

# Law Enforcement Against the Spread of Fake News during the Covid-19 Pandemic through Social Media

Erdiansyah Erdiansyah\*

Faculty of Law

Universitas Riau

Pekanbaru, Indonesia

\*erdiansyah@lecturer.unri.ac.id

**Abstract**—The amount of information about Covid-19 that is spread through social media can be accepted by almost the entire community and this information cannot be justified or is subject to uncertainty. Even during the current Covid-19 pandemic, false information is often associated with political issues. If this continues to happen, it will cause panic, anxiety and psychological pressure or can even lead to misunderstandings between the community and the government. For those who spread fake news about Covid-19, it is also difficult to overcome. Therefore, it is necessary to take various actions to overcome the spread of fake news during the Covid-19 period on social media.

**Keywords**—enforcement, law, dissemination, fake news

## I. INTRODUCTION

At the beginning of 2020, the world was shocked by an outbreak of a new virus, namely the corona virus or what is in its development referred to as the Covid-19 virus, attacking the city of Wuhan, China, and quickly spreading to other regions in the country [1]. The case of the Covid-19 virus in Indonesia itself was first identified on March 2, 2020. The development of Covid-19 cases in Indonesia has since been increasing every day. One of the efforts that the government has taken to reduce the spread of the Covid-19 virus is by implementing Large-Scale Social Restrictions (PSBB) which are enforced for 14 days.

Some activities are limited during the PSBB, for example, activities at schools and offices. Teaching and learning activities are carried out at home online, namely by utilizing the internet. Then office activities are also limited except for agencies with certain categories, some offices implement a work from home system.

In accessing news, social media in its development began to shift the role of mass media. The penchant for using the internet causes people to be more likely to choose to access news through social media. News in social media is easier and faster to access than mass media which sometimes takes a long time to process and present.

However, this convenience and speed have a negative impact. News in social media is sometimes disseminated

without going through a verification process first, so that the truth of the contents of the news cannot necessarily be accounted for. The rise of the spread of fake news during the COVID-19 pandemic through social media in the community can be an important question how to enforce the law.

## II. PROBLEM FORMULATION

How is law enforcement against the spread of fake news during the COVID-19 pandemic through social media?

## III. DISCUSSION

The 1945 Constitution of the Republic of Indonesia in Article 1 paragraph (3) states that "the Indonesian state is a state of law", meaning that every citizen and state administrator must comply with the applicable legal rules. In the concept of a state of law in the world, the concept of *rechtstaat* and the concept of rule of law are known [2]. The Indonesian legal state based on Article 28I paragraph (5) of the 1945 Constitution of the Republic of Indonesia is a democratic legal state, meaning that the Indonesian legal state combines the concept of *rechtstaat* and the concept of the rule of law.

Law enforcement is the process of making efforts to enforce or function legal norms that apply and have been regulated as a guide for behavior in traffic or legal relations in human life in society and the state. Against law enforcement for perpetrators of criminal acts of spreading false news (hoax) during the COVID-19 pandemic through social media because fake news (hoax) is information that is engineered to cover up real information or can also be interpreted as an attempt to distort facts using information that is convincing but not can be verified [3].

The spread of hoax news has become a real and dangerous threat to the harmony of the Indonesian people because hoax news can encourage people to act impulsively. because the spread of fake news or hoaxes through social media lately is often used by irresponsible people to make noise and panic among the public by posting untrue news. Judging from the motives and *modus operandi*, this act of spreading fake news is

carried out in almost every circle, from the elite to the lower class, even the educated.

The spread of fake news generally uses social media, such as Facebook, WhatsApp groups, Twitter, Instagram and others that are easily accessible by all people. Therefore, of course, a written legal rule is needed so that it can guarantee legal certainty for all parties, both for perpetrators of criminal acts and for people who are harmed by the spread of fake news during the COVID-19 pandemic through social media. Based on data from the Sub-Directorate of Internet Content Control, Directorate General of Information and Communications Applications, Kominfo stated that there were 1,387 hoaxes during the COVID-19 pandemic in Indonesia. That many hoaxes were recorded from March 2020 to January 26, 2021 [4].

Law enforcement against the spread of fake news during the COVID-19 pandemic through social media, it is necessary to take various actions to overcome the spread of false news during the Covid-19 period on social media against the perpetrators of the spread of false news (hoax). the practice by police investigators in carrying out law enforcement for the spread of false news (hoax), including Law Number 1 of 1946 concerning Criminal Law Regulations, Law Number 19 of 2016 concerning amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions.

#### *A. Law Number 1 of 1946 concerning Criminal Law Regulations*

The laws and regulations in Indonesia that are usually used in the spread of hoaxes are Article 14 and Article 15 of Law Number 1 of 1946 concerning Criminal Regulations. Article 14 of Law Number 1 of 1946 concerning Criminal Regulations reads:

- Any person who, by broadcasting false news or notification, intentionally causes trouble among the people, shall be punished by a maximum imprisonment of ten years.
- Whoever broadcasts a news or issues a notification, which can cause trouble among the people, while he should be able to think that the news or notification is a lie, shall be punished with a maximum imprisonment of three years.

Meanwhile, Article 15 of Law Number 1 of 1946 concerning Criminal Regulations reads:

- Anyone who broadcasts news that is uncertain or news that is excessive or incomplete, while he understands, at least should be able to suspect that such news will or can easily cause trouble among the people, is punished with a maximum imprisonment of two years.

Whereas the word broadcast is interpreted to inform the general public, it means that news or false news or what is reasonably suspected to be a lie must be broadcast or disseminated to the general public and requires news or news

that is not true or news that is false broadcast incomplete. In other words, it is information that is engineered to cover up actual information or can also be interpreted as an attempt to distort the facts using information that is convincing but cannot be verified.

Broadcasting is related to publicity that must be delivered to the public. The problem with social media is not only connecting individuals with individuals but with communities, a content that is only delivered to a few individuals can be read and seen by other parties and can quickly spread to the community and the general public. Of course this will bring a shift in the boundaries between private and public spaces.

In addition, the broadcasting element is related to how to convey false news or hearsay or news that is broadcast with the addition or subtraction. In this case, it relates to the motive for spreading the news or the news and how to convey the news.

#### *B. Law Number 19 of 2016 Concerning Amendments to Law Number 11 of 2008 Concerning Information and Electronic Transactions*

Law enforcement against the spread of fake news during the COVID-19 pandemic through social media based on the Information and Electronic Transactions Act and Law Number 1 of 1946 concerning Criminal Regulations, the element of spreading hoaxes is contained in Article 28, which reads:

- Everyone intentionally and without rights spreads false and misleading news that results in consumer losses in Electronic Transactions.
- Everyone intentionally and without rights disseminates information aimed at causing hatred or hostility to certain individuals and/or community groups based on race, ethnicity, religion and inter-group (SARA).

The criminal provisions for the spread of fake news during the COVID-19 pandemic through social media are contained in Article 45A, which reads:

- Any person who intentionally and without rights spreads false and misleading news that results in consumer losses in electronic Transactions as referred to in Article 28 paragraph (1) shall be sentenced to imprisonment for a maximum of 6 (six) years and/or a fine of a maximum of Rp.1,000.000,000.00 (one billion rupiah).
- Any person who knowingly and without rights disseminates information aimed at creating feelings of hatred or hostility towards certain individuals and/or groups of people based on ethnicity, religion, race, and inter-group (SARA).

In the formulation of Article 28 paragraph (1) in conjunction with Article 45A paragraph (1) is to cause or cause certain events or conditions, bear or suffer losses and which result in consumer losses in electronic transactions. This last element requires that false and misleading news must result in

a consumer loss. In the fraudulent practice of online sales of medical devices, masks, personal protective equipment (PPE), antiseptics, drugs and disinfectants as referred to in Article 45A paragraph (1) in conjunction with Article 28 paragraph (1) of the ITE Law.

According to Sigid Suseno, the provisions of Article 28 paragraph (1) are basically related to Law Number 8 of 1999 concerning Consumer Protection which prohibits [5]:

- Business actors to offer, promote, advertise goods and/or services incorrectly, as regulated in Article 9;
- Business actors offer, promote, advertise or make statements that are not true or misleading in offering goods and/or services, as regulated in Article 10; and
- Business actors deceive/mislead consumers in sales made through sale or auction as regulated in Article 11.

#### IV. CONCLUSION

Law enforcement against the spread of fake news during the COVID-19 pandemic through social media, it is necessary to take various actions to overcome the spread of false news during the Covid-19 period on social media against the perpetrators of the spread of false news (hoax). the practice by

police investigators in carrying out law enforcement for the spread of false news (hoax), including Law Number 1 of 1946 concerning Criminal Law Regulations, Law Number 19 of 2016 concerning amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions.

#### REFERENCES

- [1] G.S. Putri, "WHO Resmi Sebut Virus Corona Covid-19 Sebagai Pandemi Global," Kompas.com, [Online] Retrieved from: <https://www.kompas.com/sains/read/2020/03/12/083129823/who-resmi-sebut-virus-coronacovid-19-sebagai-pandemi-global> .
- [2] M. Sayuti, "Konsep Rechtsstaat Dalam Negara Hukum Indonesia (Kajian Terhadap Pendapat Azhari)," *Nalar Fiqh*, vol. 4, no. 2, p. 220458.
- [3] C. Juditha, "Hoax Communication Interactivity in Social Media and Anticipation (Interaksi Komunikasi Hoax Di Media Sosial Serta Antisipasinya)," *Pekommas*, vol. 3, no. 1, 2018.
- [4] C. Nuralam, "1.387 Hoaks Beredar Di Media Sosial Hingga 26 Januari 2021," *Liputan6.com*, 2021, [Online] Retrieved from: <https://www.liputan6.com/cek-fakta/read/4468257/1387-hoaks-beredar-di-media-sosial-hingga-26-januari-2021> .
- [5] S. Suseno, *Yurisdiksi Tindak Pidana Siber*. Bandung: Refika Aditama, 2012.