Handling of Hoax Messages from the Legal Perspective: A Comparative Study between Indonesia and Singapore

Muhammad Khalil Gunawan, Adi Wijaya, Salma,
and Abd. Hadid Idrus

Master Programme of Communication, Hasanuddin University, Indonesia

Corresponding author: gunawanmuhammadkhalil507@gmail.com

Abstract

Hoax messages or fake news have become a global problem that unsettles and threatens the unity of nations, including Southeast Asian countries incorporated in ASEAN, such as Indonesia and Singapore. Hence each country designs and issues regulations in order to penalize those who fabricate or spread fake news. The sanctions given vary from one country and another. This paper will elaborate on the laws put in place in Indonesia and Singapore to handle and penalize the perpetrators of fake news.

Keywords: Hoax messages; ASEAN countries; Indonesia; Singapore; Law

Introduction

Indonesia and Singapore are two countries with great influence among the countries that make up the Association of Southeast Asian Nations (ASEAN). It is interesting to observe developments in the two countries that are related to the handling of hoax messages. Singapore is ideal for this comparison because it has shown the best progress in information technology in ASEAN. Fake news, also known as hoax message, has become a problem in various countries, including Indonesia and other ASEAN countries. Spreading hoax messages is not only done by individuals but also by organized groups. It has caused a lot of damages, ranging from material loss, defamation, and even loss of life. Hoax message is spread by irresponsible people with various motives.

This situation is exacerbated by the society, since people easily believe news spread by different means, especially social media, without attempting to verify the authenticity of the news and immediately take the dangerous action of spreading such stories. The problem of hoax message affects all countries, including those who are neighbours with Indonesia, such as Singapore. In order to prevent and overcome the spread of hoax messages, each country makes regulations in the form of law, which aims to protect the public from the negative influence of such

messages. The nature of hoax messages and its handling in the two countries are reviewed from the perspective of law. Also, relevant legislations will be discussed further in this paper.

Definition of Hoax Messages (Fake News)

As information spreads rapidly, it is important to determine which information is false and which is correct. Not all the information received is true. The flow of information is highly vulnerable to hoax messages. Hoax messages are fake information. Hoax messages are aimed at controlling public opinion and creating perceptions. However, in some cases, people consider spreading hoax messages as a joke or a means of getting pleasure, by examining how gullible social media users are.

According to *Kamus Besar Bahasa Indonesia* (Indonesian Dictionary), 'hoax' is *berita bohong* (fake news). In the Oxford English dictionary, 'hoax' is defined as 'malicious deception' or 'lies made for evil purposes'. Unfortunately, many people define 'hoax' as 'news that I do not like' (https://www.rappler.com). Hoax is fake news or notification from an unclear source, and, usually, its content is not true. Hoax is an attempt to deceive the reader or listener to believe a certain message, whereas the sender knows that the news is false. It usually appears on the internet, such as on blogs, emails, Twitter, Facebook, forums, etc.

One of the most common examples of fake news is to claim that an event that is different from the actual event happened (https://www.temukan-pengertian.com). Another definition of hoax is 'to trick into believing or accepting as genuine something false and often preposterous' through online media (https: www.merriamwebster.com).

Hoax is the deliberate manipulation of news, and it aims to give wrong recognition or understanding. There is a distinction between hoaxes and fake news, because hoaxes are planned beforehand. With respect to hoax, there is a misappropriation of the fact, and it attracts the attention of the public. According to Alwi Dahlan (Antara News, 2017) hoax is deliberately propagated to lead people in the wrong direction. The development of sophisticated technology affects the spread of hoax messages. It also allows more serious misdirection of information.

The motives behind spreading of hoax messages vary, but, generally, hoax messages are spread as a joke or just a fad, to bring down a business or political competitor (black campaign), to promote by fraud, and to do good deeds. Hoax message influences people to immediately share it with their colleagues, so fake news spreads widely very quickly. Similar to a report by the S. Rajaratnam School of International Studies (Vasu, Norman et al, Jan. 2018), fake news is a spectrum of phenomena comprising disinformation, misinformation (with or without political agenda), fabricated content disseminated for entertainment and/or financial gain.

RIKSAWAN INSTITUTE®

People are more likely to believe hoax messages if the information matches their opinions or attitudes (Respati, 2017). For example, if a person who believes in the flat-earth theory gets an article that discusses various conspiracy theories about satellite photos, then instinctively, that person will be inclined to believe it, because it supports what he believes in. Naturally, positive feelings will arise in a person if his opinion or belief gets affirmation, so he tends not to care whether the information he received is correct or not. Also, there is a high tendency for him to spread the information. This may be worse if the person lacks knowledge of utilizing the internet to seek more information or just to check the facts (Rahadi, 2017). A Fake news is an oxymoron because it is seemingly contradictory. After all, news is generally defined as information or reports of recent or previously unknown events, which means it has to be true. (Ang Yiying, 2018).

According to Dedi Rianto Rahadi, in a journal entitled *Perilaku Pengguna dan Informasi Hoax* (User Behavior and Hoax Information), Hoax messages can lead to various negative consequences, e.g. creating suspicion and hatred towards a particular group, physical violence against innocent people, and providing false and misleading information to both the general public and policy makers. He classified hoaxes as follows:

1. Fake news: The news that attempts to replace the original news. This news aims to falsify or incorporate untruth in a story. The writer of fake news usually adds untrue information, in line with the theory of covenant: the more it is strange, the better. Fake news is not humorous comment towards news.
2. Clickbaits: These are links placed strategically within a site in order to attract people to other sites. The content in the link is fact-based, but the title is made redundant or has an interesting image to attract the reader.
3. Confirmation bias: The tendency to interpret new events that take place as well as evidence based on an existing opinion.
4. Misinformation: Incorrect or inaccurate information, especially those intended to deceive.
5. Satire: An article that uses humour, irony, exaggeration to comment on a fresh event. Satire stories can be found in television shows such as "Saturday Night Live" and "This Hour has 22 Minutes".
6. Post-truth: Events where emotions play more role than facts in shaping public opinion.
7. Propaganda: Activities to spread information, facts, arguments, gossip, half-truth, or even lies to influence public opinion.

The issue of fake news or hoax messages does not only affect Indonesia but also affects other countries, and it triggers the attention of various people, including the government, as policy makers who are expected to curtail the spread of hoax messages. A number of other countries in Southeast Asia under the auspices of ASEAN are busy finding ways to counter fake news, but on the other hand, some

human rights observers consider the effort to be a potential violation of the freedom of expression. In Indonesia, there is an attempt to curtail the spread of hoax messages through social media using Law No. 19 of 2016, on Information and Electronic Transactions, while Singapore uses the Electronic Transaction Act (ETA) Singapore.

Online media is any media that appear in the virtual world. The term virtual world was first introduced by Williams Gibson in his novel, and he defines the virtual world as a globally connected reality, which is supported by the computer as well as computer access, and it is multidimensional, artificial, or virtual. (Adhiarso, 2017). Online media refer to websites, blogs, and other contents that appear in the virtual world and can be read and viewed on the internet. Online media is a new player in the Indonesian press scene, and according to several online media sources in Indonesia, it has grown since 1994 (Yunus, 2010).

Like a double-edged knife, the current advances in information communication technology not only have positive impacts but also have negative impacts. The exchange of information is so fast, since everyone can easily produce and spread information very quickly through social media, such as messaging, Twitter, WhatsApp and so on, in such a way that the information cannot be filtered carefully. The information emanating from individuals, organizations and business entities on social and electronics media is accessed by many people and has an effect on the emotions, thoughts and even the actions of individuals or groups. It may be harmful if the information received is not entirely correct, especially if the information is a hoax with a very provocative title and leads the recipients to a negative opinion. Negative opinion, slander, spreading hatred, attacking a particular party or making people afraid threaten and may harm the party at the receiving end, either by damage of reputation or loss of properties.

The Ministry of Communications and Information Technology presented data which shows that there are as many as 800,000 sites in Indonesia identified as spreaders of fake news and hate speech (Pratama in Hui, 2018). The Ministry of Communications and Information Technology in has been blocked sites that contain elements of pornography, SARA (ethnicity, religion, race, and inter-group relations), illegal trafficking/fraud, drugs, gambling, radicalism, child abuse, internet security, and violation of Intellectual Property Rights (IPR). Above all, the content that appeared the most was pornography.

Fake News in Singapore

The governments of Indonesia and Singapore have made efforts to tackle hoax messages, especially by means of regulations or legislations for penalizing hoax perpetrators. Singapore is a fairly advanced country in the aspect of information and communication technology. An official document issued by the Singaporean government, entitled Singapore's Cybersecurity Strategy, describes

RIKSAWAN INSTITUTE®

the progress in information technology development in Singapore, especially in the aspect of cybersecurity.

The majority of Singapore residents who have come across fake news at least occasionally did so on Facebook and WhatsApp, a survey has found. These findings of a poll on public attitudes towards fake news, conducted by government feedback unit Reach, were released on March 26, 2018 (Strait Times. com). The survey polled 2,504 Singapore residents aged 15 and above via phone interviews in two tranches. About eight in 10 respondents said they were concerned about individuals or companies who were profiting from fake news that was put out deliberately and supported strengthening laws to deal with the spread of false information. Even more - nine in 10 - felt there should be more effective laws to require those who publish fake news to remove or correct these reports.

In Singapore, there is the Punggol Waterway Terraces hoax (Ang Yiying, 2018). In November 2016, local website All Singapore Stuff published an article with the headline: "This just happened. The top floors of Punggol Waterway Terraces collapsed!" Although the Singapore Civil Defence Force did not receive any calls for help at Waterway Terraces, it dispatched a fire engine and Red Rhino vehicle there. The incident proved to be a hoax. The Housing Board filed a police report over the issue. The editors of All Singapore Stuff deleted the article and issued an apology.

Regarding to Zi Cong Mok (2018), there are some examples of fake news that have been spread around Singapore include:

1. The National Environment Agency will issue a fine for leaving used tissues in bowls, plates, or cups at coffee shops or hawker centres;
2. The Ministry of Manpower encouraged employers to give staff a paid day off on 25 September 2015 in light of the worsening air quality then;
3. Singaporean singer Stephanie Sun was killed during a concert in New York in October 2017; and
4. Thaipusam musicians being ordered to stop playing their instruments in April 2015 after a Filipino family complained about the noise.

Furthermore, notes by Zi Cong Mok (2018) that spreading fake news may constitute a serious offence and be liable for one or more of the following 6 offences:

1. Sending False Messages Which You Know to be False
   Under section 45 of the Telecommunications Act, any person who transmits a message which he knows to be false will have committed an offence. If found guilty of this offence, can be fined up to $10,000 and/or jailed for up to 3 years. The penalties increase to up to a fine of $50,000 and/or up to 7 years' jail if the false message relates to the presence of a bomb.
2. Spreading Fake Terrorist Threats

Regulation 8(1) of the United Nations (Anti-Terrorism Measures) Regulations makes it an offence for any person to communicate information which they know to be false, and which causes others to falsely believe that a terrorist act will be carried out. For example, you will likely be in breach of this regulation if you post a bomb hoax on social media. Individuals convicted of this offence can be fined up to $500,000 and/or jailed for up to 10 years.

3. Promoting Enmity Between Racial or Religious Groups in Singapore
Under section 298A of the Penal Code, offenders who post fake news which disrupts the harmony between the racial or religious groups in Singapore can be fined, and/or jailed for up to 3 years.

4. Criminal Defamation
Section 499 of the Penal Code makes it an offence to publish false information about a person that is intended to harm that person's reputation. Individuals who have committed an offence under this section can be fined, and/or jailed for up to 2 years.

5. Publishing Seditious Material
Publishing any material which may cause tension between the different classes or races of Singapore is an offence under section 4 of the Sedition Act. Committing an offence under this section will subject you to a fine of up to $5,000 and/or up to 3 years' jail (up to 5 years' jail for repeat offenders).

6. Spreading of False Statements Likely to Cause Public Alarm
Spreading false reports or making false statements likely to cause public alarm is an offence under section 26 of the Internal Security Act. Offenders can be punished with a fine of up to $1,000 and/or up to 1 year's jail.

Throughout the years 2005 to 2018, Singapore has had various institutions dealing with issues on the internet. The Info-communications Development Authority (IMDA) launched Singapore's first Infocomm Security Masterplan (www.imda.gov.sg) to coordinate cybersecurity efforts across the Government. A key priority was building basic capabilities within the public sector to mitigate and respond to cyber threats. In 2008, the second Masterplan focused especially on the security of Singapore's CIIs, with a vision of making Singapore a 'Secure and Trusted Hub'.

In 2009, Singapore Infocomm Technology Security Authority (SITSA) was established under the Ministry of Home Affairs (MHA) to safeguard Singapore against cyber-attacks and cyber-espionage. The responsibilities of SITSA's as a national specialist authority include overseeing the preparation and securing of CIIs against cyber threats. In 2013, the National Cyber Security Masterplan (NCSM2018), the third Masterplan, was expanded to cover the wider infocomm ecosystem, which includes businesses and individuals in addition to the previous focus on CIIs. It sought to make Singapore a 'Trusted and Robust Infocomm Hub'.

The National Cybersecurity R&D (NCR) Programme was established in October 2013 to develop R&D expertise and capabilities in cybersecurity for Singapore. It aims to improve the trustworthiness of cyber infrastructure, with

emphasis on security, reliability, resilience and usability. It is now co-managed by the National Research Foundation and the Cyber Security Agency of Singapore (www.csa.gov.sg). In 2014, the National Cyber Security Centre (NCSC) was formed as part of SITSA, to maintain cyber situational awareness, correlate cybersecurity events across sectors, and coordinate with the respective lead agencies to provide a national-level response to large-scale, cross-sector cyber incidents.

In 2015, the Ministry of Home Affairs (MHA) established the Cybercrime Command as a unit within the Criminal Investigation Department (CID) of the Singapore Police Force (SPF). The Command works closely with other law enforcement agencies and industry stakeholders, including the INTERPOL Global Complex for Innovation (IGCI) located in Singapore, to investigate cybercrimes.

The National Cybercrime Action Plan (NCAP) was launched by the Ministry of Home Affairs (MHA) in July 2016. The plan spells out the priorities needed in the fight against cybercrime. These include (a) the need for public education on staying safe in cyberspace, (b) the development of capabilities to fight cybercrime, (c) strengthening cybercrime laws, and (d) building local and international partnerships.

Recently, the Singaporean government held a public deliberation to discuss the law to deal with false news, but on the other hand, it was considered to limit the freedom of speech by critics, who disagreed with the Act. About 164 people have provided their inputs to the committee, including academics, technology and social media companies, such as Facebook and Google, and civil rights activists. The committee will require 79 individuals and organizations to testify for eight days, after which they are expected to make recommendations to MPs within a few months.

Cyber conflict expert Michael Raksa affirms that cyber-attacks and false information circulating in the cyber world could have the same political impact as military attacks. However, critics warn that the act to tackle false news may be used to tighten media control. The Singaporean government says that addressing false news on online media is important and refutes the move to limit freedom of expression (www.parstoday.com). Singapore is famous for having strict laws to prevent racial and religious incitement as well as laws on slander, protests and dissent. The independent Reporters Without Border in the World Press Freedom Index report found the country to be in 151th position out of 180 in terms of press freedom (www.antaranews.com).

In Singapore, there is also the cybercrime act known as the Electronic Transactions Act (ETA), which came into effect in 1998. Singapore has a mission to become the pivot/centre of international electronic commerce activities, where electronic trade transactions from regions and all over the world are processed. ETA was enacted on July 10, 1998 to create a legal framework for electronic commerce transactions in Singapore, which made it possible for the Ministry of Information

and Art Communication to enact regulations on licensing and regulatory authority certification in Singapore. The Electronic Transactions Act (ETA) serves to provide the legal environment necessary for commercial transactions and e-government services. The ETA also limits the liability of network service providers for accessed content (Hee Jhee Jiow, 2013: 21).

The purposes of ETA are as follows:

1. Facilitate electronic communication by means of reliable electronic records, facilitate electronic commerce, eliminate barriers to electronic trade resulting from uncertainty over writing and signature requirements, and promote the development of legislation and business infrastructure necessary to implement and guarantee/secure electronic commerce;
2. Facilitate the electronic storage of government and corporate documents by law and promote efficient delivery of government offices for reliable electronic archive assistance;
3. Minimize the emergence of the same electronic file (double), accidental and deliberate changes on archives, fraud in electronic commerce, etc.;
4. Assist in uniformity of rules, regulations and on the validation and integrity of electronic archives; and
5. Promote the trust, integrity and reliability of electronic archives and electronic commerce and foster the development of electronic commerce through the use of electronic signatures to ensure the authenticity and integrity of correspondence using electronic media.

Basically, the ETA contents are as follows (www.imda.gov.sg):

a. Electronic Contract
This electronic contract is based on online law which is carried out fairly and quickly to ensure that electronic contracts have legal certainty.
b. Obligations of the Network Service Provider
Regulate the potentials/opportunities for network service providers to undertake unwanted actions, such as taking, carrying and destroying materials or third party information using the network services. The Singaporean government feels the need to be aware of it.
c. Electronic Signatures and Archives
The law requires archives/electronic records to handle electronic cases. Therefore, electronic signatures and records must be legally valid, but not all things/evidence may be in the electronic archives as specified by the Government of Singapore.

The steps taken by Singapore to promulgate the ETA may be due to pressure from the advocates of e-commerce business in Singapore. From the above description, it is clear that ETA can minimize the occurrence of false information

or fake data in terms of electronic commerce in Singapore. So, the validity of all data or e-commerce documents can be guaranteed.

Singapore on March, 14, 2018 began a public hearing on how to tackle the threat of fake news, with speakers suggesting measures ranging from blocking websites to balancing the interests of national security and free speech. The wealthy city state is among the countries looking to introduce legislation to rein in fake news, a trend that has stirred concern that such laws could be used to exert government control over media. There should be "fine balancing of the interests of protecting national security and public order and the interests of enabling people to speak up and have meaningful discussion pertaining to governance." (Reuters).

ITE Law in Indonesia

In Indonesia, there have been many cases related to the spread of hoax news. Some phenomenal cases are explained as follow:

1. Buni Yani's Case

Buni Yani was charged with editing a video of the Jakarta Governor's (Basuki Tjahaja Purnama a.k.a. Ahok) speech during his working visit to Kepulauan Seribu on September 27, 2016. The posting of Buni Yani on his Facebook account caused a wave of massive demonstrations of Muslims demanding that Ahok be imprisoned for alleged blasphemy against the religion.

Buni Yani was charged with two alternative charges, namely Article 32 paragraph 1 jo Article 48 paragraph 1 of the Law of Republic of Indonesia number 11 year 2008 on Information and Electronic Transactions. He was considered to have altered, damaged and concealed electronic information belonging to others or the public in the form of a video of a speech of the former Governor of Jakarta, Basuki Tjahaja Purnama alias Ahok, in Kepulauan Seribu on 27 September 2016.

Buni Yani was also accused of violating Article 28 paragraph 2 jo Article 45 paragraph 2 of Law of Republic of Indonesia number 11 year 2008 on Information and Electronic Transaction (ITE) jo Article 45 letter A paragraph 2 of Law of Republic of Indonesia number 19 year 2016 about the amendment to Law of Republic of Indonesia number 11 year 2008.

2. Muhammad Arsyad's Case

Muhammad Arsyad was arrested by The Criminal Investigation Agency (Bareskrim Polri) for allegedly insulting President Jokowi on media in 2014. The satay seller was arrested for posting a number of images considered to have harassed Jokowi on Facebook. Arsyad was arrested by the police. He was charged with violation of Article 27 Paragraph (3) of the

ITE Law. This case was stopped after Jokowi, based on persuasion by many parties, forgave Arsyad and gave him capital for his business.

3. Bambang Tri Mulyono's Case
    Jokowi Undercover is the title of a book written by Bambang Tri Mulyono. The book caused some problems for him with the law. In his book, Bambang wrote about the falsification of data by Jokowi when applying to be a presidential candidate in the 2014 Presidential Election. Moreover, in another chapter, Bambang described Giriroto Village as the strongest base of the Indonesian Communist Party (PKI) in Indonesia. Bambang was charged with violation of Article 16 of Law Number 40 Year 2008 on the Elimination of Racial and Ethnic Discrimination. Bambang also allegedly violated Article 28 paragraph 2 of the Law of ITE because of the spread of hate speech.

Indonesia uses several constitutional instruments in handling issues of hoax messages, e.g., Presidential Instruction No. 9 year 2015 on the Management of Public Communication. The main instructions contained in the Presidential Instruction include the following: giving authority to all government agencies to take the necessary steps in accordance with their respective duties, functions and authorities in order to absorb public aspirations and accelerate the delivery of information on government policies and programs. In practice, the management of public communications, known as the single narrative, is under the coordination of the Ministry of Communications and Information Technology.

The Ministry of Communications and Information Technology spreads the single narrative and supporting information needed by the public. In addition, a single narrative comprising both governmental and cross-regional policies and programmes must be communicated to the public through communication channels. This should be done in a timely and objective manner; the information should be of good quality, national-minded, easily understood and linked to government policies and programmes. The instruction also mentioned that the information given to the public should be in the form of public service ads that are able to generate a positive response from the community and do not display personal interests and classes.

In accordance with the Presidential Instruction No. 9 Year 2015 on the Management of Public Communication, the Ministry of Communications and Information issues Government Public Relation (GPR) widgets. GPR widget issued by the Ministry must be posted on the website of each Ministry/Institution/Local Government. The way to access this widget is by giving the username to the information manager in each Ministry/Institution/Local Government, so that they can access the information to be delivered to the public through this application. If the submitted information is deemed to be eligible for display, the GPR widget manager will forward the information in the GPR application, which is directly

RIKSAWAN INSTITUTE®

accessible to the public through the Ministry/Institution/Local Government website that has installed the application.

The idea to make the "cyberlaw" (ITE Law) in Indonesia was started before 1999. The main focus at the time was on a generic "legal umbrella" and not about electronic transactions. This "umbrella" approach was adopted so that there is a basis that can be used by other laws and regulations. Because of its generic nature, it was hoped that the draft of this law will be quickly amended, so that a more specific one can be made. However, this did not happen. For things related to electronic transactions, the recognition of digital signatures, just like a conventional signature, is a target. If digital signatures can be acknowledged, this will make electronic commerce (e-commerce), electronic procurement (e-procurement), and various other electronic transactions easier (Raharjo, 2006).

Strict rules for handling fake news are also stipulated in the provisions of the Indonesian law. Those who spread fake news or hoax information in the cyber world will be sanctioned in accordance with applicable positive law. The perpetrators of hoax messages will be subject to punishment as provided in the Criminal Code (KUHP), Law No. 11 year 2008 on Information and Electronic Transactions (ITE), and Law No. 40 year 2008 on the Elimination of Racial and Ethnic Discrimination. According to General Rikwanto (https://issuu.com) "hoax spreader in the virtual world can also be subjected to the speech of hatred that has been regulated in the Criminal Code and other laws outside the Criminal Code." This hate speech includes humiliation, defamation, unpleasant deeds, provoking, inciting, and spreading false news. Hate speech usually aims to incite hatred against individuals and/or community groups, based on race, intergroup, color, ethnicity, gender, disability, and sexual orientation.

According to the Director General of Informatics Applications of the Ministry of Communications and Informatics, the legal basis for handling negative content is currently included in the amendment of the ITE Law article 40 paragraph (2) of Law No. 19 year 2016 on Amendment to Law No. 11 year 2008 on Information and Electronic Transactions and the Decree of the Minister of Communication and Information No. 19 year 2014 on Handling Negative Sites. In accordance with the provisions of Article 28 of the ITE Law, paragraph 1 stipulates that everyone is prohibited from spreading fake news: "Every person who intentionally and without right spreads fake and misleading news that will result in consumer losses in electronic transactions".

In the second paragraph of the article, there is also a prohibition placed on the spread of information that gives rise to hatred: "Every person who intentionally and without right spreads information aimed at generating a sense of hatred or hostility towards certain individuals and/or community groups based on ethnicity, religion, race and intergroup (*SARA*)". If the news raises hatred, hostility, and disharmony in the community, the penalty (punishment) will be six years imprisonment and/or a fine of IDR.1 billion. In the chapter on the criminal

provisions of the ITE Act, there are details involving the crime of hoax spreading. Article 45 of the ITE Act stipulates that any person fulfilling the elements referred to in Article 28 paragraph 1 or paragraph 2 shall be sentenced to imprisonment of up to six years and or a maximum fine of IDR.1 billion.

The hoax spreader can also be charged with Law No. 1 Year 1946 on the Rule of Criminal Law. In the Law, there are two articles that can ensnare the hoax perpetrator, namely Articles 14 and 15. Article 14: (1) Whoever, by broadcasting news or false notices, deliberately publishing disruptions among the people, shall be sentenced to a maximum imprisonment of ten years; (2) Whoever broadcasts a story or issues a notification that can cause a disorder among the people, whereas he knows that the news or notification is a lie, shall be sentenced to jail for three years. Article 15 of ITE Law stated:

> Whoever broadcasts uncertain or exaggerated or incomplete news, while he understands or at least reasonably suspects that such a story will or has been able to cause a scandal among the people, is punishable by a prison sentence for two years.

In addition to legal products, the government is also re-launching the National Cyber Agency, which would be the front guard against the spreading of misleading information, in addition to utilizing *Internet sehat* and *TrustPositive* programs that have been running the censorship function and blocking sites or websites that are suspected to have conflicting material with applicable laws in Indonesia.

Some time ago, the government also put forward the idea of issuing QR Code that can be used to identify the validity of information in every journalistic product (news and articles). The QR Code included in each article will contain information on news sources, authors, media publishing companies, so that a writing can be traced up to the top and the responsible party for a news or information can be recognized.

In addition, reorganizing various educational programmes that play a role in instilling educational interest can actually fight the spread of hoax, by increasing reading interest. Based on the study of "Most Littered Nation in the World" conducted by Central Connecticut State University, Indonesia was ranked 60 out of 61 countries on reading interest (www.ccsu.edu/wmln). This is considered dangerous because data also show that Indonesia is the country with the highest social networking activity in Asia, which means it is very easy for Indonesians to spread hoax information without confirming the information.

In its consideration, the Constitutional Court recognizes the right of every citizen to seek, obtain, possess, process and store information; however, it shall not diminish the right of others to self-protection, family, honor, dignity and reputation. It is the state's authority to regulate such matters, in order to create a more conducive

RIKSAWAN INSTITUTE®

situation for the fulfillment of the rights of a person and his family as well as the honor, dignity, and personal protection of a law abiding citizen. Also, according to the Constitutional Court, Article 27 paragraph (3) only limits anyone who intentionally and without right distributes or transmits information or electronic documents containing any form of contempt. The restriction was not made in order to infringe on the basic rights to seek and obtain information. The restrictions also cannot necessarily be said to be a form of rejection or denial of democratic values. Stated by Constitutional Court decision no. 2/PUU/VII/2008b dated 05-05-2009 on the Judicial Review of Law Number 11 Year 2008 concerning Electronic Information and Transactions against the 1945 Constitution of the State of the Republic of Indonesia and Decision of the Constitutional Court no. 50/PUU-VI/2008 dated 05-05-2009 concerning the Judicial Review of Law Number 11 Year 2008 concerning Electronic Information and Transactions against the 1945 Constitution of the State of the Republic of Indonesia.

The Role of Media and Society in Dealing with Hoax Messages

The fake news landscape in Indonesia is complex, however. In fact, the Indonesian Ministry of Communication and Information reported as many as 800 thousand websites have been found to have disseminated fake news (Hui, 2018), most of which have not been reported to the ministry. In reported by Yang Hui (2018) there are a complex landscape where politicians, mass media and even "open" forms social media (e.g. Facebook and Twitter) are partisan, many Indonesian citizens increasingly prefer the views and opinions from personal networks, seeing communication from the government and mainstream media as less trustworthy. In this environment, mobile-based private chat groups flourish.

The development of hoax messages on social media prompted some parties to start fighting its spread. Since 2016, Facebook began to introduce features that allow an article link that is shared on Facebook to be marked "Dispute" (opposed) for articles that allegedly spread information that is in doubt. Messaging applications, such as Line, also started fighting hoax messages by actively spreading information through Line News when a hoax message starts to trend. In addition, the Turn Back Hoax programme was initiated, which identifies hoax information and publishes the truth on various media, including Facebook group and Turn Back Hoax website.

Media literacy is a perspective that can be used when dealing with the media in order to interpret a message delivered by the newsmaker. People tend to build a perspective through a structured knowledge that is constructed in the ability to use information. Also, in another sense, media literacy is the ability to evaluate and communicate information in various formats, whether written or spoken. Media literacy is a useful set of skills in the process of accessing, analyzing, evaluating, and creating messages in various forms. Media literacy is used as an exploratory

instructional model, so that individuals can more critically respond to what they see, hear, and read.

The emergence of media literacy movement, especially *internet sehat* (healthy internet) is one manifestation of public awareness of the adverse effects of the internet. Internet development in addition to providing a positive impact on human life, also has a negative impact. Some of the negative impacts are reducing the level of individual privacy, increasing the potential trend of criminals, causing overload of information, etc.

The aim of *internet sehat* is to provide education to internet users; they are advised to analyze the messages conveyed, to consider the commercial and political purposes behind images or messages on the internet and to examine who is responsible for the implied message. Therefore, internet education, such as ethical education in surfing the internet, is necessary to make *internet sehat* movement run optimally. Internet education is more of learning about internet ethics than teaching through media. Internet ethics education aims to develop a critical understanding and active participation, so that young people as consumers of internet media have the ability to make interpretations and assessments based on the information obtained. In addition, young people are able to become internet media producers in their own way, becoming powerful participants in their community.

The spread of fake news on the internet occurs because of the misuse of freedom of speech. Freedom of speech is derived from countries that have a liberal tradition that considers it a mistake when someone has a limit in expressing opinions. The implication is that each individual in the community can express opinions, blame someone, praise someone etc. With the development of social media, which can cross between countries and continents, each culture and tradition will not play a role in limiting the spread of information. Due to the culture bias, the right of freedom of speech is often misunderstood and misused to create hoax news, which aims to create a sensation on the social media or deliberately encourage internet users to stop at a website, in order to reap the benefits of having many visitors on the website.

Conclusion and Recommendation

Hoax is constantly increasing in the online world. Meanwhile Indonesia and Singapore represent two very different countries, fake news is a future challenge that affects both nations and therefore pose an area for mutual learning. The double impact of spreading hoax messages and hate speech is a source of worry, particularly for the people of Indonesia and Singapore. By using the media literacy model explained in this paper, we can access the accuracy of news, whether it is fake (hoax) or not, by comparing it with other news sources. The cases of spreading hoax messages and hate speech that have occurred in the past should be a valuable lesson. The path taken by government to overcome the spread of hoax messages

RIKSAWAN INSTITUTE®

and hate speech was structural approach through issuing regulations. Besides, cultural efforts through enhancing the literacy skill of the populace in relation to media has become relevant and needs to be conducted immediately, in order to develop the perspective of citizens in responding to the spread of hate speech online, especially through social media. Citizens with high media literacy capabilities are not only aware of the ethics of communication but also have constructive skills in receiving, producing and distributing information (news). Through this developed literacy and educational model, information from any event anywhere with such dynamics is no longer accepted freely, but it is filtered.

A wise attitude towards any information is needed. It is important to be aware of the manner of utilization of social media that can bring peace, security and safety to the society. Hence, developing media literacy for the public in Indonesia is important. People should investigate the veracity of information before they share it. If it is not true, let alone contain slander and violence, then the information should not be shared. On the other hand, mainstream media and online media are expected to promote competence and interdependence, even if the media is affiliated with certain political or economic interests. News room media may be a business, but it must be led by a person who is competent and has morals in the service to the public. The movement of media literacy offers solution in order to face the development of social media and form a balance, especially in maintaining harmony in the society.***

References

Ang Yiying, 2018. Tackling the real issue of fake news. Available at: https://www.straitstimes.com/opinion/tackling-the-real-issue-of-fake-news. Accessed: 2 May 2018

Adhiarso, Dendy Suseno, Prahastiwi Utari dan Yulius Slamet. 2017. *Pemberitaan Hoax di Media Online Ditinjau dari Konstruksi Berita dan Respon Netizen* (Hoax News in Online Media Viewed from News Construction and Netizen Response). Jurnal Ilmu Komunikasi, Volume 15 Nomor 3.

Electronic Transaction Act (ETA) Singapore.

Hee Jhee Jiow. 2013. Cyber Crime in Singapore: An Analysis of Regulation based on Lessig's four Modalities of Constraint. International Journal of Cyber Criminology Vol 7 (1) January - June 2013, p18-27.

Hui, Jennifer Yang. 2018. Fake News as Shared Challenge: Mutual Learning through Case Study of Indonesia. Available at: https://www.parliament.gov.sg/docs/defaultsource/sconlinefalsehoods/written-representation-82.pdf. Accessed: 2 May 2018

Loong, Lee Hsien. 2016. Singapore's Cybersecurity Strategy. Singapura. Cyber Security Agency of Singapore. (www.csa.gov.sg).

Rahadi, Dedi Rianti. 2017. *Perilaku Pengguna dan Informasi Hoax di Media Sosial* (User Behavior and Hoax Information in Social Media). Jurnal Manajemen dan Kewirausahaan, Vol.5 No. 1. Malang.

Raharjo, Budi. 2006. *Cyberlaw: Teritori dalam cyberspace, realitas dan virtualitas* (Cyberlaw: Territory in cyberspace, reality and virtuality). This paper was presented at the "IT Within" Seminar organized by the Student Association of Informatics ITB, Bandung. 18 Februari 2006. Available at: http://itwithin2006.com/)

Undang-Undang No. 19 Tahun 2016 tentang Informasi dan Transaksi Elektronik (Information and Electronic Transaction Law).

Vasu, Norman, Benjamin Ang, Terri-Anne-Teo, Shashi Jayakumar, Muhammad Faizal, and Juhi Ahuja, "Fake News: National Security in the Post-Truth Era", *RSIS Policy Report*, January 2018.

Yunus, Syarifuddin. 2010. *Jurnalistik Terapan* (Applied Journalism). Bogor, Ghalia Indonesia.

Zi Cong Mok. 2018. Spreading Fake News in Singapore Could Get You Punished with These 6 Crimes. Available at: https://singaporelegal-advice.com/spreading-fake-news-singapore-crimes. Accessed: 23 May 2018.

News Sites:

Antara News. *Singapura-Gelar-Sidang-Publik-Soal-Berita-Palsu* (Singapore Holds a Public Hearing on False News). Available at: https://www.antaranews.com/berita/693412/. Accessed: 25 June 2017

Antara News. *Ahli: hoax merupakan kabar yang direncanakan* (Expert: Hoax is The News Planned). Available at: www.antaranews.com/berita/606085/. Accessed: 11 Jan. 2017

Parstoday. Available: http://parstoday.com/id/news/indonesia-i54446 *tiga negara asia tenggara bergerak tangani hoax* (Three Southeast Asian Countries Move Hands Hoax). Accessed: 5 Apr 2018.

Reuters. Available at: https://www.reuters.com/article/us-singapore-politics-fakenews/singapore-starts-landmark-public-hearing-on-fake-news-idUSKCN1GQ18C. Accessed: 20 Mar 2018.

Strait Times. Available: https://www.straitstimes.com/singapore/bulk-of-fake-news-encountered-on-whatsapp-facebook-reach-poll. Accessed: 2 Apr 2018.

RIKSAWAN INSTITUTE®