is permissible. And the Islamic government

is obliged to provide security contexts, unless the Islamic government imposes restrictive rules in accordance with the interests of this membership, transfer and exit. Accordingly, the membership and relocation of non-dependent and unreliable infidels in Islamic lands and platforms is not permissible and the government is obliged to prevent it.

4.3. The Third Implication

Basically, the realization of the border in cyberspace depends on the realization of Islamic rule in that space. In the absence of Islamic sovereignty in cyberspace, talking about borders in that space is pointless. These boundary rules are as follows, if they are realized, the created cyberspace is Islamic and otherwise, it is non-Islamic. In other words, these rules are the factor that distinguishes between the Islamic realm and infidelity in cyberspace. Achieving border rules does not mean achieving the desired level of cyberspace from the Islamic point of view. Rather, these rules merely guarantee that this space is not un-Islamic and that it creates the conditions for growth and excellence under the rule of Islam. If the bed in cyberspace has the rules of Islamic cyberspace, then that bed is part of the Islamic realm and the Islamic government is oblige the users to enjoy it with their offices, services and products.

4.4. The Fourth Implication

Users of Islamic lands and platforms enjoy the support of the Islamic government in various social spheres. Providing security, handling complaints, prosecuting criminals, etc. are only part of the Islamic government's duties to the users of these platforms. On the other hand, Muslim users of non-Islamic territories and platforms such as Telegram, Instagram, WhatsApp, etc. do not have this support. For example, the Islamic government has no obligation to deal with violations and crimes that take place in the context of these platforms. Even if the Muslim users of these platforms ask for help from the Islamic government to take care of their affairs, the Islamic government is solely obligated to support them within the limits of the agreements it has between itself and the owners and managers of non-Islamic platforms. For example, if the Covenant on Non-Interference between the Islamic Government and the Owners of a Non-Islamic Platform is established, The Islamic government has no right to violate the covenant and, for example, enter the technical infrastructure of the platform to prosecute a criminal.

4.5. The Fifth Implication

One of the goals of the Islamic government in cyberspace is to expand its will and sovereignty in various social spheres worldwide. Naturally, this expansion

is accompanied by the abolition of the domination and rule of the infidels. Hence, it is necessary to identify the positions of establishing this government and strengthening them (domination) over the government, the military forces and all the Muslim people. Another goal of the Islamic government in cyberspace is to eliminate the domination and rule of infidels over the realms and platforms in the world. In the current situation, there is the domination and rule of infidels over Islamic lands and platforms. In Islam, no legislative decree that causes the creation and expansion of this domination and sovereignty has been forged, and any factor that causes this creation and expansion is not legally permissible. Also, in some cases, this domination and rule hinders the expansion of Islamic services and content. Therefore, recognizing these positions of domination and influence and removing them (de-domination), in addition to the previous task, is obligatory on the government, the military and all the Muslim people. In order to counter this domination and rule, soft jihad, including cultural and propaganda activities in the territories and platforms of infidelity with the aim of weakening the domination and rule of infidels or leaving (emigration) users from those territories and platforms to Islamic territories and platforms on hard jihad platforms. The phrase cyber war has a hierarchical and temporal precedence. In this regard, the membership and activity of Islamic missionaries in the realms and platforms of infidelity, if permissible and even in some cases, is obligatory so as not to cause a defect in the religion in themselves or their family members.

4.6. The Sixth Implication
Dar al-Islam in cyberspace is mainly referred to as the realm and platform that the ownership of the technical infrastructure and the management of its logical infrastructure are in the hands of Islam and users under Islamic rule have virtual bio. If the ownership and management of a territory is in the hands of Islam, the title of Dar al-Islam will forever apply to that territory. And it is obligatory on all eligible Muslims to protect and defend that territory. Also, if, as a result of cyber warfare or military warfare, the ownership of the technical infrastructure and the management of its rational infrastructure fell into the hands of the infidels, its release is obligatory on all eligible Muslims, unless the mystics would remove the title from that realm and its users. In addition to cyber and military warfare, the cultural aggression of infidels, such as anti-Islamic services and content, or the economic aggression of infidels, such as the boycott of the platform and its owners, have been cited as examples of their attack. And the defense of users and owners is obligatory on all Muslims.

4.7. The Seventh Implication

The threatening positions of the Islamic government in cyberspace are considered as he cyberspace borders. It requires border guards, defensive jihad preparations and efforts to get out of threatening positions. These positions have three main features: The identity and security of these positions, the weakness of the Islamic government in these positions and the strength of the enemy in these positions are not necessarily cyber-threatening positions in cyberspace. These positions can have potential threats with a high or low probability or actual threats with a low or high intensity. Threats include soft and hard threats in cyberspace. Severe threats relate to the technical and infrastructural dimensions of cyberspace and include ICT threats. Also, soft threats refer to the social dimensions of cyberspace and include the threats of all social systems of cyberspace, including political, economic, cultural, social, etc.

4.8. The Eighth Implication

If the political, military, economic and cultural relations and agreements with the infidels in cyberspace cause their influence and domination over Muslims, these contracts are void and have no legal validity, and it is obligatory on Muslims to avoid such relations and agreements, to try to guide the officials who have submitted to such contracts, and to resist and fight against the infidels and those officials.

4.9. The Ninth Implication

It is forbidden for the infidels to take over all the governmental and judicial affairs related to the territories and platforms of the Islamic government and its acceptance is forbidden. For example, it is forbidden for the infidels to take over all the affairs of the Supreme Council and the National Cyberspace Center, the Ministry of Communication and Information Technology, the Radio and Television, the Ministry of Culture and Islamic Guidance, and the management of Islamic territories and platforms. Therefore, the use of some internal platforms by infidel owners and managers, if it causes their domination rule that. In recent years, in some cases, this dominance has become apparent - it is haram. Also, taking over all non-governmental and non-judicial affairs of cyberspace, including economic, cultural and social affairs, if it causes the creation and expansion of the will and domination of infidels over Muslims, it is excluded and its acceptance is forbidden.

4.10. Tenth Implication

Membership and activity of Muslim users in the realms and platforms of infidelity if it causes defects in the religion of the users and their family

members, or do not enjoy complete freedom and security in expressing Islamic rituals and rulings, is forbidden and it is obligatory for them to migrate to Islamic lands and platforms. Unless obstacles such as the existence of business and the livelihood and economic flow of users on the platform of infidelity platforms deprive them of the possibility of emigrating, which in this case, a secondary, emigration is not obligatory. However, it is obligatory on the part of the users and, more importantly, on the part of the Islamic government to make the preparations for emigration and to remove the obstacles. The Islamic government is obliged, firstly, by creating platforms with appropriate technical and social facilities, and secondly, limiting the activity of infidelity platforms for Muslim users, to provide the preconditions for this migration. Also, Muslim users of the territories and platforms of disbelief, as long as their membership and activities do not cause defects in the religion of their users and family members, or, enjoy complete freedom and security in expressing Islamic rituals and rulings, it is not obligatory, but it is worthwhile for them to migrate to Islamic platforms. In order to apply this jurisprudential meaning to the current conditions of the cyberspace of the Islamic Republic of Iran, it should be added that according to what has been said, the Telegram social messenger, and especially the Instagram social network, are examples of Dar al-Kufr and their Muslim users are examples of the presence of Muslims in Dar al-Kufr. A study of the cultural and social issues of the community, as well as some court cases, shows, the social network Instagram has significantly caused a defect in the religion of its users. In addition, this infidel social network has deprived Muslims of complete freedom and security in expressing Islamic rituals and rules, the example of which can be seen in deleting and blocking some Islamic content and pages, including content related to the Martyr Haj Qasim Soleimani, may God have mercy on him. Hence, emigration from this platform is obligatory on Muslim users, unless migration causes significant harm to users. In this case, as a secondary, it is not obligatory at the moment, but it becomes obligatory for the users to study the migration arrangements. Also, the Islamic State is obliged to provide the prerequisites for this migration, including the establishment of Islamic platforms with appropriate technical and social facilities, economic incentives for migration, cultural propaganda and behavioral activities for migration, economic and technical restrictions for the Instagram social network, and so on.

5. Conclusion

With the development of information and communication technology and the half-century experience of the World Wide Web, the field of ICT has gone

beyond technological dimensions and with the connection of various social elements, today it has become a platform for multiple and diverse human relationships and interactions along real space. With the formation of cyberspace social systems, the private sector and civil society at the national level and some organizations and companies at the international level, redefined their activities on the platform of cyberspace platforms. The process of platforming of different social systems along with the privatization and re-creation movement of the government, accompanied by the process of empowerment of non-governmental actors (private, civil and international) and the reduction of power and capacity of the government. This process gradually led to changes in the concept of geographical and political boundaries, the homeland territory of a sovereignty and the security and independence of nation-states. Maintaining the power and capacity of governments, preventing the dissolution of territories and borders, and ensuring the security and independence of nations in cyberspace, requires the governance of social systems in cyberspace. Among the basic measures in this model of governance are the concepts of border and border guarding methods in cyberspace. Also, because the concept of border has been one of the most important value and normative concepts, and it has a close relationship with the path of his happiness in this world and the hereafter, the religion of Islam has explained this concept and other similar concepts such as territory, power, dignity, security, freedom, government, domination, independence, etc. Also, in accordance with the fourth and seventy-second principles of the Constitution of the Islamic Republic of Iran and the general policies of the "Legislative System" in preparing and approving all draft laws and bills, the rules of Sharia as the main source of legislation should be considered. Therefore, the present study, which was conducted with the "methodology of signification research", has tried to extract 17 implications for the concept of border in the governance of cyberspace in the Islamic Republic of Iran by referring to the knowledge of jurisprudence. Based on these implications, the frontier of cyberspace is a set of special rules that determine the scope of the Islamic government to exercise the will and obedience of users in cyberspace. These border rules are such that if they are fulfilled, the cyberspace created is Islamic and otherwise un-Islamic. In other words, these rules are the factor that distinguishes between the Islamic realm and infidelity in cyberspace. Achieving border rules does not mean achieving the desired level of cyberspace from the Islamic point of view. Rather, these rules merely guarantee that this space will not be un-Islamic and that it will create the conditions for growth and excellence under the rule of Islam.