

Hoax During the Covid-19 Pandemic in Indonesia: Human Rights Perspective

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ABSTRACT

Hoaxes have become mainstream in countries with a sizable netizen population, such as Indonesia. The development of hoaxes during the pandemic, actually worsens public access to correct information about efforts against Covid-19. For example, about the mis-informational effects of vaccines that have an impact on death, healthy people do not need to wear masks and the like. Whereas, in the perspective of Human Rights, everyone has the right to get the right information. Through normative legal research methods, this study tries to find the root cause of the spread of hoaxes during the Covid-19 pandemic in Indonesia. The problematics is then analyzed using prescriptive methods to find new concepts related to efforts to prevent hoaxes in the middle of a pandemic. The results of this study show that the spread of hoaxes during the Covid-19 pandemic in Indonesia is very large influenced by economic factors, low literacy and knowledge of the community as well as lack of self-awareness. The recommendations given through this research are in the form of efforts to provide correct education about Covid-19 and the fulfillment of the right to information to the public, especially during the Covid-19 pandemic.

Keywords: *hoax; covid-19, human rights, Indonesia.*

1. INTRODUCTION

The spread of hoax news in Indonesia is growing very rapidly. In fact, there is a lot of evidence that confirms that hoaxes in Indonesia are mass-produced with a circulating amount of money, which is also very expensive. The disclosure of the role of buzzers, influencers and cases involving groups such as Saracen, further strengthens the hypothesis that hoaxes in Indonesia are produced like the news industry in general [1]. Unfortunately, the existence of hoaxes also participates in the dissemination of information in the midst of the Covid-19 pandemic [2].

The existence of information or news that is considered untrue has been surveyed by Mastel (2017), with results stating that of 1,146 respondents, 44.3% of them received hoax news every day and 17.2% received more than once a day [3]. Mainstream media is also a channel for disseminating hoax information/news, namely radio by 1.20%, print media by 5%, and television by 8.70%, Instagram and Path are mostly used, namely 92.40%, the rest is done through chat applications (Whatsapp, Line, Telegram) and websites [4].

Through these various social media, hoaxes during the Covid-19 pandemic were spread. A lot of information is then misused, for example related to vaccines that contain chips, vaccines that contain water instead of

attenuated viruses, vaccines that cause death or even information that the Covid-19 vaccine makes people who are vaccinated sick. The existence of hoaxes about Covid-19 during this pandemic, it is felt that it really worsens the government's efforts and hinders the government in dealing with this pandemic.

When the government should promote vaccination to achieve herd immunity, hoax spreaders fight it with wrong information about the benefits and contents of vaccines. So, people are hesitant if they want to be vaccinated. This doubt is what makes vaccination targets difficult to achieve. As a result, herd immunity is also not formed [5]. Based on that background, the authors want to examine, the relation between hoaxes and Covid-19 pandemic in human rights perspectives.

2. DISCUSSION

Information is an important part of human life, which is shaped by human needs in interacting both in terms of ritual (worship), social and science and technology. Unfortunately, in the rapid development of information technology as it is today, society is faced with the challenge of anticipating the spread of inaccurate and even false information. Several cases were revealed in the era of information technology development as it is today, such as hoaxes, hate speech, bullying and so on [6].

Epecially, the one that takes the most victims are the hoax case. Hoax means deception, deceit, fake news, fake news or rumors. Fake news is news whose contents are not in accordance with the truth (*materiale waarheid*) [7]. So, it can be said that Hoax is a word which means the untruth of an information. Hoax is not an abbreviation but a word in English that has its own meaning. While the definition of Hoax according to wikipedia is: "A fake news is an attempt to deceive or trick the reader/listener into believing something, even though the creator of the fake news knows that the news is fake. This definition is emphasized by Mukti Ali, hoax is an event that is made up, fake news, not in accordance with reality, due to lack of information, knowledge, finally being heralded as if the news is true, on the other hand it is not true [7].

Mac Dougall added the meaning of hoax as information that is not true, but made as if true [8]. Moreover, during Covid-19, hoax in the health sector is health information that is not can be justified [9]. All informants have understood this understanding. Only on the third informant focuses more on the reasons for the spread of hoaxes, while the fourth and fifth informants more focused on the media for spreading hoaxes health. But in general, all the informant has understood the definition of hoax health.

History records, several cases of hoaxes that hinder the handling of a dangerous infectious epidemic or pandemic. Multiple impacts hoax found in literature misinformation on ebola crisis communication in the United States. In the article it was found that messages on social media that Mistakes can hinder the handling of Ebola in United States of America [9]. Not only in the United States of America, the impact of hoaxes in hampering the handling of the outbreak also occurs in Indonesia.

Based on Rochani research [4], there were 30 cases of Covid-19 hoaxes during January-March 2020. In the same period, there were 17 cities around Indonesia that mentined in hoaxes/fake news about Covid-19. DKI Jakarta is the highest mention in hoaxes/fake news with 32 in overall 50 cases.

In the same report, Rochani stated that it is known that of the three website addresses accessed the most is <https://www.kominfo.go.id/>, which is 38 times (73.07%), and the second position is <https://www.voice.com/> news, namely 12 times (22.00%) and <https://news.detik.com/beritabersed> 1 time (2.00%). This shows that the website of the Ministry of Communication and Information has carried out its duties well. This is based on the reason that one of the tasks of the ministry is to find out the truth of the news which is expected to create unrest in the community [4].

In another research, Oemar Madri Bafadhal found five categories out of 174 the hoax we got from Hoax Busters [10]. The five categories include: politics, health, abroad, business and crime. The first order is category politics and health with 68 news stories each. Health category contains hoax about characteristics and causes of COVID-19 and how to prevent and cure it. Including are COVID-19 patients, the discovery of COVID19 and procedures for burial of COVID-19 victims. Meanwhile, the political category contains about the misrepresentation about political figures, public policy for affairs COVID-19, and the lockdown policy [10].

In addition to categorizing, Oemar Madri Bafadhal papers also perform analysis of the platform where hoax is found. By general we find that hoax generally shared on social media such as Facebook, Instagram, Twitter, WhatsApp and YouTube even though they exist some that appear on the site or blog certain. Some were also found and shared on two social media like Twitter and Facebook, Facebook and YouTube, Facebook and WhatsApp and Facebook and Websites/blogs. Researchers found that social media where to find a lot hoax regarding COVID-19 is Facebook and WhatsApp, respectively as many as 90 and 43 hoax articles. Following behind him is Twitter (17 hoax), Instagram (2 hoax), Website or Blog (8 hoax) and YouTube (1 hoax) [10].

Based on same papers, it also found that several countries besides Indonesia were also attacked by hoaxes, such as the United States, Italy and China [10]. This means, hoaxes during the pandemic did not only occur in Indonesia, but also in the three countries, or even infect all countries around the world. Therefore, it is very important to understand the relationship between the spread of hoaxes during the Covid-19 pandemic from a human rights perspective [11].

In fact, if we examine and look at the existing positive legal norms, both in the UDHR, ICCPR, the 1945 Constitution of the Republic of Indonesia, the Human Rights Law and even the IET Law, freedom of expression is guaranteed if it does not conflict with the norms prevailing in society. The Universal Declaration of Human Rights (UDHR, also known internationally as the UDHR or Universal Declaration of Human Rights) stipulates that freedom of expression does not mean absolute freedom [12].

Therefore, there are limits to freedom of expression. Article 19 of the Universal Declaration of Human Rights states: (1) Everyone has an obligation to the community in which only the free and full development of his personality is possible. (2) In exercising his rights and freedoms, everyone is subject to limitations determined by law solely for the purpose of ensuring the recognition and respect for the rights and freedoms of others and to

fulfill the requirements of a just morality, public order and welfare in a democratic society [6].

Moreover, Article 20 ICCPR (International Covenant on Civil and Political Rights) [13] mentions only two categories in which freedom of expression can be restricted, namely: (1) any propaganda for war; (2) any act that promotes hatred on the basis of nationality, race or religion- that provokes discrimination, hostility or violence. This restriction is very important to prevent all forms of expression (written, video or audio images) that call for or spread war [14]. The same provisions are also justified to limit the space for freedom of expression. There are different interpretations in the ICCPR on how to limit or reduce the right to expression and opinion in the context of hate speech [6].

In addition to the UDHR and ICCPR, there are also normative rules that are the result of discussions by international human rights experts that regulate restrictions on freedom of expression as set forth in The Johannesburg Principles on National Security, Freedom of Expression and Access to Information (Johannesburg Principles). The Johannesburg Principles state that no one may be subject to restrictions, deductions and sanctions, nor should he be harmed by his opinion or belief. Freedom of expression or new opinion can be restricted, or punished if it threatens national security, and only if the state can demonstrate that the expression of opinion/expression is intended to motivate violence to occur. Or if it can motivate the occurrence of violence or if there is a direct and close relationship between the expression of opinions, and the possibility of violence occurring [6].

In the context of the Indonesian legal state, the norms that apply in our society include 4 types, namely: legal norms, religious norms, norms of decency and moral norms [15]. Restrictions on freedom apply when freedom of expression on social media stimulates acts of violence that are harmful to the soul. The Indonesian Constitution also regulates restrictions, as set forth in Article 28J of the 1945 Constitution. Other provisions regarding restrictions are also regulated in Article 70 of Law Number 39 of 1999 concerning Human Rights, which reads: "... In exercising the rights and in accordance with his obligations, everyone must comply with the restrictions provided for by law with a view to ensuring the recognition and respect for the rights and freedoms of others as well as meeting just demands in accordance with considerations of morality, security and public order in a democratic society..."

Meanwhile, Article 73 states: "... The rights and freedoms regulated in this Law can only be limited by and based on the Ordinance, solely to guarantee the recognition and respect for human rights and the

fundamental freedoms of others, morals, public order, and the interests of the nation..."[6].

Restrictions on freedom of expression on social media are also stated in Law No. 10 of 2008 concerning Openness of Public Information [16], particularly regarding the existence of excluded information. There are two important things regarding the restriction of information in this law. First, the law limits the types of public information that can be accessed. Second, the law uses the basis of "decency and public interest" as the basic reason for limiting rights.[6] So, can spreading hoaxes be justified by these norms. The answer is definite and certainly not.

So, it is true that freedom of expression on social media is a constitutional right that has been regulated and protected in the main legal norms, such as: 1). the 1945 Constitution of the Republic of Indonesia; and 2). General Declaration of Human Rights. However, this does not mean that freedom of expression on social media is allowed to be free indefinitely. Limits that should be used as a reference are moral limits, regarding the value of right or wrong [17]. In other words, freedom of expression on social media is limited so that it is not misused, one of which is to spread hoaxes. The spread of hoaxes from a human rights perspective is strictly prohibited and not justified. Moreover, during the Covid-19 pandemic, where people need correct, accurate and valid information to fight the pandemic

3. CONCLUSION

The results of this study show that the spread of hoaxes during the Covid-19 pandemic in Indonesia is very large influenced by economic factors, low literacy and knowledge of the community as well as lack of self-awareness. The recommendations given through this research are in the form of efforts to provide correct education about Covid-19 and the fulfillment of the right to information to the public, especially during the Covid-19 pandemic.

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REFERENCES

- [1] B. Arianto, "Salah Kaprah Ihtwal Buzzer: Analisis Percakapan Warganet di Media Sosial," *J. Ilm. Ilmu Pemerintah.*, vol. 5, no. 1, pp. 1–20, 2020, doi: 10.14710/jiip.v5i1.7287.
- [2] M. S. RA, Y. Hamdika, and S. Al-Fatih, "The Impact of COVID-19 Through the Lens of Islamic Law: An Indonesian Case," *Lentera Huk.*, vol. 7, no. 3, pp. 267–278,

- 2020, doi: <https://doi.org/10.19184/ejrh.v7i3.18983>.
- [3] S. Al-Fatih and Z. Aditya, "Hoax and The Principle of Legal Certainty in Indonesian Legal System," in *International Conference on Business, Law and Pedagogy*, 2020, p. 2286165, doi: 10.4108/eai.13-2-2019.2286165.
- [4] R. N. Rahayu and Sensusiyati, "Analisis Berita Hoax Covid - 19 Di Media Sosial Di Indonesia," *J. Ekon. Sos. Hum.*, vol. 1, no. 9, p. 63, 2020, [Online]. Available: <https://jurnalintelektiva.com/index.php/jurnal/article/view/122>.
- [5] P. Fine, K. Eames, and D. L. Heymann, "'Herd immunity': A rough guide," *Clin. Infect. Dis.*, vol. 52, no. 7, pp. 911–916, Apr. 2011, doi: 10.1093/cid/cir007.
- [6] Z. F. Aditya and S. Al-Fatih, "Indonesian constitutional rights: expressing and purposing opinions on the internet," *Int. J. Hum. Rights*, vol. 0, no. 0, pp. 1–25, 2020, doi: 10.1080/13642987.2020.1826450.
- [7] T. Alisyahbana, "Hoax dalam perspektif Islam," *el-Ghiroh*, vol. 17, no. 2, pp. 1–14, 2019, doi: 10.37092/el-ghiroh.v17i02.107.
- [8] C. D. Mac Dougall, *Hoaxes*. New York: Dover Pubns, 1958.
- [9] H. Haikal, "Persepsi Masyarakat terhadap Hoax Bidang Kesehatan," *J. Manaj. Inf. dan Adm. Kesehat.*, vol. 3, no. 2, pp. 7–11, 2020, doi: 10.32585/jmiak.v3i2.836.
- [10] O. M. Bafadhah and A. D. Santoso, "Memetakan Pesan Hoaks Berita Covid-19 Di Indonesia Lintas Kategori, Sumber, Dan Jenis Disinformasi," *Bricol. J. Magister Ilmu Komun.*, vol. 6, no. 02, p. 235, 2020, doi: 10.30813/bricolage.v6i02.2148.
- [11] S. Al-Fatih, Z. Aditya, H. Haris, and W. Kurniawan, "ASEAN Civil Society In The Digital Era; Are We Moving Backwards?," vol. 317, no. IConProCS, pp. 266–269, 2019, doi: 10.2991/iconprocs-19.2019.55.
- [12] PBB, "Deklarasi Universal Hak-Hak Asasi Manusia," 1948.
- [13] K. Hamayotsu, "The Limits of Civil Society in Democratic Indonesia: Media Freedom and Religious Intolerance," *J. Contemp. Asia*, vol. 43, no. 4, pp. 658–677, 2013, doi: 10.1080/00472336.2013.780471.
- [14] U. Hamid, "UU ITE dan merosotnya kebebasan berekspresi individu di Indonesia," *The Conversation*, 2019. <https://theconversation.com/uu-ite-dan-merosotnya-kebebasan-berekspresi-individu-di-indonesia-126043> (accessed Sep. 10, 2021).
- [15] A. S. Cahyono, "Pengaruh media sosial terhadap perubahan sosial masyarakat di Indonesia," *J. Publiciana*, vol. 9, no. 1, pp. 140–157, 2016, [Online]. Available: <https://journal.unita.ac.id/index.php/publiciana/article/view/79>.
- [16] N. Febriananingsih, "Keterbukaan Informasi Publik Dalam Pemerintahan Terbuka Menuju Pemerintahan Yang Baik," *J. Rechts Vinding Media Pemb. Huk. Nas.*, vol. 1, no. 1, pp. 135–156, 2012, doi: 10.33331/rechtsvinding.v1i1.110.
- [17] M. Fuady, *Teori-teori Besar Dalam Hukum: Grand Theory*, 3rd Editio. Jakarta: Kencana Prenada Media Group, 2014.