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Page 127 - 134

Controlling perpetrators of spreading fake news in the Southern Sumatra regional police

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Abstract The continuous development of information technology brings significant changes in various fields of community life. Society and the internet have a very complex and significant relationship, especially in terms of using the internet as a means of socialisation and interaction. In the context of social media abuse, people are often trapped in complex issues that lead to hoaxes and hate speech. This study examines policies, control measures, and punishment for hoax spreaders in the South Sumatra Regional Police jurisdiction. This research employs qualitative research using empirical studies and a legal, sociological framework. This research aims to contribute to the corpus of literature and information regarding the perpetrators of spreading false news (hoax) at the South Sumatra Regional Police. The findings of this study reveal that criminal law enforcement against fake news spreaders (hoaxes) in the South Sumatra Regional Police have procedures or efforts to resolve cases of fake news (hoax); the procedure includes receiving reports/complaints, investigations, investigations, sending SPDP (Notice of Commencement of Investigation), sending case files, and transferring suspects and evidence. Law enforcement entities involved in combating fake news are the Police, Prosecutors, and Judges. This research provides the latest data in 2022 regarding cases of spreading fake news (Hoax) in the South Sumatra Regional Police.

Keywords: cybercrime; digital media management; fake news handling

INTRODUCTION

Information technology such as the digital media has an important role in today's globalisation (Huang, 2023; Roosinda & Suryandaru, 2020; Szymkowiak et al., 2021). The existence of the internet has led to change in mindset for humans in socialising, doing business, and others (Williams et al., 2020). Everyone can connect and communicate to each other. Not only that, but humans can also engage in business with their partners remotely by just sitting in front of a computer screen and pressing the keyboard in front of them (Walz et al., 2023).

People currently exhibit high dependence on the internet, especially on social media. It has been explained by (Huang, 2023), that developments in the technology sector will progress together with the emergence of various kinds of innovations in society. The innovation starts with the basic aspects of human life, such as communication. For example, face-to-face communication can now be done through social media (Dobija et al., 2023). The advancement of internet technology has given birth to a modern world, namely Cyberspace, which has also brought the emergence of cybercrime (Sarefo et al., 2023).

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Controlling perpetrators of spreading fake news in the Southern Sumatra regional police - doi: 10.25139/jsk.v8i1.6843 Auli, V.F.

Hootsuite and We Are Social have conducted research, and based on their study on Digital 2022, the total population is 277.7 million (2021: 274.9 million/up 1%). Connected Mobile Devices: 370.1 million (2021: 345.3 million/up 3.6%). Internet users: 204.7 million (2021: 202.6 million/up 1%). Active Social Media Users: 191.4 million (2021: 170 million, up 12.6%) (Riyanto, 2022).



Figure 1. 2022 Internet & Social Media Trend Data in Indonesia (Riyanto, 2022)

Meanwhile, data on internet users in Indonesia in 2022, presented by Hootsuite and We Are Social in their report (Figure 1 and Table 1), shows that the population in Indonesia is 277.7 million people (57.9%), 370.1 million unique mobile phone users (133.3%), internet users as many as 204.7 million people (73.7%), and active social media users as many as 191.4 million people (68.9%) (Riyanto, 2022).

Table 1. Data trend Internet & Media Social Year 2020 in Indonesia

No.	Data trend Internet & Media Social Year 2020 in Indonesia	Amount Data	Percentage
1.	Amount Resident	277.7 million	57.9%
2.	User Unique Mobile	370.1 million	133.3%
3.	User Internet	204.7 million	73.7%
4.	User Media Social Active	191.4 million	68.9%

Source: Riyanto, (2022)

People are very fond of social media to the extent that it brings parties, which can disrupt the peace of the people. This is one of the influences of the internet. For example, Facebook has evolved into a space to spread gossip or slander, while other social media platforms were used as a tool for dirty political communication (Juditha, 2018). For instance, to gain political support, many people spread hoax campaigns with ethnicity, religion, race, intergroup (SARA) nuances on the internet. As a result, many social media users are easily influenced and be easily provoked, leading to conflicts such as slander, hate speech, defamation, and problems that can destroy the democratic order (K. Park & Rim, 2019). Therefore, law enforcement is plays a pivotal role in fighting against social media abuse, as the crime of spreading slander and hatred have severe implications when viewed from the perspective of law, socio-culture, politics, human rights, economic development, and cyber security.

The context above directs this paper towards a theory that can be a common thread for this research. Talking about fake news, it is essential to understand the meaning of the word fake news (hoax), which is an explanation or information that is inaccurate or not based on reality (nonfactual) and is often used for a specific agenda or purpose. The perpetrators of hoax may not understand the implications of what they are posting on social media, or in some cases their actions may just be driven by their desire for amusement or entertainment. Such actions can cause a significant impact on the victims, posing from small to national scale losses. The victims of this *'hoax'* are typically those who have access to cyberspace (Grech, 2019; Wainwright & Alharbi, 2011).

Truly, a considerable number of people with access to cyberspace are prone to immediately believing the contents of the fake news made by the perpetrators of the 'hoax'. In

the legal dictionary, the meaning of fake news (*hoax*) comes from the word "news", which is important information about reports on events or events that are happening in a formal or official form. It is followed by the word "lie", which means something that is not commensurate with the actual facts or circumstances. The spread of false news (*hoax*) is included in conventional crimes (Kondamudi et al., 2023).

In Indonesian law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 regarding Electronic Information and Transactions in Article 45A paragraph (1) regulates the spread of fake news (hoax) which reads: "Every person who intentionally and without right spreads false and misleading news that results in consumer harm in Electronic Transactions. As referred to in Article 28, paragraph (1), shall be punished with a maximum imprisonment of 6 (six) years and/or a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah)". After that, Article 28 paragraph (1) states that: "Every person intentionally and without the right to spread false and misleading news that results in consumer harm in Electronic Transactions".

In addition, fake news (*hoax*) that are often disseminated or received among the public are news related to socio-politics (government) and Ethnicity, Religion, Race and Intergroup (SARA). As it is known, many fake news (*hoaxes*) are scattered when approaching Local elections or presidential elections to bring down the opposing partner.

In 2018, the Indonesian Ministry of Communication and Information recorded 800,000 websites in Indonesia that have been identified as spreading fake news. Research from *DailySocial* shows that 44.19% of Indonesians cannot distinguish between real news and fake news. Further, only 73% of respondents often read all the information. However, only 55% often verify the truth (*fact check*). *DailySocial* collaborated with *Jakpat Mobile Survey Platform* and reported the results of research on the spread of fake news (*hoax*), that the most common channels for spreading fake news are often found on different social media platforms. The percentages are Facebook (82.25%), WhatsApp (56.55%) and Instagram (29.48%) (Eka, 2018).

Law enforcement officers have a crucial role in carrying out and enforcing the law; without competent law enforcement officers, it is highly unlikely that law enforcement can run well. Therefore law enforcers who participate the *integrated criminal justice system of* criminal justice must work together, synergise, and cooperate to adequately fulfil their roles and positions in respect to the code of ethics and laws and regulations (Yashila & Athifahputih, 2022).

Further, the dissemination of hoax which occurred in Palembang City by a parking attendant (Depriadi) at Hermina Hospital recorded and spread false information through a video of a patient who was about to be put into an ambulance car, purportedly infected with the Covid-19 virus without checking the truth of the patient's status the video. The video was then shared in a WhatsApp group. Then the local police conducted an investigation, Police Adjunct Chief Commissioner Nuryono as Head of Criminal Investigation Unit of Palembang Departmental Police confirmed that Depriadi has now been arrested and the video is being investigated further.

The officer confiscated a silver Redmi Note 5A mobile phone belonging to the suspect which was used to record and disseminate the hoax video. As a result of his actions, Depriadi is subject to Article 28 paragraph 1 to Article 45 paragraph 1 of Indonesian Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions and is threatened with imprisonment for five years (Dwiputri, 2022).

Based on the explanation above, the researcher is interested in conducting an in-depth examination of the recent spread of fake news. Therefore, it is crucial to know how the law enforcement methods of the South Sumatra Regional Police against the perpetrators of spreading fake news in detecting and addressing these kinds of crime.

METHODOLOGY

The use of empirical juridical methods in this article research, involving the results of the collection and discovery of data and information through field studies in Palembang City, specifically at the South Sumatra Regional Police, was drawn on the assumptions used to answer the problems in this study, then further deductive testing is employed on facts that occur in people's lives (Sugiyono, 2019). To ensure the reliability of the findings, it is essential to undergo a rationalisation process. (Waluyo, 2018). Primary data is the data obtained directly from interviews useful for gathering information and data about Criminal Law Enforcement of Perpetrators of Spreaders of Fake News (Hoax) in the South Sumatra Regional Police. While

Controlling perpetrators of spreading fake news in the Southern Sumatra regional police - doi: 10.25139/jsk.v8i1.6843 Auli, V.F.

secondary data is the data obtained by conducting literature studies to support the primary data. The place of research at the South Sumatra Regional Police on Sudirman Avenue, Pahlawan, Kemuning, Palembang City, South Sumatra. This specific area was chosen because this location provides the necessary data sources to support the study. Sampling was made by engaging the authorities, particularly those who have knowledge of the spread of fake news (hoax) on the internet media, specifically in Palembang City, namely against: South Sumatra Police Special Crime Agency. Cyber Technical Unit; Examination Unit. Further, data is collected through observation, interviews, and documentation. Then, the data is analysed using a descriptive qualitative technique, literature studies, and a field research process. The conclusion of this research used inductive reasoning. The informants in this research were members of the police in the Special Crime Agency.

RESULTS AND DISCUSSION

Policy of controlling perpetrators of spreading fake news (*Hoax*) in the South Sumatra Regional Police

In dealing with cases of spreading fake news, law enforcement officials who can combat fake news (*hoax*) include the Police, Prosecutors, and Judges. In addition, the Ministry of Communication and Information can also be a party that participates in tackling the spread of fake news (*hoax*) (Yusianto et al., 2022). Criminal Law Enforcement Against Perpetrators of Spreading Fake News (Hoax) in the South Sumatra Regional Police The authority, main tasks, roles, and functions of the police apparatus have been regulated in Law Number 2 of 2002 concerning the Indonesian National Police (Pandelaki et al., 2018).

The results of interviews with the South Sumatra Regional Police, namely Police Chief Brigadier Indra Syahputra exhibits that the South Sumatra Regional Police have several efforts or procedures to resolve cases of fake news (*hoax*) circulating in the community, as regulated in Article 1 number 24 of Law Number 8 of 1981 concerning Criminal Procedure Law states that: "A report is a notification submitted by a person due to his rights or obligations under the Law to an authorised official about the occurrence or suspected occurrence of a criminal event." (Interview with Police Chief Brigadier Indra Syahputra, 2022).

The purpose of the report is to provide a statement, then submitted to the relevant authority there has been or suspected to be a criminal problem/crime. So, the implication is that the reported incident remains to be verified. Therefore, it is essential to conduct an investigation by the authorities' functions to determine whether the action is a criminal offence or not (Laplane & Mazzucato, 2020).

In accordance with the rules of the Criminal Procedure Code or the laws and regulations on criminal procedure outside the Criminal Procedure Code, there is no provision to convey an authority to investigators to reject a report/complaint from a citizen or community regarding the occurrence of an event that is suspected/perceived as a criminal offence (Fahlevi, 2015).

Reports or complaints can be made orally or in writing by any citizen who is a victim or who is experiencing a criminal offence or knows and sees an event that is considered a criminal offence. If the investigator behaves or acts in a manner that involves refusing or lack of attentiveness to receive a report or complaint for various reasons, this is an unjustified action and can also be deemed as a conflict with their duties and obligations. One example of the reason is that the report/complaint is not a criminal offence or is considered to be outdated.

After the investigation procedure is carried out and the high prosecutor's office has issued a notice to court on the case file, the investigator provides evidence and the suspect to the district prosecutor's office. At this stage, the investigation is considered to be complete, as stipulated in Article 8, paragraph 3 Letter B of the Criminal Procedure Code; when the investigation is considered complete, the investigator hands over responsibility for the suspect and evidence to the public prosecutor.

The South Sumatra Police have implemented these handling procedures as described above. However, despite these handling procedures, there are still shortcomings in the investigation process involving the spread of false news (hoax). This raises concerns that the law authorities, including the police, can make wrong arrests (Peraturan Undang-Undang Nomor 2 Tahun 2002 Tentang Kepolisian Negara Republik Indonesia, 2022).

To add, the South Sumatra Regional Police has a work unit of the Special Criminal Investigation Directorate of the South Sumatra Regional Police, the Cybercrime Unit. The following is an interview by Indra Syahputra as follows:

This unit has the duties and obligations of conducting investigations and investigations into special criminal acts. The purpose of unique criminal acts is those related to Electronic Information and Transactions. This unit has an organisational structure consisting of the Chief and six members. The task of the chief is to supervise its members (Interview with Indra Syahputra, 2022).

In handling cases of spreading fake news, the Indonesian National Police need facilities to support the handling of these cases. Every Regional Police in Indonesia, to handle cybercrime cases or cybercrime cases, must use a digital forensic laboratory. However, of the dozens of regional police in the Republic of Indonesia, there are only five regional police that have a digital forensic laboratory.

To complete the evidence, according to Article 184 paragraph 1 of the Criminal Procedure Code, there are 5 pieces of evidence: witness testimony, expert testimony, letters, instructions, and testimony of the defendant. Evidence such as witness testimony will be collected from witnesses who have seen the content, then where the content was uploaded, and who uploaded the content. Meanwhile, expert testimony is used to assess the content that has been distributed; if the expert confirms that the content falls under the elements of the Cyber Law or fake news (*hoax*), then two pieces of evidence have been fulfilled (Interview with Police 2nd Inspector Yudi Cahyadi, 2022).

If two pieces of evidence are met, the investigation can proceed to the next stage. Then, after that, the determination of the suspect is based on the findings of the investigation. After determining the suspect, the South Sumatra Regional Police (Cyber unit) identified the perpetrator of the account. To verify, it will be investigated again; for example, the fake news content (*hoax*) was uploaded using an account named 'Joko'. Then the South Sumatra Police Cyber investigates whether the account on behalf of Joko belongs to Joko or if it is being operated by someone else who uses a fake account. The law enforcement authorities ensure and seek clarification from the suspect, whether if it is true that the account responsible for uploading the fake news content (*hoax*) if it belongs to them or if they were involved in distributing such content (Interview with Indra Syahputra, 2022).

During the trial, all details will be disclosed from beginning to end. The panel of judges determines the length of the suspect's sentence. A judge does not simply decide immediately. Initially, they will examine the suspect's reasons for committing the crime, so that will be a consideration for the judge to alleviate or aggravate the sentence against the suspect in that case (Interview with Police Adjunct Commissioner Wanda Dhira Bernard, 2022).

After interviewing Wanda Dhira Bernard, he said that the Indonesian National Police has the authority to overcome and handle cases of spreading false news (*hoaxes*) through social media or internet media in accordance with Law Number 2 of 2002 concerning the Indonesian National Police (Interview with Wanda Dhira Bernard, 2022).

The cyber unit of the Special Crime Agency of the South Sumatra Regional Police has investigated the perpetrator of spreading fake news with *hate speech* nuances through Facebook social media (Siboru Nadangol) in the South Sumatra area, and the perpetrator allegedly harassed the Nias Tribe regarding the murder of a prospective pastor named Melinda who was sadistically murdered in Palembang City.

The perpetrator apologises for the actions carried out via live streaming on his Facebook account. However, even though he had apologised, Siboru Nadangol's account was still reported to the South Sumatra Police. In the letter mentioned, the reporter on behalf of Dermawan Gulo. The proof (Figure 1) of the report numbered STTLP/300/III/2019/SPKT dated March 29, 2019. The complaint was received by Commissioner Police Triyono at 5 pm.

Controlling perpetrators of spreading fake news in the Southern Sumatra regional police - doi: 10.25139/jsk.v8i1.6843 Auli, V.F.



Figure 1. Screenshot evidence of Siboru Nadangol'saccount (sending data from WhatsApp media commissioner Police Triyono S.Sos)

The mechanism for Law Enforcement in the South Sumatra Regional Police refers to the Criminal Procedure Code, National Police Chief Regulation Number 6 of 2019, Law Number 19 of 2016 concerning Amendments to Law Number 16 of 2008 concerning Electronic Information and Transactions and the Joint Ministerial Decree concerning Guidelines for the Implementation of Certain Articles in the cyber Law (Interview with Police Commissioner Attendant Wanda Dhira Bernard, 2022).

In this context, *cybercrime* cases must require tools and methods different from conventional investigation methods, namely, digital forensic methods. Digital forensics, according to (S. Park et al., 2018) is a combination of legal disciplines with computer knowledge so that the law enforcing authorities can collect and analyse data from computer systems, the internet, wireless communication, and also storage devices that can be brought to become evidence for law enforcement (Peacock et al., 2004).

The investigation activities must be equipped with facilities and infrastructure. This is useful for how the police reveal the investigation or case. If the facilities and infrastructure are less supportive, it will make it difficult for the South Sumatra Police. Facilities and infrastructure are supporting factors such as communication tools, computers, and the Internet. Therefore, they must be equipped. This research has theoretical implications that law enforcement officials further increase their understanding of the actions, elements of actions, and criminal sanctions in Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions regarding the dissemination of false news (hoaxes) so as not to cause vacillation and hesitation in implementing criminal law sanctions to the perpetrators.

The Agenda-Setting Theory, initially formulated by Maxwell McCombs and Donald Shaw during the 1970s, can provide a robust framework for comprehending and managing the dissemination of false information by wrongdoers within the Southern Sumatra regional police jurisdiction. This theory posits that the media exerts influence not on our thoughts but on the subjects and matters we focus on, achieved through the deliberate selection and emphasis of specific issues and events (Littlejohn & Foss 2010). As a result, public perception and priorities are moulded (McCombs & Shaw, 2023). To address the issue of fake news, the Southern Sumatra regional police could form a partnership with local media organisations to prioritise and increase the reach of accurate information while disproving false information. By exerting control over the agenda and prioritising accurate and verified news, it is possible to reduce the influence and dissemination of false information. This strategy necessitates a deliberate endeavour to oversee the media environment and collaborate with media allies to ensure that the public's attention is directed towards reliable sources and information, thereby diminishing the opportunity for fake news to spread.

Another pertinent theory is the Two-Step Flow of Communication, formulated by Paul Lazarsfeld, Bernard Berelson, and Hazel Gaudet. This theory suggests that media effects are transmitted to the general public indirectly through the influence of opinion leaders (Susilo, 2022). These opinion leaders interpret and disseminate the information to their social networks. To combat the spread of false information in Southern Sumatra, the regional police have the ability to recognise and interact with influential individuals and community leaders who are trusted and respected by their communities (Al-Adwan, et al, 2023). Providing these essential individuals with education on the perils of misinformation and arming them with the necessary skills and expertise to recognise and refute unverified data can serve as gatekeepers, effectively halting the dissemination of falsehoods (Harff, D., & Schmuck, D., 2023). This approach utilises the authority and trustworthiness of influential individuals to combat false information, creating a collaborative initiative that can strengthen the efficacy of law enforcement's endeavours to uphold public order and confidence.

CONCLUSION

Ultimately, the Southern Sumatra regional police can strategically combat the dissemination of false information by utilising communication theories like the Agenda-Setting Theory and the Two-Step Flow of Communication. To effectively shape public discourse towards truthfulness and reduce the impact of misinformation, the police can collaborate with media outlets to prioritise factual information and empower local opinion leaders to serve as credible intermediaries. This dual approach not only tackles the immediate issue of managing false information but also cultivates a more knowledgeable and resilient community capable of analysing the information they come across in a critical manner. In conclusion, these theoretical frameworks provide a thorough plan for the Southern Sumatra regional police to protect their community from the harmful consequences of fake news, thus upholding the honesty of public discussions and ensuring social cohesion. Criminal law enforcement for spreading fake news (hoax) in the South Sumatra Regional Police has procedures or efforts to resolve cases of fake news (hoax), namely by receiving reports/complaints, investigating, sending SPDP (Notice of Commencement of Investigation), sending case files, and transferring suspects and evidence. Law enforcement professionals identified who can combat fake news are the Police, Prosecutors, and Judges. In addition, the Ministry of Communication and Information Technology can also tackle the spread of fake news (hoax). The Indonesian National Police has the authority to eradicate the spread of fake news (hoax) using online media as regulated in Law Number 2 of 2002 concerning the Indonesian National Police. The South Sumatra Regional Police has a work unit of the Special Criminal Investigation Directorate, This unit conducts investigations and inquiries into special criminal offences such as those related to Electronic Information and Transactions.

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