**Online Fake News, Indonesia Law and Islamic Perspective**

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**Abstract:**

*The effects of internet use bring with it many negative aspects linked to online fake news in Indonesia. Indonesia's fight against the spread of online fake news has been going on for many years. However, in 2017, the country experienced the biggest challenges in the bid to battle and resolve the rise of post-truth politics in the country. In addition, the spread of fake news in Islam is prohibited and perspectives from Islamic law equally discouraged the same. There is no harm in making gossip focused on sharing real experiences and emotions but Islam forbids any information being made with the intention of spreading rumors or falsehood. Therefore, the aim of this paper is to discuss online fake news based on Indonesia Law and Islamic Perfectives. The study conducts descriptive analytical literature review methods without using a basic assumption or proposition. Also, the literature used by the author for data collection includes primary and secondary sources from previous studies, such as publications, reference books, online news verification; and ayahs from Qur’an & Hadith that are centered on Indonesia Cyber Crime Law Settings. Cybercriminal offense governed in Law No. 11 Year 2008 on Information and Electronic Transactions (UUITE) relating to online fake news item number one: criminal offenses involved in illegal activities, such as: distribution or propagation, transmission, unavailability of illegal content, including: ethics (Article 27[1] UUITE), gambling (Article 27 [2] UUITE); disrespect or defamation (Article 27 [3] UUITE); outrage or threats (Article 27 [4] UUITE), hoax manipulating and damaging customers (Article 28 [1] UUITE); creates a sense of ethnic hostility-based bigotry (Article 28 [2] UUITE). Equally, online fake news is also not allowed in Islam and that is evident in some ayahs stated in the Qur’an, which among are: Qur’an (49:6) & (24:15). Since online fake news has to do with spreading lie, falsehood, rumors and gossips, Islam condemns all kinds of deceit. Therefore, spreading rumors should not be treated as trivial or casual nor be encouraged as a form entertainment due to the high concerns it can raise and its far-reaching implications.*

**Keywords:** *Indonesia: Indonesia Law; Online Fake News; Cybercrime; Islamic Perspective*

1. **Introduction**

Online fake news has become a talking point and recent reactions to it tend to describe it distinctly from previous studies. Previous researches used the phrase to refer to similar but distinct types of content. Namely: media comedies, democratic parodies, and conspiracy reports. Though, the researches seem to identify fabricated rumors propagating on social networking sites. However, false information available on the internet has been imposed to disparage critical reporting by some media sources. Thus, further muddling discussion and debate around fake news (Tandoc, Wei & Ling, 2017). The battle against the expansion of falsified digital media has been going on in Indonesia for many years and the toughest obstacle the country has faced so far was witnessed in 2017 when the country has to battle with resolving myriads of post-truth politics. This is combined with chronically low rates of digital literacy, and the unlimited power that technological progress continues to bring has allowed the remarkable ease of false knowledge distribution in society, which has resulted in the country experiencing disastrous consequences firsthand.

Therefore, it has not become a rare sight to see Indonesian news headlines featuring one of the most common buzzwords of 2017, from the social tensions along ethnic fault lines to the number of repressions and hate speeches against political minorities: "hoax." In addition, the seriousness of the online fake news scenario in Indonesia was further highlighted in August by the identification of the so-called “Saracen syndicate”, a group of profit-oriented fake-news producers who manipulated cultural, racial, and religious disparities for economic benefit. Police detectives found that the group received money of up to IDR 100 million a month, acknowledging orders from political parties and candidates to generate online content that is defamatory and provocative. Moreover, the country faced another consequence of fake news later in September when false information regarding events at the Jakarta Legal Aid Institute (LBH) incited hateful protests and demonstrations (Bima, 2018).

Hoax news in the Indonesian lexicon has become a talking point. The word 'hoax news' is identical to the more widely accepted word 'fake news': content intentionally fabricated and veiled as real. Most Indonesians accept arrests for producing fake news because mainstream (and often scholarly) opinion typically claims that the authorities cannot keep up with the producers of hoax news. Indonesian police arrest many Indonesian people for producing or circulating fake news and the debate is about freedom of expression, effective violent act, and continuity in law enforcement (Tapsell, 2019). The impact of internet use brings with it many negative aspects linked to fake online news in Indonesia. It raises the likelihood of acts related to unethical conduct that were deemed improbable. As one analysis postulates, "crime is a function with one's own society." It indicates the crime-causing community themselves. The higher the number of society's intellectuals, the more complicated crimes will also happen within the group. An article in Undang-Undang Informasi dan Transaksi Elektroik (UUITE) has generated a demand for cyber law in Indonesia that departs from the initial amount of digital world trade exchanges and in its development. UUITE whose design has been on the agenda of the House of Representatives for almost ten years continues to increase restriction on the provision of, particularly security from hackers’ attacks. Though, there is already existing legal protection in cyberspace including online fake news (Mandasari & Putera, 2016).

In addition, the spread of false news in Islam is prohibited and this menace is not encouraged in the context of Islamic law. Islam fosters a productive debate among its followers. This promotes an atmosphere in which people in a community or culture sit together and share knowledge and opinions on matters of mutual well-being. But Islam prohibits any other activity not aimed at making other people's lives easier. One of those conversational activities which Islam condemns is gossip or false news. There is no harm in making gossip focused on sharing true ideas and opinions, but Islam prohibits any gossip being made in order to push misinformation or propaganda.

The penalty for spreading gossip or false news in Quran would be easily understood by Muslims who study Quran. Even in the hadiths, Prophet Muhammad S.A.W speak against such act. As humans, people are often short-sighted for seeing everything only in the sense or interpretation which is under our control or dominance. We convey a misunderstanding that it is superficial and there is no substance associated with it but it is not that confusing that false news is insignificant, rather, our understanding of things is trivial and immature. It is only Allah Almighty who has a better view of things and who knows that in any case and in any circumstance, any harm that a seemingly casual or irrelevant rumor or false news may trigger can be prevented. Hence, spreading rumors that can be done for fun or joking is never trivial or casual but it is still serious and has far-reaching consequences. Islam detests it, a Muslim must refrain from spreading gossip, which can only be done if a Muslim first investigates it when he hears a news and then makes fair use of such news in his or her language. Hence, the aims of this paper are to address online fake news based on Indonesian law and Islamic perspectives.

**1. Literature Review**

* 1. **Definition of online fake news**

Online fake news is information that are presented as viral posts based on wrong accounts and built to sound like attractive headlines online. A recent study demonstrates fake news as deliberately and provably false news articles which could mislead readers (Allcott & Gentzkow 2017). In the news industry, online fake news refers to digital contents that have been raised by the constant spread of false news/ false information (Reis & Oliveira, 2017). The Network for Ethical Journalism (2017) illustrates false information as "documents intentionally produced and propagated with the aim of deceiving and misleading others into accepting untruths or disputing verifiable evidence" that discusses a specific motive.

**1.2 Type of online fake news**

Tandoc, Wei & Ling (2017) identify six ways of categorizing online fake news. They listed the category as: comedy; parody; manufacture; exploitation; propaganda; and advertising. In line with how the aforementioned categories are defined in their studies. This paper further explains the categories as follow:

*News satire*

Tandoc, Wei & Ling (2017) observe that the most common conceptualisation of fake news is satire. This is related to mock news stations that usually use humor or distortion to circulate news reports to the public. Another example of such show is Daily Show. Such program typically talks about current affairs and often use the television news reporting style (a "talking head" behind a desk, with descriptive graphics and video), as well as a regular news program. A key difference, however, is that they market themselves first and foremost to provide entertainment rather than facts, with broadcasters considering themselves celebrities or comedians instead of journalists or commentators for news. The programs are created with a humorous inspiration which is very clear. Use wry, cynical, or over-the-top graphics or remarks, they are infused with humor to retain the attention of the usually younger audience. Unlike conventional television news, these shows are performed in front of a listener who is heard screaming as they read the zingers.

*News Parody*

Parody is another category of online fake news that shares many characteristics with satire, as both rely on humor as a means of attracting a community. This also incorporates a writing style which mimics the conventional media outlets. Although, parodies vary from satire, however, the use of injecting humor that take cognizance of misleading content is reflected in parody. Instead of providing humoral specific overview of current affairs, satire focuses on the ridiculousness of issues and highlights them by publishing completely fictional news stories. An example of this is the most prominent Onion Parody Website, which on occasions was in reality confused for an actual media platform. Berkowitz and Schwartz (2016) argued on how media parodies and anti-mainstream media outlets such as editorials and writers run a similar position to that of satire specifically that they are part of the "fourth state." The Fifth Estate sets up a particular gateway vis-a-conventional platform by empowering strike on all prominent figures and media outlets. Comedic and satire sites help ensure that ethical journalistic integrity is upheld by acting as watchdogs of the public, helping to boost the reputation of the media.

*News Fabrication*

"Fabrication" is the third interpretation of false news in the study of Tandoc, et. al., (2017). This applies to stories that have no supporting evidence but are written in the form of news articles to establish credibility. Unlike satire, the author and the reader have no tacit perception that the element is fake. In reality, the objective is often quite the reverse. The item's manufacturer also has the purpose to misinform. Manufactured products may be uploaded on a website, blog, or social media platform. When political media post these reports, the difficulty of identifying invented false news exists, offering a sense of integrity and objective coverage. For example, right-wing Breitbart's argument that stock value for supermarket goal have dropped as a result, its transitional policies are questionable, since there were more likely causes for the reduction (Palma 2017).

*Photo Manipulation*

Online fake news has also been used to make reference to manipulating actual photographs or videos to create lies. Each category represents visual news where the preceding sections usually applied to text-based products. With the growth of technology imagery, powerful tools for editing, software and awareness of techniques, the production of photographs has become an increasingly popular phenomenon. Effects can vary between simple and complex. Expanding color saturation and eliminating minor objects may require easy changes. More invasive modifications also include erasing or attaching a person in an image. The ever-broader phenomenon surrounding pictures is what we call misrepresentation. Since none of the researches reviewed in this study used the term "fake news" as connected to misinterpretation, several cases have been identified. A recent example is the infectious exchange of a photo on Twitter displaying buses allegedly being collected to transmit anti-Trump protesters (Maheshwari 2016).

*Advertising and Public Relations*

False news has also been used in the content we reviewed to portray promotional messages in the form of legitimate news stories as well as referring to media releases released as news. Nelson and Park (2015) studied the use of VNRs, with their study focusing on the belief systems and integrity of the audience regarding it. The VNRs were measured in response to pre- and post-disclosure of their sources. Such video updates were regarded to be fake news as they are generated by 3rd parties, frequently marketing or strategic communications departments, and are presented for probable implementation into a real news broadcast by television media outlets. Although the use of the material is decided by media outlets, the obscuring of its sources may deceive viewers into thinking that the news generated is absolutely bias-free.

 *Propaganda*

Propaganda as discussed in the study of Tandoc, et. al., (2017) are stories that are created by a political group to influence people's attitudes. The explicit goal is to benefit from a political official, organisation, or administration. One research reviewed news reports about Channel One, an official Russian news channel broadcasting both domestic and international information in Russia (Khaldarova & Pantti 2016). Although it is a sort of outdated media source, however, the findings of the research revealed that Channel One does not accede to the same journalism guidelines as media outlets in Western democracies do. Fake news often focuses on fact, as is the case with advertising but includes bias that supports a particular side or viewpoints. Although, that is not unusual of the media. However, this mix of news and commentary hides behind its statement that it is an unbiased piece of news; even so, the purpose is always to persuade rather than enlighten.

*The impact of online fake news*

Online fake news, identified as news deliberately promoting deception in order to manipulate the audience, also recognized as misinformation, may have significant implications for brands, companies, and communities as a whole. A prime example, the presidential election and the controversy over whether the election outcome may have been affected by misleading social media posts has caused a number of columnists from credible news outlets to warn that candidates should not be named without the consequences of fake news. Fake news in the sense of public opinion and political intelligence can be especially harmful, since an excellently-informed public is central to any democratic society. Additionally, brands can also be influenced in a variety of ways by and effect fake news. Second, companies can be the primary object of false reports with serious implications: when a fake news article went viral, Pepsi’s stock plummeted four per cent. Second, brands may influence fake news stories by aligning themselves with questionable content, knowingly or unconsciously. If this occurs, it can be viewed as companies that embrace or even support false news, which can, on the one hand, make false facts credible and, on the other, sterilize the image of a brand. (Paschen, 2020).

1. **Methodology**

The study implements concise empirical literature review procedures without using a simple premise or hypothesis, but it begun with a description of the thoughts and problems that are to be studied. The literature system is one of the data collection techniques used in social science research to document records of events. In addition, the literature consulted for data collection by the author includes sources from earlier studies, such as journals, reference books, online media documentation, Qu'ran & Hadith, and ayahs which are related to online fake news.

1. **Discussion**
2. **Online fake news and Indonesia law**

As observed from the literature and related sources reviewed for this study. Findings reveal that in Indonesia, the issue of online fake news is very problematic. There are also some concerns about how to classify "hoaxes" news or facts. Which included if terms of argument and comprehensively "parody" evidence can be regarded as fake news and how to differentiate fake news stories and expression of hate, as well as whether expression of dislike could be a fraud. Another type of misinformation that spreads rapidly in public areas (especially on the online fake news) is information or news that challenges their country's memory, values, ethnic groups, or Indonesian people's background. Some of such false news websites have been suspected of undermining and disrupting the integrity of the Indonesian people's institutional memory.

Online fake news is considered to induce ongoing factions, bias and even fights in distinct parts of Indonesia, and is blamed for causing them (Salam, 2018). In addition, Indonesia already have an information security program and policy undertaken by government agencies and even the official community to manage this circumstance called cyber security law by the Indonesian government. The Ministry of Communication and Informatics (MCI) develops the Cyber Security Policy. In Indonesia, there are three government agencies associated with information defense, which are Information Security Coordination Committee, Cyber Security Division, and the Internet Infrastructure (ID-SIRTII) Security Incident Response Committee. National cyber security aims at data and information privacy, dominance, and power. National cyber security is essentially linked to intelligence operations involving numerous actors, such as the military, government, state-owned corporations, academics, private industry, individuals, and the foreign world (Rizal & Yani, 2019).

In its guidelines based on Electronic Information and Transaction (ITE) Act No. 11 of 2008, the Government of Indonesia has developed a cyber-security action plan. There are several other strongly emphasizes specifically to the regulation but applicable to such information, such as Telecommunications Law No. 36 of 1999 and Public Information Access Law No. 14 of 2008 (Rizal & Yani, 2019). Based on Indonesia Cyber Crime Law quoted from Mandasari & Putera (2016), there are several articles that may have noticed that we look at the UUITE snares and avoid them. There are around 11 publications governing acts that are forbidden at UUITE, covering almost 22 forbidden forms of behavior. Of the 11 books, there are three alleged reports that will inadvertently endanger bloggers, website surfers, and fake news makers. Article 27, Paragraph (1) states that: 'Any person, deliberately and without the right to circulate and/or transfer and/or make unavailable Electronic Data and/or Electronic Documents are accused of breach of decency. Article 27(3) further states that: 'Any person, intentionally and without the right to distribute and/or transmit and/or make inaccessible Electronic Information and/or Electronic Documents charged with insult and/or defamation; 'Article 28, paragraph (2):' Any person, deliberately and without the right to spread information meant to incite personal contempt or aggression and/or a specific group of individuals based on nationality, faith, race and intergroup (SARA); 'For infringements of these sections, the UUITE penalties shall be sufficiently severe, as provided for in Article 45(1) and (2). Article 45, paragraph (1):' Any person who complies with the requirements listed in article 27(1), paragraph (2), paragraph (3), or paragraph (4) shall be punished by imprisonment for 6 (six) years and/or a maximum fine of IDR 1,000,000,000 (one billion rupiahs). Article 45(2): "Any individual who complies with the requirements referred to in Article 28(1) or (2) punishable with imprisonment of 6 (six) years and/or a fine of 1,000,000,000 (one billion rupiahs)”. “

Furthermore, based on Indonesia Cyber Crime Law quoted from Mandasari & Putera (2016) “Cybercriminal offense environment governed by Law No. 11 Year 2008 on Information and Electronic Transactions (UUITE). There are many criminal offenses and the online fake news strategy is number one: criminal offenses associated with illegal operation, such as: publication or dissemination, transmission, poor accessibility of pirated material, including: ethics (Article 27[1] UUITE). Gambling (Article 27 [2] UUITE); slander or libel (Article 27 [3] UUITE); indignation or intimidation (Article 27 [4] UUITE). Hoax manipulating and damaging customers (Article 28 [1] UUITE); develops a feeling of ethnic animosity focused hatred (Article 28 [2] UUITE). Transmit messages usually contains acts of harm or individual scare (Article 29 UUITE); in any manner to be accessed illegally (Article 30 UUITE). Unconstitutional information or electronic records and computer infrastructure detection (Article 31 UUITE).

**2. Online fake news and Islamic perspective**

Islam as a religion of peace does not support spreading lies and falsehood. These include misleading information, like rumors and gossips. Islam condemns all kinds of deceit. However, there are a few cases in which even Islam allow to lie in some conditions. Lying is something that most people do, Muslims as well as non-Muslims. The Prophet Muhammad said: "You must be honest, for truthfulness leads to righteousness and justice leads to Heaven. A man must continue speaking the truth and aspire to tell the truth until he is registered as a Siddiq (truth-speaker) with God. Beware of constantly lying, since lying leads to inhumanity, which leads to Hellfire. A man will continue to say lies and seek to tell lies until he is registered as a liar with Allah "(Sahih al-Bukhari 6094).

The worst kind of lying is to tell lies about Allah and His Messenger, and then to spread lies among people with the intention to cause trouble among them. Telling lies is typically one of the characteristics of the hypocrites while talking as the Prophet (blessings and peace of God be upon him) said: "There are four main components, and whoever has them all is a pure hypocrite, and whoever has one of them has one of the attributes of hypocrisy, until he relinquishes it: when he is entrusted with something, he disrespects the trust, when he speaks, he lies, when he makes a vow, he exposes it and when he argues, he appeals to it.

In the Ayah (49:6) Allah Almighty discusses both the question and the answer for it. Thus, with one or two encounters or conversations with a person, one can decide whether or not the person is a liar, and once that is understood, a Muslim must always verify and evaluate the news that emanates from such person. Lying is the underlying cause of rumor’s existence, and those who know the news of a dishonest person can pause and check it before transmitting it to others. Any action taken without verifying the news from a liar is likely to cause an action that a Muslim would find in the future.

"O whoever you believe! If a Faasiq (liar – evil person) appears to you with some news, check it, lest in ignorance you can hurt people, and then you become sorry for what you have done "(Qur'an 49:6).

Some might say the story is just for rumors, and it is not about lying. So, gossiping and spreading the lie is acceptable, as that has nothing to do with lies to them. Therefore, rumors are not some kind of gossip that one may follow in recreation, but instead the transmission of rumor is a form of deception, and the way it is spoken or communicated makes it obvious or clear. Moreover, those who circulate gossip and rumor simply talk lies with directness and fearlessness. Ergo, a Muslim, can distinguish healthy gossip from the one that turns into a conspiracy which in turn is a form of lying on a massive scale. In this hadith the intention is as plain as it comes. Spreading gossip and spreading rumor is not one of God All-Powerful adores deeds. So, as it is essential for a Muslim to obey his or her mother, it is incredibly crucial for a Muslim to stay away from gossip. The practice of gossiping may seem insignificant at first but if the implications are investigated one becomes conscious that they are more dangerous than what one connects with rumor or informal gossiping.

The seriousness of chattering and transmitting a false rumor is discussed by Allah Almighty in Quran as follows: False chatter about spreading rumors - "When you heard it with your tongues and said with your mouth that of which you had no knowledge, and when it was enormous in the sign of Allah, you felt it was meaningless" (Quran 24:15).

As humans we are short-sighted and see things only in the sense or focus which is under our control or power. We may spread a rumor that it is informal and irrelevant to any context, but it is not that the rumor is insignificant, but rather that it is our interpretation of things that is trivial and teenage. Only Allah Almighty has a greater view of things, and knows what harm a seemingly casual or inconsequential gossip can do, but it must be prevented in any case and in any circumstance.

The concern then to ask is how a Muslim should be dealing with propaganda / speculation chatting or how he or she can stay far away and endure its evil consequences. The response can easily be derived from the following hadith of Prophet Muhammad S.A.W. in which he said: "When a man gets up every day in the morning, all his body parts alert his tongue saying: 'Fear Allah for us, for we are under your mercy; if you are upright, we will be upright, and if you are twisted, we will be twisted' (Sunan al-Tirmidhī 2407).

The tongue of one human is at the heart of all this. A person generates speculation in this language, and if this language is regulated then the end result would be a person who abstains from spreading rumors. In addition, one must also avoid sitting in the community of liars, from whom one only hears false claims, which are then communicated through the tongue. So, besides policing one's own tongue, one can also avoid spreading fake news by testing its source first and then asking others about it. In a summary, spreading gossip that can be done for fun is never trivial or informal but critical and has far-reaching consequences. As Islam dislikes it, a Muslim must always guide against spreading false information, which can only be done if a Muslim first explores the information when s/he discovers such news and then make fair utilization in his or her language.

1. **Conclusion**

Online fake news defines as viral posts based on inaccurate accounts styled to appear like reports from online news. A recent research described fake news as consciously and observably false news stories, which may deceive readers (Allcott & Gentzkow 2017). In Indonesia, battle against spreading false news has been going on for many years, but 2017 has probably seen the biggest obstacles the nation has faced so far in terms of addressing the emergence of post-truth politics. In addition, the spread of false news in Islam is prohibited, and this act is not encouraged in the perspective of Islamic law. Islam fosters a constructive conversation among its practitioners. In addition, based on Indonesia Cyber Crime Law Settings. Cybercriminal offense governed in Law No. 11 Year 2008 on Information and Electronic Transactions (UUITE) linked to false news online statements number one: criminal offenses associated with illegal operation, such as: transmission or propagation, dissemination, lack of access of illegal content, including: morality (Article 27[1] UUITE). Gambling (Article 27 [2] UUITE); slander or libel (Article 27 [3] UUITE); indignation or intimidation (Article 27 [4] UUITE). Hoax misleading and damaging customers (Article 28 [1] UUITE); gives a sense of ethnic animosity-based discrimination (Article 28 [2] UUITE); Send information usually contains violent threats or individual scare (Article 29 UUITE); in any manner to be accessed illegally (Article 30 UUITE); restricted content or electronic records and computer networks surveillance (Article 31 UUITE).” Based on Al-Qur'an al-Kareem, Surah Al-Hujurat (49:6), Surah An-Nur (24:15), Sahih al-Bukhari (6094), Sahih al-Bukhari (34), Sunan al-Tirmidhī (1973), and Sunan al-Tirmidhī (2407), online fake news is not allowed in Islam because encourages lies and spread something not true which include rumors, and gossips. Islam condemns all kinds of deceit. In a nutshell, spreading gossip that can be done for fun is never harmless or informal but it is still critical and has far-reaching consequences. As Islam dislikes it, a Muslim must prevent him/herself from spreading false information, which can only be done if such Muslim first explores it when s/he hears a news and then make fair use of such information in his/ her language.

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***Qur’an & Hadith :***

Al-Qur'an al-Kareem, Surah Al-Hujurat [49:6]

Al-Qur'an al-Kareem, Surah An-Nur [24:15]

Jami Al Tirmizi [5] Chapter 272, Hadith 2407

Sahih al-Bukhari [34] Book 2, Hadith 27

Sahih al-Bukhari [6094] Book 78, Hadith 121