

# Comparative Study on Hoax Handling Policies in Indonesia and Singapore

Agung Nugroho\*

Law Faculty

Universitas Narotama

Surabaya, Indonesia

\*agungnugrohoshmh@gmail.com

**Abstract**—The Indonesian government is examining to ensnare the spread of hoax using the anti-terrorism law. This study aims to examining the relevance of the anti-terrorism law to ensnare hoax perpetrators and compare how Indonesia & Singapore policies in handling hoaxes. This research uses doctrinal methods with a comparative approach. The results of the study can be an input to the Indonesian government to deal with hoax spread cases appropriately by applying the right policy.

**Keywords**—hoax; anti-terrorism; policy; Indonesia

## I. INTRODUCTION

Internet users in Indonesia have approached 150 million users [1]. This industrial era 4.0 allows users to access, get and spread news and information wherever and whenever much easier. News has a particular role in democratic societies: it is the main source of accurate information about political and social affairs, which informs public opinion making and deliberative processes. On the other hand, all the facilities and wide spaces at the same time provide a very wide space for the spread of hoaxes and fake news in the community, causing public unrest. Fake news is information that is intentionally made and disseminated with the intention of deceiving and misleading others to believe in lies or doubt verifiable facts [2].

According to McNair, hoax and fake news is a problem that arises from and contributes to significant political and social trends in twenty-first century society. Fake news and hoax never been seen in the history of liberal journalism, or democratic politics. Since the 1990s, scholars have discussed 'fake news' as a pastiche satirical form and a travesty of journalism about political life. But the debate about fake news extends far beyond the academy to bars, coffee shops and domestic guest rooms. Its development and resolution are things that are of daily public concern, recognized by many ordinary citizens that are important for the liberal democratic society's evolution in the 21st century. The ability of digital information and networks to disseminate news and information, including unfounded rumors, malicious gossip and other forms based on the fact that fake content or in some cases is considered to be true in the traditional sense of the word, has coincided with certain political moments where journalistic objectivity and professionalism are under challenge from state and non-state political actors as never before [3].

In 2018, the Indonesian government noted a lot of fake news which caused various concerns and fears in some groups of society to become a national concern, such as earthquakes, children kidnapping, aircraft black boxes, tapping communications, etc. [4]. According to the Ministry of Communication and Information, in 2016 there were 14 complaints of fake news, while in 2017 it increased to 281 complaints, and in 2018 it increased dramatically to 1440 negative content reports. In addition, according to the Ministry of Communication and Information, there are currently more than 800,000 sites that allegedly spread fake information in Indonesia [5-6]. Therefore, with reasons to maintain security and conducive conditions, especially during the election period, the government discourse that perpetrators who spread fake news will be charged with act no. 5 year 2018 concerning anti-terrorism [7].

This discourse raises a debate between legal experts in Indonesia. Therefore the researcher wants to examine whether the relevant anti-terrorism law is used to ensnare fake news actors and how to deal with fake news in Singapore to gain new knowledge about the handling of false news that can be an input in handling fake news in Indonesia.

## II. FAKE NEWS AND HOAX

Massive digital information spread on online social media, registered by the World Economic Forum as one of the main threats to our society. The internet provides new means to spread false news on a wide and fast scale. When internet is publicly available, it is possible for anyone who has a computer to access it. At the same time, innovations in computers make them unaffordable for most people. Making information available on the internet is a new way to promote products and make information available to almost everyone instantly [8].

According to Zannettou, fake news can be divided into several types [9], as follows:

- Fabricated. Disconnected fictional stories from real facts.
- Propaganda. Special examples of fabricated stories that aim to ruin particular party interest in a political context.

- Conspiracy Theories. Refer to stories that try to explain a situation or an event by invoking a conspiracy without evidence.
- Hoaxes. News that contains false or inaccurate facts and is presented as a valid fact. This category is also known as either half-truth or factoid stories.
- Biased or one-sided. Refer to stories that are not balanced or biased. In a political context, this type is known as hyper partisan news and is a very biased.
- Rumors. Refers to ambiguous stories or never confirmed.
- Click bait. Refers to the intentional use of misleading headlines and thumbnail content on the Web.
- Satire News. News that contain irony and humor.

In his article, Zannettou also identified handful actors, who spread fake news [9], including:

- Bots.
- Criminal/Terrorist Organizations.
- Activist or Political Organizations.
- Governments.
- Hidden Paid Posters.
- Journalists.
- Useful Idiots.
- True Believers and Conspiracy Theorists.
- Individuals that benefit from false information.
- Trolls.

Burkhardt identified fake news websites based on certain criteria. Some examples of favorite hoax websites are [8];

- [www.dhmo.org](http://www.dhmo.org). This website claims that DHMO (Dihydrogen Monoxide) compounds are associated with terrible problems such as cancer, acid rain, and global warming.
- [www.improbable.com/airchives/classical/cat/cat.html](http://www.improbable.com/airchives/classical/cat/cat.html). Feline Reactions to Bearded Men. Fake research study regarding the reactions of cats to bearded me
- <http://city-mankato.us>. One of the first websites to use website technology to mislead and misdirect is fake sites for the city of Mankato, Minnesota. This website describes a climate as temperate to tropical, claiming that geological anomalies allow the Mankato Valley to enjoy year-round temperatures of no less than 70 degrees Fahrenheit, while providing year-round snow on nearby Mount Krotto. It was reported that people could witness summer whale migration on the Minnesota River.
- [www.martinlutherking.org](http://www.martinlutherking.org). This website was created by Storm front, a white supremacist group, to try to

mislead its readers about Civil Rights activists by discrediting their work, writings and personal life.

### III. HOAX IN INDONESIA

Social media is the most vulnerable means used to spread fake news. Mastel study in 2017 showed that the highest means of spreading fake news were Facebook (92.40%), messaging applications (62.80%), and websites (34.90%), television (8.70%), print media (5%), email (3.10%), and radio (1.20%). In this study also shows that the content of this hoax is often related to social, political, ethnic, religious, and racial. 91.8% contained socio-political content, 88.6% contained SARA, 41.20% about health, 32.60% about food and beverages, 24.50% about financial fraud, 23.70% about science and technology. In addition, hoax content was received in the form of text (62.1%), images (37.5%), and videos (0.4%) (Mastel, 2017) [10]. According to Ruri Rosmalinda in Marwan, there are several factors that have led to the emergence of fake news in Indonesia, among others [11]:

- Easiness in having modern and cheap communication devices;
- Easiness to accept and be affected by unclear information without verifying or confirming the information validity;
- Minimnya minat baca sehingga dalam menganalisa suatu berita tidak berdasarkan data akurat, hanya mengandalkan daya ingat atau sumber yang tidak jelas
- The lack of reading interest so that in analyzing a news is not based on accurate data.

Some provisions that are commonly used to deal with the threat of fake news in Indonesia, including:

#### A. *Act No. 19 of 2016 concerning Amendment to Law No. 11 of 2008 concerning Information and Electronic Transactions*

- Article 28 (1) regulates that any Person who knowingly and without authority disseminates false and misleading information resulting in consumer loss in Electronic Transaction
- Article 28 (2) stipulates that any person intentionally and without the right to disseminate information intended to cause hatred or hostility towards certain individuals and / or groups based on ethnicity, religion, race and inter-group.
- Article 45 stated that any person who fulfills the elements referred to in Article 28 (1) and (2) will be sentenced to a maximum of six years in prison and / or a maximum fine of Rp. 1 billion.

#### B. *Act. no. 40 of 2008 concerning the Elimination of Racial and Ethnic Discrimination*

- Article 4 (a.1) states that discriminatory action is to show hatred or hatred towards people because of racial and ethnic differences by making writing or images to

be placed, affixed or disseminated in public places or other places that can be seen or read by others.

### C. Criminal Code

- Article 14 (1) states that any person publishes fake news intentionally publishes confusion among the people, is punished with a maximum prison sentence of ten years;
- Article 14 (2) states that any person broadcasts a news or issues a notification that can issue confusion among the people, while he should be able to think that the news or notification is a fake, is punished with a maximum prison term of three years;
- Article 15 states that anyone broadcasts uncertain news or excessive or incomplete news, while he understands at least it should be possible to suspect that such news will or has been able to issue disputes among the people, punished with a maximum prison sentence of two years;
- Article 378 states that anyone who intends to benefit himself or others against the law, by using a false name or false dignity, by deception, or a series of lies, moves other people to give something to him, or to give debt or write off accounts threatened with fraud by imprisonment for a maximum of four years;
- Article 390 states that anyone with the intention to benefit themselves or others against the law, by broadcasting fake news that causes the price of merchandise, funds or securities to go down or rise is threatened with imprisonment of at most two year eight month.

We can analyze the relevance of using of anti-terrorism laws against the perpetrators of spreading false news by outlining the provisions in this law. according to article 1 (2), terrorism is an act that uses violence or the threat of violence that creates an atmosphere of terror or widespread fear, which can cause mass casualties, and / or cause damage or destruction to strategic vital objects, living environments, public facilities, or international facilities with ideological, political or security disturbances.

This Act defines violence as an act of abuse of physical force with or without using means unlawfully and poses a danger to the body, life and independence of people, including making people unconscious or helpless. Whereas the threat of violence from Violence Threats is any act against the law in the form of speech, writing, pictures, symbols, or body movements, both with and without using means in electronic or non-electronic forms that can cause fear of people or society at large or restrain someone fundamental freedom or community.

According to the commentary, Terrorism is a serious crime committed intentionally, systematically and systematically by using violence or violence Threats, which creates an atmosphere of terror or widespread fear targeting the state apparatus, random or unregulated civilians, and Strategic Vital objects, the environment, and public facilities or international facilities and tend to grow into a symmetric danger that

endangers national security and sovereignty, territorial integrity, peace, welfare and human security, both nationally, regionally, and internationally. This criminal act is basically transnational and organized because it has clandestine characteristics, namely secret, covert, or underground movements, cross-country supported by the utilization of modern technology in the fields of communication, informatics, transportation and modern weaponry so that it requires cooperation at the international level to mitigate it.

Researchers from the International Association for Counter-Terrorism and Security Professionals stated that the definition of terrorism regulates many variables so that a crime can be called a terrorism crime. Fulfilling the element of spreading widespread fear in society is not enough to be categorized as terrorism [12]. Therefore, by analyzing the definitions and explanations in this law it can be concluded that the use of anti-terrorism law to ensnare the perpetrators of fake news dissemination is irrelevant and excessive.

### IV. HOAX IN SINGAPORE

There are several provisions relating to the issue of spreading fake news or hoaxes in Singapore, as follows:

#### A. *Telecommunication Act (Chapter 323) Act No. 43 of 1999, Revised Edition 2000* [13]

In Chapter VI, Article 45, this act provides that any person who transmits or causes to be transmitted a message which he knows to be false or fabricated shall be guilty of an offence and shall be liable on conviction

- In the case where the false or fabricated message contains any reference to the presence in any place or location of a bomb or other thing liable to explode or ignite, to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 7 years or to both; and
- In any other case, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both

#### B. *The United Nations (Anti-Terrorism Measures) Regulations (Chapter 339, section 2.1)* [14]

Art 8 (1) stated that no person in Singapore and no citizen of Singapore outside Singapore shall communicate or make available by any means any information which he knows or believes to be false to another person with the intention of inducing in him or any other person a false belief that a terrorist act has been, is being or will be carried out.

Art. 26 stated that any person who, by word of mouth or in writing or in any newspaper, periodical, book, circular or other printed publication or by any other means spreads false reports or makes false statements likely to cause public alarm, shall be guilty of an offence under this Part.

#### C. *Penal Code (chapter 224), Revised Edition 2008* [15]

Art. 177. This article stated whoever, being legally bound to furnish information on any subject to any public servant, as

such, furnishes, as true, information on the subject which he knows or has reason to believe to be false, shall be punished with imprisonment for a term which may extend to 6 months, or with fine which may extend to \$5,000, or with both; or, if the information which he is legally bound to furnish respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with imprisonment for a term which may extend to 3 years, or with fine, or with both

Art 182. This article stated whoever gives to any public servant any information which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause, such public servant to use the lawful power of such public servant to the injury or annoyance of any person, or to do or omit anything which such public servant ought not to do or omit if the true state of facts respecting which such information is given were known by him, shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to \$5,000, or with both.

Art 200. This article stated whoever corruptly uses or attempts to use as true any such declaration knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.

Art. 201. This article stated whoever, knowing or having reason to believe that an offence has been committed, causes any evidence of the commission of that offence to disappear with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false, shall, if the offence which he knows or believes to have been committed is punishable with death, be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine; and if the offence is punishable with imprisonment for life or with imprisonment which may extend to 20 years, shall be punished with imprisonment for a term which may extend to 7 years, and shall also be liable to fine, and if the offence is punishable with imprisonment for any term not extending to 20 years, shall be punished with imprisonment for a term which may extend to one-fourth part of the longest term of the imprisonment provided for the offence, or with fine, or with both

Art 203. This article stated whoever, knowing or having reason to believe that an offence has been committed, gives any information respecting that offence which he knows or believes to be false, and shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

Art. 499. This article stated whoever, by words either spoken or intended to be read, or by signs, or by visible representations, makes or publishes any imputation concerning any person, intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said, except in the cases hereinafter excepted, to defame that person.

#### *D. Internal Security Act (Chapter 143) [16]*

Art. 26. Any person who, by word of mouth or in writing or in any newspaper, periodical, book, circular or other printed publication or by any other means spreads false reports or makes false statements likely to cause public alarm, shall be guilty of an offence under this Part.

#### *E. Sedition Act (Chapter 290) [17]*

Art. 4 (1) stated that any person who;

- Does or attempts to do, or makes any preparation to do, or conspires with any person to do, any act which has or which would, if done, have a seditious tendency;
- Utters any seditious words;
- Prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication; or
- Imports any seditious publication,

Shall be guilty of an offence and shall be liable on conviction for a first offence to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years or to both, and, for a subsequent offence, to imprisonment for a term not exceeding 5 years; and any seditious publication found in the possession of that person or used in evidence at his trial shall be forfeited and may be destroyed or otherwise disposed of as the court directs.

Art 4 (2) stipulated any person who without lawful excuse has in his possession any seditious publication shall be guilty of an offence and shall be liable on conviction for a first offence to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 18 months or to both, and, for a subsequent offence, to imprisonment for a term not exceeding 3 years, and such publication shall be forfeited and may be destroyed or otherwise disposed of as the court directs.

At present the Singapore government is preparing anti-fake news law. According to the government, this law is needed to protect Singaporeans from false news and educate them about the potential damage that can be caused, especially on issues of race and religion. On the other hand, legal experts argue that this law will give too much power to the government and at the same time be considered as threatening the civil society freedom [18-20].

This law contains 9 sections and 62 sections, as follows:

- Part 1. Preliminary. This part introduces the fundamental concepts used in the Bill
- Part 2. Prohibition of communication of false statements of fact in Singapore. This part criminalises the communication of false statements of fact in Singapore in certain circumstances, and various acts which enable or facilitate such communication
- Part 3. Directions dealing with communication in Singapore of false statements of fact. This part provides for directions which may be given against persons who communicate in Singapore a false statement of fact. A direction (called in the Bill a Part 3

Direction) may require a person to put up a correction notice or to stop communicating such statement

- Part 4. Directions to internet intermediaries and providers of mass media services. This part provides for directions which may be given against internet intermediaries and providers of mass media services in relation to any material containing or consisting of a false statement of fact that has been or is being communicated in Singapore. A Direction may require such a person to communicate a correction notice or to disable access to the material
- Part 5. Declaration of online location. This part provides for the declaration of an online location used to communicate in Singapore 3 or more false statements of fact each of which is the subject of a Part 3 Direction or Part 4 Direction, and the effects of such declaration.
- Part 6. Direction to counteract inauthentic online account and coordinated inauthentic behaviour. This part enables directions to be made to restrict the use of online accounts that are inauthentic online accounts or controlled by bots, and are either used to communicate in Singapore false statements of fact or for coordinated inauthentic behaviour
- Part 7. Other measures. This part sets out other measures to carry out the purposes of the Bill
- Part 8. Alternate authority for election period and specified periods. This part sets out special provisions which apply for an election period and specified periods
- Part 9. Miscellaneous. This part sets out miscellaneous provisions

In the official text submitted it is known that the purpose of this Act, as follows:

- To prevent the communication of false statements of fact in Singapore and to enable measures to be taken to counteract the effects of such communication;
- To suppress the financing, promotion and other support of online locations that repeatedly communicate false statements of fact in Singapore;
- To enable measures to be taken to detect, control and safeguard against coordinated inauthentic behaviour and other misuses of online accounts and bots; and
- To enable measures to be taken to enhance disclosure of information concerning paid content directed towards a political end

In Part two, its regulate prohibition of communication of false statements of fact in Singapore, this part criminalizes the communication of false statements of fact in Singapore in certain circumstances, and various acts which enable or facilitate such communication including

- Sec 7. Communication of false statements of fact in Singapore.
- This section provides that a person commits an offence if the person communicates in Singapore a statement knowing or having reason to believe that it is a false statement of fact, and that such communication is likely to have certain effects
- Sec 8. Making or altering bots for communication of false statements of fact in Singapore.
- This section provides that a person commits an offence if the person makes or alters a bot with the intention of using it to communicate in Singapore a false statement of fact or enabling another person to do so.
- Sec 9. Providing services for communication of false statements of fact in Singapore.

This section provides that a person commits an offence if the person solicits, receives or agrees to receive a benefit for providing a service which the person knows is or will be used to communicate a false statement of fact in Singapore, if the service is in fact used in such communication. Again, the punishment is enhanced if the communication in Singapore of the statement is likely to have certain effects. A court which convicts a person of such offence may order the person to pay a sum equal to the amount or value of the financial or other material benefit received

Jurisdiction in this act is regulated in clause 60; this clause allows the court to prosecute people who commit violations outside Singapore with extra territorial applications under the bill, as if they were done in Singapore. It also gives jurisdictional District Courts or Courts to adjudicate any violations under the Bill and to impose full sentences.

In some clauses, this law is similar to Indonesia's Electronic Information and Transaction Act. many articles in the Electronic Information and Transaction Act are ambiguous and multiple interpretations so that the implementation of this Act is often used not in accordance with its main aims and objectives. Under the Fake news law, any government minister can mandate notification of corrections in response to any online statement that the minister decides is wrong and that reduces trust in government policy or is contrary to Singapore policy. These ministers can also order that such statements be immediately deleted from the internet.

## V. CONCLUSION

In some provisions that govern both in Indonesia and Singapore, there are multiple interpretations. The imposition of criminal acts of spreading fake news using the anti-terrorism law is very excessive, especially the difficulty in fulfilling the elements of the spread of fear in acts of terrorism.

## REFERENCES

- [1] Mikti and Teknopreneur. Mapping dan Database Startup Indonesia 2018. 2018 (online) retrieved 14 April 2019 from [http://www.bekraf.go.id/downloadable/pdf\\_file/1812634-mapping-database-startup-indonesia-2018.pdf](http://www.bekraf.go.id/downloadable/pdf_file/1812634-mapping-database-startup-indonesia-2018.pdf)

- [2] T. McGonagle, "Fake news False fears or real concerns?". *Netherlands Quarterly of Human Rights*, vol. 35(4), pp. 203-209, 2017.
- [3] B. McNair, *Fake news: Falsehood, fabrication and fantasy in journalism*. Routledge, 2017.
- [4] N.A. Ngazis, 10 Hoax terdasyat di Indonesia sepanjang 2018. 2018 (online) retrieved 16 April 2019 from <https://www.msn.com/id-id/berita/teknologidansains/10-hoax-terdahsyat-di-indonesia-sepanjang-2018/ar-BBR9ZTC>
- [5] Kominfo, Tahun 2018, Kominfo Terima 733 Aduan Konten Hoaks yang disebar Via WhatsApp. 2019 (online) retrieved 14 April 2019 from [https://kominfo.go.id/content/detail/16003/siaran-pers-no-17hmkominfo012019-tentang-tahun-2018-kominfo-terima-733-aduan-konten-hoaks-yang-disebar-via-whatsapp/0/siaran\\_pers](https://kominfo.go.id/content/detail/16003/siaran-pers-no-17hmkominfo012019-tentang-tahun-2018-kominfo-terima-733-aduan-konten-hoaks-yang-disebar-via-whatsapp/0/siaran_pers)
- [6] A. Yuliani, Ada 800.000 situs penyebar hoax di indonesia. 2017 (online) retrieved 14 April 2019 from [https://kominfo.go.id/content/detail/12008/ada-800000-situs-penyebar-hoax-di-indonesia/0/sorotan\\_media](https://kominfo.go.id/content/detail/12008/ada-800000-situs-penyebar-hoax-di-indonesia/0/sorotan_media)
- [7] Tim Viva., Penyebar Hoax dijerat UU Terorisme, Polri: Tergantung Fakta Hukum. 2019 (online) retrieved 13 April 2019 from <https://www.viva.co.id/berita/nasional/1132456-penyebar-hoax-dijerat-uu-terorisme-polri-tergantung-fakta-hukum>
- [8] J.M. Burkhardt, *Combating fake news in the digital age*. American Library Association, 2017.
- [9] S. Zannettou, M. Sirivianos, J. Blackburn, and N. Kourtellis, "The web of false information: Rumors, fake news, hoaxes, clickbait, and various other shenanigans", *Journal of Data and Information Quality (JDIQ)*, vol. 11(3), pp. 10, 2018.
- [10] Mastel, Hasil survei mastel tentang wabah hoax nasional. Jakarta: Mastel. 2017 (online) retrieved from [https://www.bkkbn.go.id/po-content/uploads/infografis\\_Hasil\\_Survey\\_MASTEL\\_tentang\\_Wabah\\_Hoax\\_Nasional.pdf](https://www.bkkbn.go.id/po-content/uploads/infografis_Hasil_Survey_MASTEL_tentang_Wabah_Hoax_Nasional.pdf)
- [11] M.R. Marwan, *Analisis Penyebaran Berita Hoax di Indonesia*. Depok: Universitas Gunadarma, 2016.
- [12] CNN Indonesia, Menakar Jeratan UU teroris untuk pelaku Hoax. 2019 (online) retrieved 13 April 2019 from <https://www.cnnindonesia.com/nasional/20190325084451-12-380311/menakar-jeratan-uu-teroris-untuk-pelaku-hoaks/2>
- [13] *Telecommunication Act (Chapter 323) Act No. 43 of 1999, revised edition 2000*
- [14] *The United Nations (Anti-Terrorism Measures) Regulations (chapter 339, section 2.1)*
- [15] *Penal Code (chapter 224), revised edition 2008*
- [16] *Internal Security Act (Chapter 143)*
- [17] *Sedition Act. Chapter 290.*
- [18] K. Vaswani, Concern over Singapore's anti-fake news law. 2019 (online) retrieved 14 April 2019 from <https://www.bbc.com/news/business-47782470>
- [19] J. Daskal, This fake news law threaten free speech. But it doesn't stop here. 2019 (online) retrieved 13 April 2019 from <https://www.nytimes.com/2019/05/30/opinion/hate-speech-law-singapore.html>
- [20] *The Guardian, Singapore fake news law a 'disaster' for freedom of speech, says rights group. 2019 (online) retrieved 14 April 2019 from https://www.theguardian.com/world/2019/may/09/singapore-fake-news-law-a-disaster-for-freedom-of-speech-says-rights-group*