

Law Enforcement on Criminal Acts of Spreading Fake News through the Internet Media Reviewed from Law Number 19 Year 2016 Concerning Information and Electronic Transactions (Study at North Sumatra Police)

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Abstract:

Hoaxes are categorized as unlawful acts, currently illegal acts in cyberspace are a very worrying phenomenon, considering the act of breaking into credit cards by shopping online, fraud, terrorism, and has become the activity of criminals in cyberspace. This research is an empirical legal research, where in this study the author examines the role of the North Sumatra Regional Police Agency in carrying out law enforcement against criminals who spread false news. The results of this study conclude that the problem that causes hoaxes is the habit of most people who want to quickly share information, so this trait is also carried over in the way they communicate using social media. In relation to criminal sanctions against spreading false news that can harm consumers or express hatred, they may be subject to a maximum imprisonment of 6 (six) years and/or a maximum fine of Rp. 1,000,000,000 (one billion rupiah). In this study it can be concluded that overall the North Sumatra Police have carried out their authority in providing assistance and protection to victims quite well.

Keywords:

law enforcement; fake news spreading; internet

I. Introduction

Spreaders of false news or hoaxes can be charged with 2 (two) articles in the Criminal Code, namely Article 14 paragraph (1) which states "whoever by broadcasting false news, intentionally causes trouble among the people, shall be punished with imprisonment as high as -ten years high", and also paragraph (2), namely "whoever, broadcasts a news or issues a notification that can cause trouble among the people, while he should be able to think that the news or notification is a lie, is punished with a maximum imprisonment three years." Article 15 of the Criminal Code states that anyone who broadcasts news that is uncertain or news that is excessive or incomplete, while he understands whether or not he should be able to suspect that such news will or has been able to cause trouble among the people, is sentenced to a maximum imprisonment of two years in prison (Ananda, 2021).

Provisions regarding the criminal act of spreading false news through the internet are also specifically regulated in Article 28 Paragraph (1) of Law Number 11 of 2008 as amended by Law Number 19 of 2016 concerning Information and Electronic Transactions which states "Everyone with intentionally and without rights spreading false and misleading news that results in consumer losses in Electronic Transactions" and the criminal threat for such acts

can be imprisonment for a maximum of 6 (six) years and/or a fine of a maximum of Rp. 1,000,000,000 (one billion rupiah)".

An example of a 2017 criminal case regarding the spread of fake news in North Sumatra with the defendant, Surya Hardianto aged 32, a resident of Jalan Defense, Gg. Lotus, No. 245 Tadukan Raga Village, STM Hilir District, Deli Serdang Regency, is threatened with a sentence of 5 (five) years in prison.

Surya Hardianto made a status on his personal account on Facebook social media, that the attack on police officers at the North Sumatra Police headquarters was a debt case, where in fact the North Sumatra Police had determined that the case was a pure terrorism case, not a debt case. Many people wonder whether the case that occurred was really carried out by terrorists or just a debt case. For his actions, Surya Hardianto was sentenced to 5 years in prison. The North Sumatra Regional Police imposed the Electronic Information and Transaction Law related to the case.

It can be concluded from the example above that the spread of hoax news is still relatively vulnerable and quite high, and it is necessary for the Police, especially the North Sumatra Police to act quickly so that cases of spreading fake news (Hoax) can be handled quickly and optimally. Based on the description above, what are the factors causing the criminal act of spreading false news through the internet media, then what are the criminal sanctions against the perpetrators of the crime of spreading false news through the internet? And what is the role of the North Sumatra Police in preventing the occurrence of criminal acts of spreading false news through the internet.

II. Research Methods

This research is descriptive. Descriptive understanding can be interpreted as a problem-solving procedure investigated by describing the state of the subject or object in the study, which can be in the form of people, institutions, communities and others which are currently based on visible facts or what they are. This type of research uses empirical juridical legal research, empirical legal research is carried out to see the truth and legal reality that occurs in society by looking at it from an empirical point of view. The data collection method in this study used field research methods, namely by observation and interviews with related parties with the title of the author's research.

III. Results and Discussion

3.1 Results

The existence of the internet as an online medium makes information that has not been verified true or not spread quickly. In just seconds, an event can be directly spread and accessed by internet users through social media. Through social media, hundreds or even thousands of information is disseminated every day. Even people sometimes do not have time to understand the material information, the reaction to the information has already been seen.

Social media provides the widest possible freedom for users to express themselves, their attitudes, their views on life, their opinions, or maybe just share their thoughts. Including giving freedom whether social media will be used positively or negatively. Nowadays, quite a lot of people are using social media to spread hatred and provocation.

The problem that causes false information or hoaxes to become increasingly difficult to control is the habit of most people who want to quickly share information. Indonesian people do have the characteristic of 'love to tell stories' so that this trait is also carried over in the way they communicate using social media. It often happens that these social media users share the information they get without checking its veracity. They sometimes don't even know where the news comes from or who made the news in the first place. Many immediately believed and hastily shared the news or information with other users.

The number of fake news (hoax) is increasing at the time of the election (which is included in the socio-political topic), and is associated with hoax content which tends to be greater on political topics. When compared between the percentage of types of fake news or hoaxes in 2017 and 2019, the description is as follows:



Figure 1. Comparison of Types of Fake News Information in 2017 and 2019

Source: Indonesian Telecommunications Society

In North Sumatra, there are several cases related to the spread of hoaxes handled by the North Sumatra Regional Police. Overall, from 2016 to 2018, there were 15 cases of hoaxes that led to hate speech via the internet or social media. The North Sumatra Regional Police received a significant increase in cases in handling cases of spreading false news via the internet (hoax) in North Sumatra with the following details:

Table. 1. Number of Hoax Cases in North Sumatra 2016-2018

Years	Case	Case Status	
		Finish	On Progress
2016	1	1	0
2017	3	2	1
2018	11	1	10

Source: North Sumatra Regional Police

Based on this data, the number of cases received by the North Sumatra Regional Police in 2018 was the highest with a total of 11 cases, but the handling of cases carried out by the

North Sumatra Regional Police related to the spread of fake news (hoaxes) has not achieved results the maximum, this can be seen from the status of cases in 2018 which had 11 cases but only 1 had been handled.

This shows that handling cases in the field of technology, especially the crime of spreading false news (hoax) is quite difficult to handle, considering that there are many factors that affect the difficulty of finding a bright spot in a case. Obstacles that occur in the field such as the difficulty of finding the identity of the perpetrator, fulfilling the elements so that the act can be categorized as a crime, gathering evidence related to the spread of false news, and others make the case handling process take quite a long time.

Not only in 2018, of the 3 cases recorded in 2017, there is also 1 case that is still being processed by the North Sumatra Regional Police, handling cases related to the criminal act of spreading false news through internet media. The police, in this case the North Sumatra Regional Police, are still trying to resolve cases that are still in process so that they can be resolved optimally.

Based on the results of the author's interview with the resource person, the actions taken by the North Sumatra Regional Police to take action against the perpetrators of spreading fake news with 2 (two) efforts, namely penal efforts and non-penal efforts. The penal effort in question is law enforcement against perpetrators of spreading fake news (hoax) by being given sanctions according to the law, which is applied based on Article 28 Paragraph 1 of Law Number 19 of 2016 concerning Information and Electronic Transactions.

Not only subject to Article 28 paragraph (1) in conjunction with Article 45 of Law Number 19 of 2016 concerning Information and Electronic Transactions, but can also be subject to articles in Law Number 1 of 1946 concerning the Criminal Law Regulations (KUHP), namely Article 14 which reads:

- (1) Whoever, by broadcasting false news, intentionally causes trouble among the people, shall be punished by a maximum imprisonment of ten years.
- (2) Whoever broadcasts a news or issues a notification that can cause trouble among the people, while he should be able to think that the news or notification is a lie, is sentenced to a maximum imprisonment of three years.

Also in Article 15 which contains: "Anyone who broadcasts news that is uncertain or news that is excessive or incomplete, while he understands at least it should be able to suspect that such news will or has been able to cause trouble among the people, is punished with a maximum prison sentence two years".

The application of the article is an effort or action taken by the North Sumatra Regional Police to ensnare the perpetrators of spreading false news, but the nature of the enforceability of the article is a complaint offense in which there must be a victim who is harmed related to the false news. However, it is possible that the spreaders of fake news can be ensnared without a report from the aggrieved party. As long as the elements contained in the article are met, the police have the authority to take action against the perpetrators of spreading false news to prevent commotion among the public, especially those in cyberspace. It is hoped that these enforcement efforts can provide an example to other communities that the act of spreading fake news is a crime that carries a fairly high threat of punishment. So that people will be aware and obey the applicable law, especially on the crime of spreading false news.

Next is non-penal efforts, through non-penal channels, countermeasures through non-penal channels can also be referred to as efforts carried out through channels outside of criminal law. This effort is a countermeasure effort that focuses more on preventive properties, namely actions in the form of prevention before the occurrence of a crime. Through this non-penal effort, the main target is to deal with the conducive factors that cause crime, which includes problems or social conditions that directly or indirectly can lead to or foster crime, especially to the perpetrators of the crime of spreading false news. Hoax).

The various roles carried out by the North Sumatra Regional Police in tackling the crime of spreading false news through the internet, there are at least 3 (three) efforts made, namely preemptive, preventive, and repressive efforts. More explicitly, based on the results of an interview with Mr. Jo Siahaan that these roles are as follows:

Pre-emptive efforts, related to the pre-emptive duties and functions of the National Police, that in practice in the field, the Police refer to this pre-emptive term as "community development" or "indirect preventive", namely coaching that aims to make the community become law abiding citizens or the community is obedient to the law (Suparlan, 2004). What is meant by preemptive efforts are initial efforts made by the police to prevent the occurrence of criminal acts. Efforts are made in preventing crime in a preventive manner is to instill good values/norms so that they are crystallized in a person to prevent himself from committing crimes, in this prevention comes from the theory of NKK (Intention + Opportunity = Crime).

If the values or norms have been crystallized properly, they can eliminate the intention to commit crimes even if there is an opportunity. Preemptive prevention carried out by the police in overcoming criminal acts of perpetrators of spreading fake news (hoax) is by conducting socialization through social media (social media).

Preventive, while what is meant by preventive efforts is a follow-up to preventive efforts that are still at the level of prevention before the occurrence of a crime, the emphasis in this effort is to eliminate the opportunity to commit a crime. Preventive prevention carried out by the Police in dealing with criminal acts of perpetrators of spreading fake news (hoax) is by forming a Cyber Patrol Task Force (Satgas Cyber Patrol) which is incorporated in Sub Division 5 of the Special Criminal Investigation Directorate of the North Sumatra Regional Police which handles crimes in cyberspace in the form of supervision in Information Technology or Social Media.

Repressive, while what is meant by repressive efforts are efforts made when a crime/crime has occurred whose actions are in the form of law enforcement by imposing penalties. Repressive efforts are conceptual efforts to overcome crime which are taken after the crime has occurred. Countermeasures with repressive efforts to take action against the perpetrators according to their actions and improve them again so that they are aware that their actions are unlawful and detrimental to society, so they don't repeat it and other people will not do it, considering the heavy sanctions.

The repressive prevention carried out by the police in overcoming the criminal acts of the perpetrators of spreading false news (hoax) is by enforcing the law against the perpetrators of spreading false news (hoax). In addition to this, the strategy of the North Sumatra Regional Police in tackling the spread of fake news is also by socializing to the public about hoaxes, by explaining the characteristics and types, so that it is hoped that from this method the public can understand and understand fake news or hoaxes.

Then the North Sumatra Regional Police also collaborates with the media (online or conventional) both with leaders or media owners, journalist organizations and with journalists, so it is hoped that this method can help counter the spread of fake news or hoaxes and can even help with clarification or straightening news in the community.

Furthermore, the North Sumatra Regional Police took internal action by sending a Telegram Letter to all Polres under the coordination of the North Sumatra Police, regarding the prevention of criminal acts of spreading false news (hoaxes), so that in this way the police ranks can maximize supervision of the community as a whole by involving members of the public the police to the village or sub-district level (Bhabinkamtibmas).

In addition, the North Sumatra Regional Police often collaborate with fellow Regional Leadership Communication Forums in North Sumatra Province, especially with the Communication and Information Office of the North Sumatra Provincial Government, for blocking social media, so that in this way it is hoped that they can monitor the circulation or movement of usage. internet and social media, because the Communication and Information Office is an agency that has a line of coordination with the Ministry of Communication and Information at the central level, and is an agency that has the authority to block and monitor the internet.

These efforts are the steps implemented by the Regional Police of North Sumatra, in particular the Sub Bid 5 of the Director General of Crimes at the North Sumatra Police in tackling the crime of spreading false news through internet media in the North Sumatra area. With these efforts, it is hoped that the people of North Sumatra will be wiser in responding to an issue or news that is spread freely on the internet, and not easily provoked by issues that are spread with lies.

IV. Conclusion

The main factor that causes false information (hoax) to spread easily in Indonesia is the character of the Indonesian people who are considered not used to having opinions or a healthy democracy. Global threats that can divide Indonesia's unity and integrity, one of which is the rise of hoax news or fake news issues, which are often news containing slander and false news that are spread widely through the mediation of social media. It is difficult to reduce the spread of fake news or hoaxes spread by these irresponsible people.

Criminal sanctions against the spread of false news that can harm consumers or express hatred are contained in Article 28 paragraph (1) and paragraph (2), related to the sanctions contained in Article 45 paragraph (1), namely a maximum imprisonment of 6 (six) years and / or a maximum fine of Rp. 1.000.000.000,00 (one billion rupiah).

The Regional Police of North Sumatra as the leading element in overcoming any threat of spreading false news through the internet must have efforts to deal with fake news both pre-emptively, preventively and repressively. Pre-emptive efforts are basically in the form of fostering positive activities for the community, while preventive efforts are in the form of controlling and supervising internet media.

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