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PENGAJUAN LEKTOR KEPALA
Dr. Rafiqi,SH,MM,M.Kn

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*Civil Law And Criminal Law Aspects Of Hoax News In
Electronic Media*

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Jumat, 26 Mei 2023

Dear Rafiqi, Maswandi, Marsella

I appreciate your article entitled Civil Law and Criminal and Law Aspects

of Hoax News in Electronic Media can be published in the journal Pena

Justusia, Faculty of Law, Pekalongan University. After going through

revisions from the reviewers, the article is declared accepted. After

revision, your article will be in the upcoming regular issue of Desember

2023. Below find a comment from the reviewers.

1. Bibliography has not been written in accordance with the title of the article published in the journal

2. The research method is still very simple does not describe how to solve the problem

Please revise you're the paper, I hope that with this revision your article will be better.

Dwi Edi Wibowo, S.H.M.Hum
Editor In Chief



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SUMMARY REVIEW EDITING HISTORY REFERENCES
 EVENT LOG EMAIL LOG SUBMISSION NOTES

Authors	Rafiqi, Maswandi,Marsella
Title	ASPECTS OF CIVIL LAW AND CRIMINAL LAW HOAX NEWS IN ELECTRONIC MEDIA
Section	Articles
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DATE	USER	EVENT	ACTION
2032-02	Rafiqi	Author revision submitted Rafiqi has revised article...	VIEW DELETE
2032-05-22	Dodi safnuli	Submission metadata updated The metadata for this article was modified...	
2032-05-19	Bebby Suryani	Editor decision submitted An editor decision (Revisions Required) for article...	
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LETTER OF ACCEPTANCE

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Research Title : CIVIL LAW AND CRIMINAL LAW ASPECTS OF HOAX NEWS IN ELECTRONIC MEDIA

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Acceptance for Publication and APC

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Rafqil, bcc: Fauzan

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Dear,

Greetings,

We hereby inform you that the draft of the manuscript that you submitted to the Jurnal Pena justisia entitled *ASPECTS OF CIVIL LAW AND CRIMINAL LAW HOAX NEWS IN ELECTRONIC MEDIA* has gone through a review, revision, and was declared ac December 2023

We inform you that for the administration fee for publication and proofreading, the author can transfer an amount of ID Bank Mandiri account number: **1370017758868 in the name of Naufal wibowo**

Please send proof of transfer to us via email address: naufalwibowo.2016@gmail.com or via whatsapp Mr.Naufal

Wibowo (+ Should you have any inquiries, please do not hesitate to contact us. Thank you and have a nice day.

--

Jurnal Pena justisia

***BUKTI PERMINTAAN REVIEW
I JUNI 2023***

ASPECTS OF CIVIL LAW AND CRIMINAL LAW HOAX NEWS IN ELECTRONIC MEDIA

Abstrac

Advances in information technology (internet) and all forms of benefits in it have their own negative consequences which are increasingly worrying the community. This misuse that occurs in cyber space is what is known as cyber crime or information technology and other electronics using the term computer crime. The formulation of the problem in this research is how aspects of Civil Law and Criminal Law are Hoax news in Electronic Media How are Efforts to Identify the Spread of Fake News/Hoax as a Form of Cyber Crime in Indonesia. The research method in this writing uses Normative Juridical in nature, this research is a prescriptive research. The results of the discussion in this study are the aspects of civil law and criminal law electronic media Hoax news Article 1372 of the Civil Code states that civil lawsuits regarding insults are aimed at obtaining compensation and restoration of honor and good name. The measure used to determine whether a person's actions have offended honor is very broad. The difference between the regulation of fake news in Law Number 1 of 1946 concerning Criminal Law Regulations and the regulation of fake news which is regulated in Law Number 11 of 2008 and Law Number 19 of 2016 concerning Information and Electronic Transactions is, in Articles 14 and 15 it does not mention what kind of fake news it is, while the Information and Technology Law provides more detail on fake news in the context of electronic transactions and utterances that generate hatred. Efforts to Identify the Spread of Fake News / Hoaxes as a Form of Cyber Crime in Indonesia Chairperson of the Indonesian Anti Hoax Society, Septiaji Eko Nugroho provides 5 simple steps that can help identify hoaxes and which are genuine news, along with an explanation. Be careful with provocative titles. Pay attention to the site address , Check facts, Check photo authenticity Join the anti-hoax discussion group.

KeyWords: Civil Law And Criminal Law, Hoax News In Electronic Media

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Commented [FH2]: In the abstract, one sentence is revealed which the author means by repositioning

INTRODUCTON

Advances in internet technology have led to new crimes in the electronic field, namely defamation crimes, data manipulation crimes, espionage, sabotage, provocation, and various other kinds. Even crime through the internet network (cyber crime) is not followed by the government's ability to balance it so it is difficult to control it (Budi Suhariyanto, 2014). In subsequent developments, the presence of advanced computer technology with an internet network has brought great benefits to humans. Its utilization is not only in government, the private sector/company, but has reached all sectors of life including all household (personal) needs. Computers have been able to open new horizons in human life both in the context of promising means of communication and information across national boundaries as well as the dissemination and exchange of knowledge and ideas among scientists around the world.

In subsequent developments, the presence of advanced computer technology with an internet network has brought great benefits to humans. Its utilization is not only in government, the private sector/company, but has reached all sectors of life including all household (personal) needs. Computers have been able to open new horizons in human life.

However, advances in information technology (internet) and all forms of benefits in it have their own negative consequences which are increasingly worrying the community. This misuse that occurs in cyber space is what is known as cyber crime or Information Technology and other electronics using the term computer crime (Maskun 2013). both in the context of communication and information means that promise to penetrate national boundaries as well as the dissemination and exchange of knowledge and ideas among scientists around the world.

Insult and/or defamation, we often deal with in criminal law aspects. and Information Technology and Electronic law Number 11 of 2008, proving that the crime of Information Technology and Electronics Article 27 Paragraph (3) is a special (lex specialis) of insult (beleediging) (Adami Chzawi, 2015).

Regarding the term "humiliation" it must be interpreted as an insult in the sense of the genus, to any act that attacks the honor and good name of a person, an act that contains the nature of humiliation in all forms of humiliation. According to the conception of Criminal Law the term contempt (beleediging) is the Name (qualification) of a group of types of criminal acts based on the protection of the same legal interests (Purnomo, H., 2020).

A legal interest regarding upholding the dignity and honor of an individual's good name. The aim is to achieve and maintain inner peace and tranquility in the association of fellow members of the community from the actions of other people that make people feel ashamed, uncomfortable, offended, polluted, humiliated, all of which give birth to feelings of displeasure, hatred, dissatisfaction, anger, a suffering that torments people's minds.

Article 27 paragraph (3) and Article 45 paragraph (1) of the Information Technology and Electronic Law appear simple when compared to the detailed articles of the Criminal Code. The interpretation of Article 27 paragraph (3) of the Electronic and Information Technology Law must refer to the defamation articles in the Criminal Code. In the Information Technology and Electronic Law, there is no definition of defamation. Referring to Article 310 paragraph (1) of the Criminal Code, it is defined as an act of attacking a person's honor or good name by accusing something of which the intent is to make it publicly known.

Article 27 paragraph (3) which reads: "Every person intentionally and without right transmits and/or makes accessible electronic information and/or electronic documents that contain insults and/or defamation." Article 45 paragraph (1) and Article 27 paragraph (3) Information and

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Electronic Transactions which read: "everyone who fulfills the elements referred to in Article 27 paragraph (1), paragraph (2), paragraph (3), or paragraph (4)) shall be subject to imprisonment for a maximum of 6 (six) years and/or a fine of up to Rp. 1,000,000.00 (one billion rupiah)" (Aziz Syamsuddin, 2011).

Defamation is included in the complaint offense case. Because a person who feels his good name has been tarnished or tarnished because of the negative treatment of other people can file a lawsuit in civil court and if the party who reports wins can ask for compensation and get it, a prison sentence can also receive technological and electronic information against the party who committed the defamation.

Statements that contain information that is not factual and usually tend to demean someone and such statements can harm that person are slander. Defamation is divided into two main types, namely: defamation, said to be defamation if statements that are not factual and can harm someone and the statement is made in a permanent form, such as writing, news on radio or television. Gossip is said to be gossip if the statement that is disseminated is not permanent, such as a lecture/speech. Usually, if there is a defamation case in a newspaper, it can cause resistance from the authors, editors, publishers and distributors. Then, the judges must also be able to ensure that the words used are slander or not (Michael Bland and Alison Theaker and David Wragg, 2001).

Criminal acts of defamation and criminal acts of contempt are regulated in Chapter XVI of the Indonesian Criminal Code concerning insults. At first glance, defamation and insult are almost similar. The two are textually similar. Both are criminal acts that are subjective and public, meaning that there are activities that offend or offend a person's dignity and good name without being publicly known. (Rocky Marbun, 2011).

Hoax as a phenomenon that is booming in the current information age, its existence causes chaos and has a major impact on various aspects. Hoaxes are not a new product of the digital age, we can flash back in human history starting with the Prophet Adam AS as the first human being to experience the consequences of fake news from his actions. At that time, Adam AS received false news from the devil so he had to be expelled from heaven. Hoax news or information did not stop at the time of Prophet Adam AS, but continued until the time of Prophet Muhammad SAW, even in the life of Muslims in the end times this is very common. Like a virus, hoaxes go viral and become famous with the support of sophisticated technological devices so that without realizing it, many people are spreading the news, like a snowball rolling in without knowing its starting point.

The story above is just a small part of the history of hoaxes accompanying human journeys starting from the existence of the first humans, to the next generation, including in the current global era. This means that in the situation and development of telematics communication problems dominate the contemporary world (Al Walidah, 2017).

In this era, the internet plays a role in providing a space for many people to gather regarding the same interests and narratives through social media. Social media allows content to quickly spread across networks until it goes viral. Not only that, social media also provides a quick way to convey information or one-sided opinions without the ability to verify the authenticity of the news conveyed. (Prita, P., Islam, A. B., & Reclamation, A. B. T. (2019)

The high number of social media users such as Facebook, Instagram, Twitter and WhatsApp makes the information validation process even more neglected. Moreover, the trend of news coverage read by social media users is only adjusted to the tastes of each individual, making

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the truth of the information consumed by the public even more misleading. This phenomenon is evidenced by the circulation of fake news (hoaxes) in society through social media.

Substantially the spread of fake news (hoax) is not bound by the dimensions of space and time. The spatial dimension, in the sense that the distribution of social networks is local in nature which has an impact on certain areas only, but allows information technology and electronics to be received also in other areas. Meanwhile, the time dimension refers to old reports that are redistributed under different titles for one purpose.

Various crimes can arise in internet "games" such as fraud, insults, pornography, even crimes against state security, such as leaking state secrets. Money laundering and terrorism can also be carried out via the internet, especially with the inclusion and conspiracy of evil. In this regard, the principle of the application of criminal law, especially the principle of universality, should be extended to several forms of these new offenses.

Crime on the internet can be divided into four parts, namely violations, access, data theft, and dissemination of information for crimes such as committing insults via the internet (Prita, P., Islam, A. B., & Reclamation, A. B. T. (2019).

The number of internet users has always increased from year to year, this has also increased the increase in the spread of Hoaxes. The growth of Internet users from year to year has always increased quite significantly, this has had an impact on fake news or hoaxes which are increasingly being discussed by netters in Indonesia. The party spreading this hoax news has a goal, one of which is to lead public opinion and then form a wrong perception of actual information. Bramy Biantoro (2016) states that there are four dangers arising from hoax news, namely hoaxes waste time and money, hoaxes divert issues, hoaxes become a means of public fraud, and hoaxes cause public panic. In spreading hoax news, irresponsible parties usually commit lies and spread information that is not true consciously (Marwan, M.R., & Ahyad, A., 2016). The goal of hoax makers and spreaders is to lead public opinion and then form a wrong perception of actual information.

Hoax is information that is engineered to cover up real information, in other words Hoax is interpreted as an attempt to distort facts using information that is convincing but cannot be verified, it can also be interpreted as an act of changing actual information, by flooding a media with false messages so that can hide the correct information.

Based on the description of the background of the problem above, the formulation of this problem is as follows:

1. What are the aspects of Civil Law and Criminal Law Hoax in Electronic media.
2. What are the Efforts to Identify the Spread of Fake News/Hoaxes as a Form of Cyber Crime in Indonesia

RESEARCH METHOD

The type of research carried out in the preparation of this researchs normative juridical research, namely research that is focused on examining the application of positive legal principles or norms and this research only focuses on hoaxes. Judging from the nature of this research is prescriptive research, which is to determine what is wrong and what is right. In other words, normative studies study law in books. The normative study of the world is das sollen (what should be) (Achamad Ali and Wiwie Heryani, 2012). This study uses a qualitative analysis method which is data analysis

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that does not use numbers, calculations or statistics (quantitative analysis), but instead provides a description and description in words of the findings and prioritizes the quality of the data and not quantity.

RESEARCH OUTCOME AND DISCUSSION

(1) Legal Aspects of Defamation from the aspects of Civil Law and Criminal Law

Hoax is news, information, fake or fake news. Whereas in the Indonesian Dictionary it is called hoaks, which means fake news (<https://kbbi.kemdikbud.go.id>,) Characteristics of Hoax news Distributed via email or social media because the effect is bigger, Contains messages that make people anxious, panic readers. It ends with an appeal to the reader to immediately forward the warning to a wider forum. Hoax takes advantage of the good faith of the reader, so that the readers of this e-mail, without researching the veracity of the news first, immediately spread it to a wider forum. As a result, traffic for data circulation on the internet is increasingly congested with untrue news, usually the identity of the initial sender of this hoax is unknown (Anto Satriyo Nugroho, 2021).

Article 1372 of the Civil Code states that civil lawsuits regarding insults are aimed at obtaining compensation and restoring honor and reputation. The measure used to determine whether a person's actions have offended honor is very broad.

Article 1365 of the Indonesian Civil Code states that "every unlawful act that causes harm to another person obliges the person who because of the mistake of issuing the loss, compensates for the loss". Article 1372 of the Civil Code states that "civil lawsuits regarding insults are aimed at obtaining compensation and restoration of honor and good name".

The two articles allude to unlawful acts and the payment of compensation. Satrio is of the opinion that the claim for damages based on contempt (Article 1372 of the Civil Code) is a variant of the claim for compensation based on general unlawful acts (Article 1365 of the Civil Code). The similarity of the two articles is that the basis of the lawsuit is that there was an unlawful act. Satrio gave examples of court decisions related to the use of these two articles. However, in the concluding section, he wrote that in principle one cannot but claim compensation based on Article 1372 and at the same time demand compensation based on Article 1365 of the Civil Code. (www.hukumonline.com)

According to Satrio, in the act of "insulting" there are elements of a specific unlawful act, and there is a special regulation, which has no formulation in the regulation of unlawful acts in general. Insult is always associated with a violation of one's good name and honor.

There are several different forms of crime between Article 28 paragraph (1) and paragraph (2) of Law Number 9 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Technology. Article 28 paragraph (1) the form of the crime is spreading fake and misleading news to consumers, while Article 28 paragraph (2) the form of the crime is spreading information (speech) that generates hatred or hate speech.

Article 28 paragraph (1) has similarities with Article 390 of the Criminal Code, it can be seen that these two regulations predominantly regulate buying and selling or business transactions. Both of these articles mention the price of goods, funds and securities, which means that these two articles regulate fake news in business transactions. The difference lies in the media delivered, Article 390 of the Criminal Code does not regulate the media used to spread fake news so that it can also be interpreted that the spread is carried out by electronic media, orally, in writing, and so

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on. Whereas in Article 28 of the Information Technology and Electronic law paragraph (1) it has been stated "In electronic transactions" so that the spread of fake news is carried out through electronic media.

Article 14 paragraphs (1) and (2) in Law Number 1 of 1946 concerning Criminal Law Regulations have little in common with Article 15, namely in this case the perpetrator knows that news or notifications that are disseminated can cause uproar in society.

The difference between the regulation of fake news in Law Number 1 of 1946 concerning Criminal Law Regulations and the regulation of fake news which is regulated in Law Number 11 of 2008 and Law Number 19 of 2016 concerning Information and Electronic Transactions is, in Articles 14 and 15 it does not mention what kind of fake news it is, while the Information and Technology Law provides more detail on fake news in the context of electronic transactions and utterances that generate hatred. The Head of the Public Information Bureau, the Public Relations Division of the National Police, Brigadier General Rikwanto, said that people who spread false information or hoaxes in cyberspace will be subject to positive law.

The positive law in question is the applicable law. So, hoax spreaders will be subject to the Criminal Code, Law No. 11 of 2008 concerning Information and Electronic Transactions (ITE), Law No. 40 of 2008 concerning the Elimination of Racial and Ethnic Discrimination, as well as actions when hate speech has led to social conflict.

Rikwanto revealed that hoax spreaders in cyberspace could also be subject to hate speech as regulated in the Criminal Code and other laws outside the Criminal Code.

Hate speech includes insults, defamation, acts that do not appease, provoke, incite, and spread fake news.

To be punished for spreading fake news. So he must fulfill all the elements contained in the law above. If the elements are not fulfilled, then he cannot be subject to punishment. Based on the explanation above, the form of the criminal act of spreading fake news (hoax) according to the provisions that regulate it, among others:

1. Imprisonment

a) Imprisonment in Article 45A paragraph (1) and paragraph (2) of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions: is punishable by imprisonment for a maximum of 6 (six) years.

b) Imprisonment in Article 390 of the Indonesian Criminal Code: is punishable by imprisonment for a maximum of 2 (two) years and 8 (eight) months.

c) Imprisonment in Article 14 paragraph (1) of Law Number 1 of 1946 concerning Criminal Law Regulations: is punishable by imprisonment for a maximum of 10 (ten) years.

d) Imprisonment in Article 14 paragraph (2) of Law Number 1 of 1946 concerning Criminal Law Regulations: is punishable by imprisonment for a maximum of 3 (three) years.

e) Imprisonment in Article 15 of Law Number 1 of 1946 concerning Criminal Law Regulations: is punishable by imprisonment for a maximum of 2 (two) years.

2. Fines

Fines in Article 45 paragraphs (1) and (2) of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions are punishable by a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah).

Punishment is the stage where the perpetrator is subject to sanctions. Punishment is a form of punishment for a criminal and has positive consequences for the perpetrator, the victim, and

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society. This theory is then called the theory of consequentialism. So that the real purpose of the crime is so that someone does not commit his crime again after being convicted and can prevent other people from doing the same thing. With strict sanctions, people will have at least the fear of violating, so that punishment and/or fines are required as a threat of sanctions against perpetrators of crimes (Kurniawati, Y. R., 2020)

Lately, the virtual world has been stirred up with fake news or hoaxes by a number of irresponsible persons, one of which is Saracen. If there is no caution, the public can easily be influenced by the hoax news being spread and even spread this hoax news again. (Aprialdi Dwi Putra, 2008)

(2) Efforts to identify the Spread of Fake News/Hoaxes as a Form of Cyber Crime in Data from the Ministry of Communication and Informatics states that there are around 800,000 sites in Indonesia that have been indicated as spreading false information," he said. He said that the internet had been wrongly used by certain individuals for personal and group gains by spreading negative content that caused anxiety and mutual suspicion in society.

The Chairperson of the Indonesian Anti-Hoax Society, Septiaji Eko Nugroho provides 5 simple steps that can help identify hoaxes and which are genuine news, along with explanations (Simarmata, J., Iqbal, M., Hasibuan, M. S., Limbong, T., & Albra, W .(2019)

a) Be careful with provocative titles

Hoax news often uses provocative sensational titles, for example by directly pointing fingers at certain parties. The contents can also be taken from official media news, it's just that they are changed to create the desired perception by the hoax maker. Therefore, if you come across news with provocative titles, you should look for references in the form of similar news from official online sites, then compare the contents, whether they are the same or different. In this way, at least you will be able to draw a more balanced conclusion for the reader.

b. Check the site address

For information obtained from the Information Technology and Electronics web or including a link, look at the URL address of the site in question. If it comes from a site that has not been verified as an official press institution - for example using a blog domain, then the information can be considered dubious. According to the records of the Press Council, there are around 43,000 websites in Indonesia claiming to be news portals.

Of these, less than 300 have been verified as official news sites. This means that there are at least tens of thousands of sites that have the potential to spread fake news on the internet that one must watch out for.

c. Fact check

Pay attention to where the news comes from and who is the source? Is it from an official institution like the Corruption Eradication Commission or the Police? It's best not to be quick to believe the

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information comes from mass organization activists, political figures, or observers. Pay attention to the balance of news sources. If there is only one source, the reader cannot get the full picture.

Another thing to observe is the difference between news based on facts and opinions. Facts are events that happened with testimony and evidence, while opinions are the opinions and impressions of news writers, so they tend to be subjective.

d. Check the authenticity of the photo

In the current era of digital technology, it's not only content in the form of text that can be manipulated, but also other content in the form of photos or videos. There are times when fake news creators also edit photos to provoke readers.

The way to check the authenticity of a photo is by using the Google search engine, namely by dragging and dropping it into the Google Images search field. The search results will present similar images found on the internet so they can be compared.

e. Join the anti-hoax discussion group

Facebook has a number of anti-hoax fanpages and discussion groups, for example the Anti Defamation, Incitement, and Hoax Forum (FAFHH), Indonesian Hoax Buster Fanpage & Group, Indonesian Hoaxes Fanpage, and the Lifeboat Group.

In these discussion groups, netizens can ask whether information is a hoax or not, as well as see clarifications that have been given by other people. All members can contribute so that the group functions like a crowdsourcing that utilizes the power of many people.

The act of spreading hoax news or fake news, in the future, if you really want to be regulated in the new provisions, it is better if the legislators make an inventory of any news that contains lies that can harm the legal interests of an individual or can harm the legal interests of a group.

Because not all acts of lying can be punished, therefore the author really wants law enforcement objectively in eradicating the spread of hoax news so that misunderstandings do not arise which can divide the harmony of the State. And so that there are no more groups like the Saracens who receive hoax news services to spread hoax news through electronic media (Herwanto, 2019).

Various "hoaxes" or fake information are circulating on the timeline, spreading through social media such as Facebook, Whatsapp and others. The rapid development of smartphones makes it easier for the public to access various information and news in the palm of their hand, but the impact is that false information spreads easily which causes for some people it is even believed to be the truth. The Director General of Culture of the Ministry of Education and Culture Hilmar Farid even stated that many professors and doctors or academics believe in "hoaxes". "The influence of social media is indeed extraordinary, all you have to do is give a photo and a title, the hoax news will immediately spread," he said. Those who believed in the hoax, he continued, were mostly of the transitional generation. The generation that was born has not been in contact with technology and when they grow up they begin to become acquainted with technology.

Based on research conducted by the Ministry of Education and Culture together with Kominfo in 2015, it is known that the victims of fake news and fraudulent short messages are actually people who have a high level of intellectuality. "In fact, children who are born already in contact with technology, don't easily believe the fake news. The children are more selective because they can

track the source of the news with technology." This fake news is also used by some people to justify their opinion on something. Hilmar said that they were not looking for information but confirmation.

The rise of fake news has also come to the attention of the Head of State who issued an edict ordering an evaluation of online media which intentionally produces fake news without a clear source, with provocative titles and contains slander. Septiaji Eko Nugroho, chairman of the Indonesian Anti-Slander Community Community, thinks that the rise of hoax news if left unchecked is very likely to cause division among the nation's children. He explained "hoax" is information that is engineered to cover up real information or can also be interpreted as an attempt to distort facts using convincing information but the truth cannot be verified.

"Hoax" can also be interpreted as an act of obscuring true information, by flooding a media with the wrong message in order to cover up the true message," he said. He saw the spread of "hoax" starting to bloom since social media was popularly used by Indonesian people because of its nature, which allows anonymous accounts to contribute, also everyone regardless of background has an equal opportunity to write.

According to him, the widespread circulation of "hoax" information was triggered by two motives, namely economic and political. There are sites that are deliberately made with the aim of getting as many visits as possible, by making sensational news. In addition, there are also those whose motive is to channel political aspirations through social media by creating fake news, he continued. Septiaji put forward a number of tips for detecting hoax information so that social media users are not consumed by slander, incitement and hoax news.

First, do a cross check if you find a provocative news title by using the Google search engine to determine whether the news is being read, written and published by other news sites, he said. Then compare the titles and contents of each news, so that a more balanced conclusion can be obtained from several points of view, he said.

Next, netizens please pay attention to the website address and the media that published it, if what is loading it is a fake site, not registered with the Press Council, then you have to be more careful to trust it. He reminded that even sites included in the press council are not necessarily all true, or sometimes the news is made with a certain point of view, but in general official media are more credible because they have journalistic standards, follow the Guidelines for Cyber Media Reporting and can be reported to the Press Council if any. offence, he explained. "This is different from fake sites which sometimes don't have an editor, they don't even mention the name and address of the person in charge," he said.

After that, do a fact check, if the source of the information comes from an authoritative source, for example the Corruption Eradication Committee, the National Police, then that is an official statement, but if the source of the information comes from mass organization activists, political figures, or observers, don't be trusted right away, he said. He cautioned to pay attention to the balance of the news, whether it only contains one source, then also contains other sources that are the opposite, if only from one source, unable to get a complete picture, sometimes readers can make erroneous conclusions. Septiaji also reminded the public to distinguish between facts and opinions. Facts are events that happened with testimony and evidence. Opinions are opinions and impressions of news writers. The more facts that are loaded, the more credible the news is. On the other hand, some sites do aim to lead the reader's mind by increasing the number of opinions.

Next, it is necessary to check the photos in the news articles because sometimes fake news makers also edit photos to provoke readers. To do this, download or screenshot the photos in the article, then open Google Images in a browser and drag (drag) the photo into the Google Images search field. Check the results to find out the original source and caption of the photo. Now they can also use the Android application to check photos and messages. Then, the public can also join the Anti-Hoax Fanpage and join the Anti-Hoax Discussion Group. Report Negative Content. Septiaji invites the public to report if they encounter negative content on social media. He explained that there are several ways to report, starting from using the Report Status feature on Facebook, and reporting it as a hate speech category or other appropriate category. If there are many complaints from netizens, generally Facebook will delete the status, he said. As for Google, it can use the Feedback feature to report sites that exit search results as fake sites which are not true. Twitter also has a feature to report negative tweets, with Report Tweets and Instagram has a Report feature to report negative content, he said. He also invited the public to complain about negative content to the Ministry of Communication and Information by sending an email www.kominfo.go.id.

CONCLUSION

The number of internet users has always increased from year to year, this has also increased the increase in the spread of Hoaxes. The growth of Internet users from year to year has always increased quite significantly, this has had an impact on fake news or hoaxes which are increasingly being discussed by netters in Indonesia. Article 1372 of the Civil Code states that civil lawsuits regarding insults are aimed at obtaining compensation and restoring honor and reputation. The measure used to determine whether a person's actions have offended honor is very broad. The difference between the regulation of fake news in Law Number 1 of 1946 concerning Criminal Law Regulations and the regulation of fake news which is regulated in Law Number 11 of 2008 and Law Number 19 of 2016 concerning Information and Electronic Transactions is, in Articles 14 and 15 it does not mention what kind of fake news it is, while the Information and Technology Law provides more detail on fake news in the context of electronic transactions and utterances that cause hatred.

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14 JUNI 2023

ASPECTS OF CIVIL LAW AND CRIMINAL LAW HOAX NEWS IN ELECTRONIC MEDIA

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The advancement of information technology (internet) and all forms of benefits in it brings its own negative consequences which are increasingly troubling the community. The abuse that occurs in this cyber space is what is then known as cyber crime or Information Technology and Electronic other regulators use the term computer crime. The formulation of the problem in this study is how the aspects of Civil Law and Criminal Law of Hoax news Electronic Media How Efforts in Identifying the Spread of Fake / Hoax News as a Form of Cyber Crime in Indonesia. The research method in this writing uses Normative Juridical, the nature of this research is prescriptive research. The results of the discussion in this study are aspects of civil law and criminal law Electronic Media Hoax News In Article 1372 of the Civil Code states that civil suits regarding defamation are aimed at obtaining compensation and restoration of honor and good name. The measure used to determine whether a person's actions have offended honor is very broad. The difference between the regulation of fake news in Law Number 1 of 1946 concerning Criminal Law Regulations and the regulation of fake news regulated in Law Number 11 of 2008 and Law Number 19 of 2016 concerning Information and Electronic Transactions is that Articles 14 and 15 do not mention what kind of fake news, while the Information and Technology Law is more detailed in mentioning fake news in the context of electronic transactions and speech that causes hatred. Efforts to Identify the Spread of Hoaxes as a Form of Cyber Crime in Indonesia The Chairperson of the Indonesian Anti-Hoax Society, Septiaji Eko Nugroho provides 5 simple steps that can help in identifying hoaxes and which are real news, the following explanation Be careful with provocative titles, Look at the site address, Check the facts, Check the authenticity of photos Participate in anti-hoax discussion groups

Introduction

The advancement of internet technology has led to new crimes in the electronic field, namely defamation crimes, data manipulation crimes, espionage, sabotage, provocation, and various others. Even crimes through the internet (cybercrime) are not followed by the government's ability to compensate, making it difficult to control them (Suhariyanto, 2014).

In a further development, the presence of advanced computer technology with internet networks has brought great benefits to humans. Its utilization is not only in the government, and private/corporate world, but has reached all sectors of life

including all household (personal) needs. Computers have been able to open new horizons in human life both in the context of communication and information facilities that promise to penetrate national boundaries as well as the dissemination and exchange of knowledge and ideas among scientists around the world. However, the advancement of information technology (internet) and all forms of benefits in it brings its own negative consequences which are increasingly troubling the community. The abuse that occurs in this cyberspace is then known as cybercrime or Information Technology and Electronic other terms used as computer crime (Penyitaan & Pengadilan, n.d.).

Insults and/or defamation, we often see in the aspect of Criminal law. and Electronic and Information Technology Law Number 11 of 2008, proves that the criminal offense of Electronic and Information Technology Article 27 Paragraph (3) is a special (lex specialis) of insult (beleediging)(Chazawi & Ferdian, 2015). Regarding the term "insult", it must be interpreted as an insult in the sense of genus, against any act that attacks the honor and good name of a person, an act that contains insulting characteristics in all forms of insult. According to the conception of Criminal Law, the term insult (bleeding) is the name (qualification) of a group of types of criminal acts based on the protection of the same legal interests (Purnomo & others, 2020).

The Criminal Code is detailed. Electronic Information Technology must refer to the defamation article in the Criminal Code. The Electronic Information Technology Law does not contain a definition of defamation. "a person, by means of accusing something with the intention of making it public knowledge, transmits and/or makes accessible electronic information and/or electronic documents that contain insults and/or defamation." Article 45 paragraph (1) and Article 27 paragraph (3) Electronic Information and Transactions which reads: "every person who fulfills the elements as intended in Article 27 paragraph (1), paragraph (2), paragraph (3), or paragraph (4) shall be punished with a maximum imprisonment of 6 (six) years and/or a maximum fine of IDR 1,000,000.00 (one billion rupiah)" (Syamsuddin, 2011).

Defamation is a complaint offense. Because a person who feels that his/her good name has been defamed or polluted due to the negative treatment of others can file a claim to the civil court and if the reporting party wins, he/she can ask for compensation and get it, a prison sentence can also be imposed on the party who

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Article 27 paragraph (3) which reads: "Every person intentionally and without right transmits and/or makes accessible electronic information and/or electronic documents that contain insults and/or defamation". Article 45 paragraph (1) and Article 27 paragraph (3) of Electronic Information and Transactions which reads: "any person who fulfills the elements referred to in Article 27 paragraph (1), paragraph (2), paragraph (3), or paragraph (4) shall be punished with imprisonment of 6 (six) years and / or a maximum fine of Rp. 1,000,000.00 (one billion rupiah)" (Syamsuddin, 2011).

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Therefore, the Hoax phenomenon that has spread in recent times has even been deliberately created for various interests, such as black campaigns to bring down the good name of individuals, groups of organizations, and companies due to business competition. The most obvious thing is that the spread of hoaxes is used for black campaigns in political interests (Masril & Lubis, 2020).

Cyber Crime can be defined as illegal activities with computer intermediaries that can be carried out through global electronic networks. On computer networks such as the internet, the problem of criminality is increasingly complex due to its broad scope. Internet criminality or cyber crime is basically a criminal offense related to cyber space, either attacking public facilities in cyber space or private property.

Crimes on the internet can be divided into four parts, namely offense, access, data theft, and dissemination of information for crimes such as committing insults via the internet (Prita et al., 2019).

The number of internet users from year to year is always increasing, it also increases the increase in the spread of hoaxes, the growth of internet users from year to year has always increased quite significantly, this has an impact on the

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events of fake news or hoaxes that are increasingly being discussed by netizens in Indonesia. The party spreading hoax news has a purpose, one of which is to lead public opinion and then form a wrong perception of the actual information. (Biantoro, 2016) states that there are four dangers caused by hoax news, namely hoaxes waste time and money, hoaxes become issue diversion, hoaxes become a means of public deception, and hoaxes become public panic. In spreading hoax news, usually irresponsible parties commit a lie and spread false information consciously (Marwan & Ahyad, 2016). The goal of hoax makers and spreaders is to lead public opinion and then form a wrong perception of actual information. Hoax is information that is engineered to cover up the real information, in other words, Hoax is defined as an effort to distort facts using information that is convincing but cannot be verified, it can also be interpreted as the act of changing the actual information, by flooding a media with wrong messages in order to cover up the correct information.

Based on the background description of the problem above, the formulation of this problem is to analyze How the aspects of Civil Law and Criminal Law of Hoax in of space and time. The space dimension in the sense that the distribution of social networks is local in nature that affects certain areas only, but allows information technology and electronics to be received also in other areas. Meanwhile, the time dimension refers to old news that is re-distributed with different titles for one purpose.

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Various crimes can arise in internet "games" such as fraud, insults, pornography, even crimes against state security, such as leaking state secrets. Money laundering and terrorism can also be committed through the internet, especially with participation and criminal conspiracy. In connection with this, the principle of the applicability of criminal law, especially the principle of universality, should be extended to some of these new forms of offense.

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III. Results and Discussion

Legal aspects of defamation from civil and criminal law aspects

Hoax is news, information, fake or false news. Hoax news is distributed via email or social media because the effect is greater, contains a message that makes the reader anxious, and panic, and ends with an appeal for the reader to immediately forward the warning to a wider forum (Mufid & Hariandja, 2019). Hoaxes take advantage of the goodwill of the reader, so that the reader of this email without first researching the truth of the news, immediately immediately spreads it to a wider forum. As a result, data circulation traffic on the internet is increasingly dense with untrue news, usually the initial sender of this hoax is unknown (Husein et al., 2022).

Article 1372 of the Civil Code states that civil claims on the subject of defamation are aimed at obtaining compensation and restoration of honor and good name. The measure used to determine whether a person's actions have offended honor is very broad. Article 1365 of the Civil Code states that *'every unlawful act which causes damage to another obliges the person through whose fault the damage is caused to compensate for the damage'*. Article 1372 of the Civil Code states that *'civil claims in the case of defamation are aimed at obtaining compensation and restoration of honor and good name'*. Both articles address tort and the payment of damages. A claim for damages based on defamation (Article 1372 of the Civil Code) is a variant of a claim for damages based on common law tort (Article 1365 of the Civil Code). What the two articles have in common is that the basis of the claim is the existence of an unlawful act. Satrio provides examples of court decisions relating to the use of these two articles. However, in the conclusion he writes that in principle one cannot not only claim damages under Article 1372 but also claim damages under Article 1365 of the Civil Code.

There are several differences in the form of crime between Article 28 paragraph (1) and paragraph (2) of Law Number 9/2016 on the Amendment to Law Number 11/2008 on Electronic Information and Technology. Article 28 paragraph (1) of the crime is spreading false and misleading news to consumers, while Article 28 paragraph (2) of the crime is spreading information (speech) that causes hatred or hate speech. Article 28 paragraph (1) has similarities with Article 390 of the Criminal Code, it can be seen that both regulations dominantly regulate buying and selling or business transactions. Both articles mention the price of goods, funds, and securities, which means that both articles regulate fake news in

business transactions. The difference lies in the media conveyed, Article 390 of the Criminal Code does not regulate the media used to spread false news so that it can also be interpreted that the spread is carried out by electronic media, oral, written, and so on. Whereas in Article 28 of the Electronic and Information Technology Law paragraph (1) it is stated "In electronic transactions" so that the dissemination of false news is carried out through electronic media. Article 14 paragraphs (1) and (2) in Law Number 1 Year 1946 concerning Criminal Law Regulations have little in common with Article 15, namely in this case the perpetrator knows that the news or notification disseminated can cause chaos in the community.

The difference between the regulation of fake news in Law Number 1 of 1946 concerning Criminal Law Regulations and the regulation of fake news regulated in Law Number 11 of 2008 and Law Number 19 of 2016 concerning Electronic Information and Transactions is that Articles 14 and 15 do not mention what kind of fake news, while the Information and Technology Law more specifically mentions fake news in the context of electronic transactions and speech that causes hatred.

To be criminalized a perpetrator of spreading false news. Then he must fulfill all the elements contained in the above law. If the elements are not fulfilled, then he cannot be subject to punishment. Based on the explanation above, the forms of the criminal offense of spreading false news (hoax) according to the provisions that regulate it include:

1. Imprisonment

a) Imprisonment in Article 45A paragraph (1) and paragraph (2) of Law Number 19 the Year 2016 on the Amendment to Law Number 11 Year 2008 on Electronic Information and Transactions: punishable by imprisonment for a maximum of 6 (six) years.

b) Imprisonment under Article 390 of Kitab Undang-Undang Hukum P: punishable by a maximum imprisonment of 2 (two) years and 8 (eight) months.

c) Imprisonment under Article 14 paragraph (1) of Law Number 1 Year 1946 on Criminal Law Regulation: punishable by a maximum imprisonment of 10 (ten) years.

d) Imprisonment under Article 14 paragraph (2) of Law Number 1 Year 1946 on

Criminal Law Regulation: shall be punishable by a maximum imprisonment of 3 (three) years.

e) Imprisonment under Article 15 of Law Number 1 Year 1946 on Criminal Law Regulation: shall be punishable by a maximum imprisonment of 2 (two) years.

2. Criminal Fines

Criminal fines in Article 45 paragraphs (1) and (2) of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions are threatened with a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah).

Criminalization is the stage where the perpetrator is sanctioned. Criminalization is a form of punishment for a criminal and has positive consequences for the perpetrator, victim, and society. This theory is then called consequentialism theory. So that the real purpose of punishment is so that someone does not commit another crime after being punished and can prevent others from doing the same thing. With strict sanctions,

people will have at least a fear of violating, so that punishment and/or fines are needed as a threat of sanctions against the perpetrators of criminal acts (Kurniawati, 2020).

Lately, the virtual world has been shocked by fake news or hoaxes by a number of irresponsible people, one of which is Saracen. If there is no caution, people are easily influenced by the hoax news that is spread and even participate in spreading this hoax news again. (Putra et al., 2018)

Efforts to Identify the Spread of Hoaxes as a Form of Cyber Crime in Indonesia

Septiaji Eko Nugroho, Chairman of the Indonesian Anti-Hoax Society, provides 5 simple steps that can help in identifying hoaxes and real news (Simarmata et al., 2019).

a. Be careful with provocative titles

Hoax news often uses provocative sensational titles, for example by directly pointing the finger at a particular party. The content can also be taken from official media news, only altered to create the perception desired by the hoax maker. Therefore, if you encounter news with provocative titles, you should look for references in the form of similar news from official online sites, then compare the contents, whether they are the same or different. This way, at least you as a reader can get a more balanced conclusion.

b. Look at the website address

For information obtained from the Information Technology and Electronics website or including a link, check the URL address of the site in question. If it comes from a site that has not been verified as an official press institution - for example, using a blog domain, then the information is dubious. According to Press Council records, there are around 43,000 websites in Indonesia that claim to be news portals. Of these, less than 300 have been verified as official news sites, meaning that there are at least tens of thousands of sites that have the potential to spread fake news on the internet that must be watched out for.

c. Fact-check

Pay attention to where the news comes from and who is the source? Is it from an official institution such as the KPK or the National Police? You should not be quick to believe if the information comes from activists of mass organizations, political figures, or observers. Pay attention to the balance of news sources. If there is only one source, readers cannot get a complete picture.

Another thing that needs to be observed is the difference between news based on facts and opinions. Facts are events that happened with testimonies and evidence, while opinions are the opinions and impressions of the news writer and thus have a tendency to be subjective.

d. Check the authenticity of photos

In the current era of digital technology, it is not only text content that can be manipulated but also other content in the form of photos or videos. Sometimes fake news creators also edit photos to provoke readers. To check the authenticity of a photo, you can use Google's search engine by dragging and dropping it into the Google Images search field. The search results will present similar images found on the internet so that they can be compared.

e. Participate in anti-hoax discussion groups

Facebook has a number of anti-hoax fan pages and discussion groups, such as Forum Anti Fitnah, Hasut, and Hoax (FAFHH), Fanpage & Group Indonesian Hoax Buster, Fanpage Indonesian Hoaxes, and Group Sekoci. In these discussion groups, netizens can ask whether the information is a hoax or not, as well as see clarifications that have been given by others. All members can contribute so that the group functions like crowdsourcing that utilizes the power of many people.

The act of spreading hoaxes or false news, in the future, if it is to be regulated in a new provision, the legislator should make an inventory of what news containing lies can harm the legal interests of an individual or can harm the legal interests of a group. Because not all acts of lies can be punished, therefore the author really wants objective law enforcement in combating the spread of hoax news so that no misunderstandings arise that can divide the harmony of the State. And so that there are no more groups like Saracen who receive hoax news services to spread hoax news through electronic media (Herwanto, 2019)

IV. Conclusion

The number of Internet users from year to year is always increasing, it also increases the increase in the spread of hoaxes, the growth of Internet users from year to year has always increased quite significantly, it has an impact on the events of fake news or hoaxes that are increasingly being discussed by netizens in Indonesia. Article 1372 of the Civil Code states that civil claims regarding defamation are aimed at obtaining compensation and restoration of honor and good name. The measure used to determine whether a person's actions have offended honor is very broad. The difference between the regulation of fake news in Law Number 1 of 1946 concerning Criminal Law Regulations with the regulation of fake news regulated in Law Number 11 of 2008 and Law Number 19 of 2016 concerning Information and Electronic Transactions is that in Articles 14 and 15 there is no mention of what kind of fake news, while the Information and Technology Law is more detailed in mentioning fake news in the context of electronic transactions and speech that causes hatred.

CIVIL LAW AND CRIMINAL LAW ASPECTS OF HOAX NEWS IN ELECTRONIC MEDIA

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Abstract

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I. Introduction

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committed the defamation.

A statement that contains information that is not factual and usually tends to demean a person and the statement can harm that person is slander. Defamation is divided into two main types, namely: defamation, is said to be defamation if the statement is not factual and can harm a person and the statement is made in a permanent form, such as writing, radio or television news. Gossip, said to be gossip if the statement spread is not permanent, such as a lecture / speech. Usually, cases of defamation in newspapers can lead to action against the writer, editor, publisher and distributor. Judges must also be able to determine whether the words used are defamatory or not (Bland et al., 2001).

The crime of defamation and the crime of insult are regulated in Chapter XVI of the Criminal Code on defamation. At first glance, defamation and insult are almost similar. Both have textual similarities. Both are criminal offenses that are subjective and public, meaning that there is an activity of offending or being offended against a person's dignity and good name without being publicly known (Rocky Marbun & others, 2011).

Hoax as a phenomenon that is booming in the current information age, its existence causes chaos and has a major impact in various aspects. Hoax is not a new product of the digital age, we can flash back in human history starting from the Prophet Adam AS as the first human being to undergo the consequences of fake news from his actions. At that time, Adam US received false news from the devil so that he had to be expelled from heaven. News or information that is hoax does not stop at the time of the Prophet Adam AS alone, but continues until the time of the Prophet Muhammad SAW, even in the lives of Muslims at the end of this era is very rampant. Like a virus, hoaxes become viral and famous with the support of sophisticated technological devices so that without realizing it, many people participate in spreading the news, like a snowball rolling without knowing the starting point.

The story above is one of many hoaxes that have accompanied the journey of humanity, starting with the first humans, until the next generation, including the current global era. This means that in the situation and development of telematics, communication issues dominate the contemporary world (Al Walidah, 2017).

In this era, the internet plays a role in providing space for many people to gather related to the same interests and narratives through social media. Social media allows content to spread quickly throughout the network until it goes viral. Not only that, social media also provides a quick way to convey one-sided information or opinions without the ability to verify the authenticity of the news conveyed (Prita et al., 2019)

The high number of social media users such as Facebook, Instagram, Twitter to WhatsApp makes the information validation process increasingly neglected. Moreover, the trend of interest in the news read by social media users is only adjusted to the tastes of each individual, making the truth of the information consumed by the public increasingly misleading. This phenomenon is evidenced by the circulation of fake news (Hoax) in the community spread through social media.

In substance, the spread of fake news (Hoax) is not bound by the dimensions

of space and time. The space dimension in the sense that the distribution of social networks is local in nature that affects certain areas only, but allows information technology and electronics to be received also in other areas. Meanwhile, the time dimension refers to old news that is re-distributed with different titles for one purpose.

Therefore, the Hoax phenomenon that has spread in recent times has even been deliberately created for various interests, such as black campaigns to bring down the good name of individuals, groups of organizations, and companies due to business competition. The most obvious thing is that the spread of hoaxes is used for black campaigns in political interests (Masril & Lubis, 2020).

Cyber Crime can be defined as illegal activities with computer intermediaries that can be carried out through global electronic networks. On computer networks such as the internet, the problem of criminality is increasingly complex due to its broad scope. Internet criminality or cyber crime is basically a criminal offense related to cyber space, either attacking public facilities in cyber space or private property.

Various crimes can arise in internet "games" such as fraud, insults, pornography, even crimes against state security, such as leaking state secrets. Money laundering and terrorism can also be committed through the internet, especially with participation and criminal conspiracy. In connection with this, the principle of the applicability of criminal law, especially the principle of universality, should be extended to some of these new forms of offense.

Crimes on the internet can be divided into four parts, namely offense, access, data theft, and dissemination of information for crimes such as committing insults via the internet (Prita et al., 2019).

The number of internet users from year to year is always increasing, it also increases the increase in the spread of hoaxes, the growth of internet users from year to year has always increased quite significantly, this has an impact on the events of fake news or hoaxes that are increasingly being discussed by netizens in Indonesia. The party spreading hoax news has a purpose, one of which is to lead public opinion and then form a wrong perception of the actual information. (Biantoro, 2016) states that there are four dangers caused by hoax news, namely hoaxes waste time and money, hoaxes become issue diversion, hoaxes become a means of public deception, and hoaxes become public panic. In spreading hoax news, usually irresponsible parties commit a lie and spread false information consciously (Marwan & Ahyad, 2016). The goal of hoax makers and spreaders is to lead public opinion and then form a wrong perception of actual information.

Hoax is information that is engineered to cover up the real information, in other words, Hoax is defined as an effort to distort facts using information that is convincing but cannot be verified, it can also be interpreted as the act of changing the actual information, by flooding a media with wrong messages in order to cover up the correct information.

Based on the background description of the problem above, the formulation of this problem is to analyze How the aspects of Civil Law and Criminal Law of Hoax in

Electronic media and Efforts in Identifying the Spread of Fake News / Hoax as a Form of Cyber Crime in Indonesia

II. Methods

The type of research conducted in this study is normative juridical research, namely research that is focused on examining the application of positive legal rules or norms and this research only focuses on Hoax. Judging from the nature of this research is prescriptive research, which is determining what is wrong and what is right. In other words, normative studies examine the law in books. Normative studies are *das sollen* (what should be) (Ali, 1998).

This research uses a qualitative analysis method which is a data analysis that does not use numbers, calculations or statistics (quantitative analytics), but rather provides a description (description) and description in words of the findings and prioritizes the quality / quality of the data and not quantity.

Data Management Techniques: Organizing, is a systematic process of collecting, recording, and presenting facts for research purposes. Editing, is an activity of editing the correctness and accuracy of data and re-examining all data obtained by selecting and selecting these data from various aspects which include suitability and harmony with one another, authenticity, clarity and relevance to the problem. This technique is used in research to check the completeness of the data that has been obtained. And the analysis technique is to provide further analysis of the results of editing and organizing data obtained from research sources, using theories and other arguments, so that conclusions are obtained (dalam Sugiyono, 2017).

III. Results and Discussion

Legal aspects of defamation from civil and criminal law aspects

Hoax is news, information, fake or false news. Hoax news is distributed via email or social media because the effect is greater, contains a message that makes the reader anxious, and panic, and ends with an appeal for the reader to immediately forward the warning to a wider forum (Mufid & Hariandja, 2019). Hoaxes take advantage of the goodwill of the reader, so that the reader of this email without first researching the truth of the news, immediately immediately spreads it to a wider forum. As a result, data circulation traffic on the internet is increasingly dense with untrue news, usually the initial sender of this hoax is unknown (Husein et al., 2022).

Article 1372 of the Civil Code states that civil claims on the subject of defamation are aimed at obtaining compensation and restoration of honor and good name. The measure used to determine whether a person's actions have offended honor is very broad.

Article 1365 of the Civil Code states that *'every unlawful act which causes damage to another obliges the person through whose fault the damage is caused to compensate for the damage'*. Article 1372 of the Civil Code states that *'civil claims in the case of defamation are aimed at obtaining compensation and restoration of honor and good name'*.

Both articles address tort and the payment of damages. A claim for damages based on defamation (Article 1372 of the Civil Code) is a variant of a claim for damages based on common law tort (Article 1365 of the Civil Code). What the two articles have in common is that the basis of the claim is the existence of an unlawful act. Satrio provides examples of court decisions relating to the use of these two articles. However, in the conclusion he writes that in principle one cannot not only claim damages under Article 1372 but also claim damages under Article 1365 of the Civil Code.

There are several differences in the form of crime between Article 28 paragraph (1) and paragraph (2) of Law Number 9/2016 on the Amendment to Law Number 11/2008 on Electronic Information and Technology. Article 28 paragraph (1) of the crime is spreading false and misleading news to consumers, while Article 28 paragraph (2) of the crime is spreading information (speech) that causes hatred or hate speech.

Article 28 paragraph (1) has similarities with Article 390 of the Criminal Code, it can be seen that both regulations dominantly regulate buying and selling or business transactions. Both articles mention the price of goods, funds, and securities, which means that both articles regulate fake news in business transactions. The difference lies in the media conveyed, Article 390 of the Criminal Code does not regulate the media used to spread false news so that it can also be interpreted that the spread is carried out by electronic media, oral, written, and so on. Whereas in Article 28 of the Electronic and Information Technology Law paragraph (1) it is stated "In electronic transactions" so that the dissemination of false news is carried out through electronic media.

Article 14 paragraphs (1) and (2) in Law Number 1 Year 1946 concerning Criminal Law Regulations have little in common with Article 15, namely in this case the perpetrator knows that the news or notification disseminated can cause chaos in the community.

The difference between the regulation of fake news in Law Number 1 of 1946 concerning Criminal Law Regulations and the regulation of fake news regulated in Law Number 11 of 2008 and Law Number 19 of 2016 concerning Electronic Information and Transactions is that Articles 14 and 15 do not mention what kind of fake news, while the Information and Technology Law more specifically mentions fake news in the context of electronic transactions and speech that causes hatred.

To be criminalized a perpetrator of spreading false news. Then he must fulfill all the elements contained in the above law. If the elements are not fulfilled, then he cannot be subject to punishment. Based on the explanation above, the forms of the criminal offense of spreading false news (hoax) according to the provisions that regulate it include:

1. Imprisonment

- a) Imprisonment in Article 45A paragraph (1) and paragraph (2) of Law Number 19 the Year 2016 on the Amendment to Law Number 11 Year 2008 on Electronic Information and Transactions: punishable by imprisonment for a maximum of 6 (six) years.
- b) Imprisonment under Article 390 of Kitab Undang-Undang Hukum P: punishable by a maximum imprisonment of 2 (two) years and 8 (eight) months.
- c) Imprisonment under Article 14 paragraph (1) of Law Number 1 Year 1946 on Criminal Law Regulation: punishable by a maximum imprisonment of 10 (ten) years.
- d) Imprisonment under Article 14 paragraph (2) of Law Number 1 Year 1946 on

Criminal Law Regulation: shall be punishable by a maximum imprisonment of 3 (three) years.

- e) Imprisonment under Article 15 of Law Number 1 Year 1946 on Criminal Law Regulation: shall be punishable by a maximum imprisonment of 2 (two) years.

2. Criminal Fines

Criminal fines in Article 45 paragraphs (1) and (2) of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions are threatened with a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah).

Criminalization is the stage where the perpetrator is sanctioned. Criminalization is a form of punishment for a criminal and has positive consequences for the perpetrator, victim, and society. This theory is then called consequentialism theory. So that the real purpose of punishment is so that someone does not commit another crime after being punished and can prevent others from doing the same thing. With strict sanctions, people will have at least a fear of violating, so that punishment and/or fines are needed as a threat of sanctions against the perpetrators of criminal acts (Kurniawati, 2020).

Lately, the virtual world has been shocked by fake news or hoaxes by a number of irresponsible people, one of which is Saracen. If there is no caution, people are easily influenced by the hoax news that is spread and even participate in spreading this hoax news again. (Putra et al., 2018)

Efforts to Identify the Spread of Hoaxes as a Form of Cyber Crime in Indonesia

Septiaji Eko Nugroho, Chairman of the Indonesian Anti-Hoax Society, provides 5 simple steps that can help in identifying hoaxes and real news (Simarmata et al., 2019).

a. Be careful with provocative titles

Hoax news often uses provocative sensational titles, for example by directly pointing the finger at a particular party. The content can also be taken from official media news, only altered to create the perception desired by the hoax maker. Therefore, if you encounter news with provocative titles, you should look for references in the form of similar news from official online sites, then compare the contents, whether they are the same or different. This way, at least you as a reader can get a more balanced conclusion.

b. Look at the website address

For information obtained from the Information Technology and Electronics website or including a link, check the URL address of the site in question. If it comes from a site that has not been verified as an official press institution - for example, using a blog domain, then the information is dubious. According to Press Council records, there are around 43,000 websites in Indonesia that claim to be news portals. Of these, less than 300 have been verified as official news sites, meaning that there are at least tens of thousands of sites that have the potential to spread fake news on the internet that must be watched out for.

c. Fact-check

Pay attention to where the news comes from and who is the source? Is it from an official institution such as the KPK or the National Police? You should not be quick to believe if the information comes from activists of mass organizations, political figures, or

observers. Pay attention to the balance of news sources. If there is only one source, readers cannot get a complete picture.

Another thing that needs to be observed is the difference between news based on facts and opinions. Facts are events that happened with testimonies and evidence, while opinions are the opinions and impressions of the news writer and thus have a tendency to be subjective.

d. Check the authenticity of photos

In the current era of digital technology, it is not only text content that can be manipulated but also other content in the form of photos or videos. Sometimes fake news creators also edit photos to provoke readers. To check the authenticity of a photo, you can use Google's search engine by dragging and dropping it into the Google Images search field. The search results will present similar images found on the internet so that they can be compared.

e. Participate in anti-hoax discussion groups

Facebook has a number of anti-hoax fan pages and discussion groups, such as Forum Anti Fitnah, Hasut, and Hoax (FAFHH), Fanpage & Group Indonesian Hoax Buster, Fanpage Indonesian Hoaxes, and Group Sekoci. In these discussion groups, netizens can ask whether the information is a hoax or not, as well as see clarifications that have been given by others. All members can contribute so that the group functions like crowdsourcing that utilizes the power of many people.

The act of spreading hoaxes or false news, in the future, if it is to be regulated in a new provision, the legislator should make an inventory of what news containing lies can harm the legal interests of an individual or can harm the legal interests of a group.

Because not all acts of lies can be punished, therefore the author really wants objective law enforcement in combating the spread of hoax news so that no misunderstandings arise that can divide the harmony of the State. And so that there are no more groups like Saracen who receive hoax news services to spread hoax news through electronic media (Herwanto, 2019).

IV. Conclusion

The number of Internet users from year to year is always increasing, it also increases the increase in the spread of hoaxes, the growth of Internet users from year to year has always increased quite significantly, it has an impact on the events of fake news or hoaxes that are increasingly being discussed by netizens in Indonesia. Article 1372 of the Civil Code states that civil claims regarding defamation are aimed at obtaining compensation and restoration of honor and good name. The measure used to determine whether a person's actions have offended honor is very broad. The difference between the regulation of fake news in Law Number 1 of 1946 concerning Criminal Law Regulations with the regulation of fake news regulated in Law Number 11 of 2008 and Law Number 19 of 2016 concerning Information and Electronic Transactions is that in Articles 14 and 15 there is no mention of what kind of fake news, while the Information and Technology Law is more detailed in mentioning fake news in the context of electronic transactions and speech that causes hatred.

References

- Abubakar, A., Munir, B., & Harahap, C. S. (2018). Sanksi Bagi Pelaku Zina (Perbandingan Qunun No. 6 Tahun 2014 Dan Enakmen Jenayah Syariah Negeri Selangor No. 9 Tahun 1995 Seksyen 25). *PETITA*, 3, 73.
- Al Walidah, I. (2017). Tabayyun di era generasi millennial. *Jurnal Living Hadis*, 2(2), 317–344.
- Ali, A. (1998). *Menjelajahi kajian empiris terhadap hukum*. Yarsif Watampone.
- Audah, A. Q. (2008). Ensiklopedi Hukum Pidana Islam Jilid I. *Jakarta: Kharisma Ilmu*.
- Biantoro, B. (2016). *Jangan gampang terpengaruh, ini 7 cara kenali hoax di dunia maya*.
- Bland, M., Theaker, A., & Wragg, D. (2001). Hubungan Media Yang Efektif. *Jakarta: Erlangga*.
- Chazawi, A., & Ferdian, A. (2015). *Tindak pidana informasi \& transaksi elektronik: penyerangan terhadap kepentingan hukum pemanfaatan teknologi informasi dan transaksi elektronik: UU no. 11 tahun 2008 Tentang Informasi \& Transaksi Elektronik*. Media nusa creative.
- dalam Sugiyono, S. (2017). *Metode Penelitian Kuantitatif, Kualitatif, dan R\&D*. Bandung: Alfabeta, CV.
- Djamali, A. (2002). *Hukum Islam (Berdasarkan Ketentuan Kurikulum Konsorsium Ilmu Hukum)*. 75–76.
- Harahap, C. S. (2018). SANKSI BAGI PELAKU ZINA (Perbandingan Qanun No. 6 Tahun 2014 Dan Enakmen Jenayah Syariah Negeri Selangor No. 9 Tahun 1995 Seksyen 25). *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah*, 3(2), 276–319.
- Herwanto, V. I. M. (2019). PENERAPAN SANKSI PIDANA TERHADAP PENYEBAR BERITA HOAKS DI MEDIA SOSIAL BERDASARKAN UU NO. 11 TAHUN 2008 YANG TELAH DIUBAH DENGAN UU NO. 19 TAHUN 2016. *LEX CRIMEN*, 8(3).
- Husein, A., Harahap, M., Adlani, K., Siregar, S. M., Fadilah, S., & Kustiawan, W. (2022). Peranan Saluran Komunikasi Massa dalam Upaya Menekan Peredaran Berita Hoaks di Masyarakat. *JIEM: Jurnal Ilmu Komputer, Ekonomi Dan Manajemen*, 2(1), 1653–1664.
- Kurniawati, Y. R. (2020). Pertanggungjawaban Pidana Atas Penyebaran Berita Bohong (Hoax) di Media Sosial. *Dinamika*, 26(4), 422–437.
- Marwan, M. R., & Ahyad, A. (2016). Analisis penyebaran berita hoax di Indonesia. *Jurusan Ilmu Komunikasi, Fakultas Ilmu Komunikasi Universitas Gunadarma*, 5(1), 1–16.
- Masril, M., & Lubis, F. W. (2020). Analisis Penggunaan Media Sosial dan Penyebaran Hoax Di Kota Medan. *JURNAL SIMBOLIKA: Research and Learning in Communication Study (E-Journal)*, 6(1), 11–22.
- Mufid, F. L., & Hariandja, T. R. (2019). Efektivitas Pasal 28 Ayat (1) UU ITE tentang Penyebaran Berita Bohong (Hoax). *Jurnal Rechtsens*, 8(2), 179–198.
- Penyitaan, P., & Pengadilan, P. (n.d.). Maskun,” Kejahatan Siber (Cyber Crime)”, (Jakarta: Kencana, 2013). Mochtar Kusuma Atmadja, “Pembinaan Hukum Dalam Rangka Pembangunan.
- Prita, P., Islam, A. B., & Reklamasi, A. B. T. (2019). Mempolitisasi Ruang Virtual: Posisi Warga-Net dalam Praktik Demokrasi Digital di Indonesia. *Jurnal Ilmiah Manajemen Publik Dan Kebijakan Sosial-Vol*, 3(1).
- Purnomo, H., & others. (2020). Penegakan Hukum Terhadap Tindak Pidana Pencemaran Nama Baik Melalui Media Berdasarkan Konsep Hukum Pidana. *Soumatara Law Review*, 3(2), 119–134.

- Putra, A. D., Ravena, D., & Andriasari, D. (2018). Analisis Hukum Tindak Pidana Penyebaran Berita Hoax Melalui Media Elektronik Dikaitkan dengan Undang-Undang No. 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik. *Prosiding Ilmu Hukum*, 177–182.
- Rocky Marbun, S. H., & others. (2011). *Kiat Jitu Menyelesaikan Kasus Hukum*. Visimedia.
- Simarmata, J., Iqbal, M., Hasibuan, M. S., Limbong, T., & Albra, W. (2019). *Hoaks dan media sosial: saring sebelum sharing*. Yayasan Kita Menulis.
- Sudarti, S. (2021). Perbandingan Hukum Pidana Perzinaan di Malaysia dan Brunei Darussalam. *El-Mashlahah*, 11(1), 78–96.
- Suhariyanto, B. (2014). Tindak Pidana Teknologi Informasi (Cybercrime). *Raja Grafindo Persada: Jakarta*.
- Syamsuddin, A. (2011). *Tindak Pidana Khusus*, Sinar Grafika. Jakarta.