

Criminal Laws for Press Companies That Distribution of Hoaks News to the Public

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Abstract: Press companies in reporting must respect the sense of decency while respecting religious norms and the presumption of innocence. The problem is how the criminal acts of the press company responsibility in hoax news disseminate false information to the public, penalties given to criminals who broadcast false information to the public and efforts to overcome criminal acts of responsibility for press companies in hoax news disseminating false information to the public. The research method used is normative and descriptive research. Source of primary, secondary and tertiary legal materials. The collection technique is in the form of a library (library research). The data analysis used a qualitative approach. Penalties are given to perpetrators of criminal acts who disseminate hoax news to the public in the form of Article 18 paragraph (3) of the Press Law and Article 28 paragraph 1 of the UUITE.

1 INTRODUCTION

Press coverage is used as a tool to slander or insult a person or institution and does not have news value (news), and in the news there is an element of intent as an element of error that fulfills the elements of a criminal act.

According to Assegaf (2004), it is the editorial team who is responsible for the content of news published in the media that violates the law, because it is the editor who according to the press organization is the party responsible for the content of the news published in the media they lead. This can be seen in Article 2 of Law Number 40 Year 1999: "Press companies are required to publicly announce the name, address and person in charge through the media concerned, especially for press publishing plus the name and address of the printing company."

Press companies are required to facilitate press freedom, which is very vulnerable to press criminal offenses, on the other hand, press companies must continue to carry out their function as legal entities with commercial interests. And as a press company, it continues to compete with other companies regarding how the existence of press companies continues to compete by paying attention to journalistic principles and press offenses in business competition between press companies.

Rahmawati and Gani (2011) explain that who should be responsible from the press, the Press Law does not explicitly regulate this matter, in article 12 press companies are only required to publicly announce the name, address and person in charge, but in practice if the case ends in court, usually the chief editor who is in charge. Given the large number of cases related to the news that is presented, as the most powerful information media in existence, the press, which is the fourth pillar of democracy, is expected to work professionally and responsibly so that the relationship between the press and the public is well-maintained in order to create a balance within a country. Indeed, the Press Law does not prohibit settlement through legal channels by suing in court, but all problems arising from press coverage are expected to be resolved by using this Law, namely by means of the Right of Reply and Right of Correction mechanism, so there is no need for settlement by threatening articles. -Articles contained in the Criminal Code.

Arman, Akub and Heryani (2018), Criminal responsibility disseminating information to the public as regulated in the Press Law must go through the Press Council mechanism. If it becomes a press offense or general offense, the investigator will ask the Press Council experts to process the crime. This mechanism applies to press companies that are legal entities, but there are indications of disseminating

information to the public. Meanwhile, media that are not legally incorporated and managed unprofessionally are not within the framework of protecting the Press Law. Thus, law enforcement, can be done by using Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions.

One important aspect of accountability that must be borne by the press when performing is criminal responsibility. This criminal forwarding does not intend to promote crime as a basic aspect. The pulse that can be caught is when there is a dish that is considered problematic, the public usually then thinks criminally, in terms of the sanctions that can be imposed and must be carried out by the press when the presentation is problematic.

The Secretariat of the Press Council (2013) explains that guaranteeing freedom of the press, the national press has things to seek, obtain, and disseminate ideas and information (Article 4 paragraph (3) of the Press Law). This means that the press cannot be prohibited from spreading news or information if it is indeed useful for the public interest. If press freedom is seen as a need. Press freedom is a necessity to simultaneously realize the interests of the press and the interests of the public. As a necessity, press freedom is not just for the sake of freedom of the press. As a necessity, press freedom has a functional relationship with the function of the press.

According to Sudiboyo (2013), the Press Law No.32 of 1999 emphasizes that press companies must be incorporated in Indonesia. The legal entities in question are Limited Liability Companies, Cooperatives, Foundations and Associations. For commercial media, the only possible legal entity is a limited liability company, only press companies have legal entities.

Of the many articles above, Articles 310 and 311 of the Criminal Code are the ones that are most often used to sue press companies regarding reports that harm someone's good name. The reason the writer chose this title was knowing who should be responsible from the press.

2 RESEARCH METHOD

This type of research is normative. According to Marzuki (2013), normative legal research is a process of finding a rule of law, legal principles, and legal doctrines to answer legal problems faced.

This research is descriptive. According to Ali (2010), descriptive research is describing accurately,

individual traits, a symptom, certain circumstances or groups, principles or legal regulations in the context of legal theories and their implementation, and analyzes carefully the use of statutory regulations. . The source of this research material consists of primary, secondary and tertiary legal materials.

According to Noor (2013), it is explained that in conducting research that is carried out is library research (library research). Data analysis will be carried out using a qualitative approach, qualitative research will be carried out in natural and discovery conditions.

3 RESEARCH RESULT

Press companies are Indonesian legal entities that carry out press businesses including print media companies, electronic media and news agencies, as well as other media companies that specifically organize, broadcast, or distribute information (Article 1 paragraph 2 of Law Number 40 of 1999 concerning the Press). In Article 13 of the Press Law number 40 of 1999, it regulates the prohibition of press companies from publishing advertisements that could lead to public harm.

According to Sadono (2013) states that the main problem in press reporting is if press coverage is used as a tool to slander or insult someone or an institution and does not have news value (news) and in the news there is an element of deliberation and an element of error that fulfills the elements. Criminal act. So what needs to be emphasized here is that the crime must still be applied to the perpetrator who deliberately commits the crime of the press by using press coverage as a medium in carrying out these acts. Meanwhile, freedom of the press to report if it is done in a responsible and professional manner, even if there are mistakes in the facts of the news, it should not be penalized.

David O. Klein and Joshua R. Wueller (2017) While fake news publishers are regularly taken to task in the court of public opinion, we are unaware of any prior structured discussion of the unique legal

issues surrounding the publication of fake news. This article evaluates examples of fake news publications to present a workable definition of "fake news" for purposes of our legal analysis. We then explore many of the legal and regulatory hurdles facing online fake news publishers. This article concludes by discussing some of the legal protections available to fake news publications and publishers of other online content.

Susanto (2010) explains that actions taken by individuals in a press company are basically considered as corporate actions themselves. When an individual, say an editor makes a mistake, then that mistake is basically the fault of the corporation, as long as the action is still within the scope of his work and for the benefit of the corporation. pers.

Criminal punishment, for press companies that disseminate hoax news in the Press Law number 40 of 1999 is contained in article 18 paragraph 2 which states "press companies that violate the provisions of article 5 paragraph 1 and paragraph 2, as well as article 13 paragraph a shall be punished with a fine. A maximum of Rp. 500,000,000, - (five hundred million rupiah). In other words, these articles are not addressed directly to the author / actor concerned.

The spread of fake news (hoax) can be regulated in Law Number 19 of 2016 concerning amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions in Article 45A states that: "Everyone who deliberately and without rights spreads fake news and misleading which results in consumer losses in Electronic Transactions as referred to in Article 28 paragraph (1) shall be punished with imprisonment of a maximum of 6 (six) years and / or a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah)". Meanwhile, as for what is stated in Article 28 paragraph (1) that: "Every person knowingly and without right spreads fake news (hoax) and misleading which results in consumer losses in Electronic Transactions". Electronic Transactions are legal acts carried out using computers, computer networks, and/or other electronic media (Article 1 paragraph 2 of Law Number 19 Year 2016).

Xinyi Zhou And Reza Zafarani (2018), The explosive growth in fake news and its erosion to democracy, justice, and public trust has increased the demand for fake news analysis, detection and intervention. have emphasized the importance of business models adopted by social media sites to address fake news intervention, which suggests shifting the emphasis from maximizing user engagement to that on increasing information quality, e.g., using self- or government regulations. In addition to formulating policies and regulations, efficiently blocking and mitigating the spread of fake news also requires technical innovations and developments.

According to Rehulina (2018), explaining that the spread of hoax news or fake news violates Article 28 paragraph 1 of Law Number 11 Year 2008 concerning ITE which reads: "Everyone deliberately and without rights spreads false and misleading news

that results in consumer losses in electronic transactions." The criminal sanction in Article 28 paragraph (1) is contained in Article 45 paragraph (1), namely a maximum imprisonment sentence of 6 (six) years and / or a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah). Law Number 19 of 2016 concerning Electronic Information and Transactions has been regulated regarding criminal acts that deliberately and without the right to spread fake news or hoaxes that cause losses to consumers of electronic transactions and spread information to cause hatred or hostility.

In the article and the two verses, there is a prohibition against spreading hoax and misleading news. As for the rules for spreading hoaxes or fake news are regulated in Law Number 1 of 1946 concerning Article 14 and Article 15 of the Criminal Law Regulations.

Tarlach McGonagle (2017), Given all this bad press, it is perhaps little wonder that "fake news" has become a major preoccupation for international organisations, national law- and policy-makers, the media and media actors, civil society and academia. But what exactly is "fake news" and what is all the fuss about? In addressing these questions, this column will also consider historical and contemporary perspectives on the term and its relationship with human rights.

Meanwhile, Article 15 states that: "Whoever broadcasts news that is uncertain or news that is excessive or incomplete, while he understands at least it should be able to suspect that such news will or easily can cause disturbance among the people, is punished with imprisonment as high as possible. Two years high. "

Based on these two articles, hoax spreaders can be punished with a maximum sentence of two to three years. Therefore, people must be careful in spreading the message they get. Having the awareness that the act of spreading hoaxes is against the law can reduce the spread of hoaxes in the wider community.

Srijan Kumar And Neil Shah (2018) False information can be created and spread easily through the web and social media platforms, resulting in widespread real-world impact. Characterizing how false information proliferates on social platforms and why it succeeds in deceiving readers are critical to develop efficient detection algorithms and tools for early detection. A recent surge of research in this area has aimed to address the key issues using methods based on feature engineering, graph mining, and information modeling. Majority of the research has primarily focused on two broad categories of false information: opinion-based (e.g., fake reviews), and

fact-based (e.g., false news and hoaxes). Therefore, in this work, we present a comprehensive survey spanning diverse aspects of false information, namely (i) the actors involved in spreading false information, (ii) rationale behind successfully deceiving readers, (iii) quantifying the impact of false information, (iv) measuring its characteristics across different dimensions, and finally, (iv) algorithms developed to detect false information. In doing so, we create a unified framework to describe these recent methods and highlight a number of important directions for future research.

The spread of hoaxes or fake news violates Article 28 paragraph 1 of Law Number 11 Year 2008 concerning ITE which reads: "Everyone deliberately and without rights spreads false and misleading news that results in consumer losses in electronic transactions."

Rehulina (2018) said that the criminal sanction of Article 28 paragraph (1) is contained in Article 45 paragraph (1), namely a maximum imprisonment of 6 (six) years and / or a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah). Law Number 19 of 2016 concerning Electronic Information and Transactions has been regulated regarding criminal acts that deliberately and without rights spread fake news or hoaxes that cause consumer losses in electronic transactions and spread information to cause hatred or enmity.

In the article and the two verses, there is a prohibition against spreading hoax and misleading news. As for the rules for spreading hoaxes or fake news are regulated in Law Number 1 of 1946 concerning Criminal Law Regulations Article 14 and Article 15. The following is an excerpt from Article 14 that:

1. "Anyone, by broadcasting false news or announcements, deliberately publishing disturbances among the people, is punished with a maximum imprisonment of ten years.
2. Anyone who broadcasts a message or issues a notification, which can publish disturbance among the people, while he can reasonably think that the news or notification is a lie, shall be punished by a maximum imprisonment of three years. "

Meanwhile, Article 15 states that: "Whoever broadcasts news that is uncertain or news that is excessive or incomplete, while he understands at least it should be able to suspect that such news will or easily can cause disturbance among the people, is punished with imprisonment as high as possible. two years high. "

Based on these two articles, hoax spreaders can be punished with a maximum sentence of two to three years. Therefore, people must be careful in spreading the message they get. Having the awareness that the act of spreading hoaxes is against the law can reduce the spread of hoaxes in the wider community. Meanwhile, it is necessary for the public to instill awareness to be critical of the news or chain messages they receive so they are not trapped in the cycle of hoax spreading. For that, people need to filter before sharing (sharing) the news or messages they get. In addition, by knowing the legal basis for the spread of hoaxes, the public can play an active role in spreading positive messages and reporting if hoaxes are spread in the community to related parties. That way, the production and spread of hoaxes can be reduced.

In recent years, the dissemination of disinformation with an intent to deceive or mislead (i.e., fake news) has become more prevalent. Fake news is usually associated with fabrications surrounding factual or relevant information trying to be framed as either much more positive or much more negative than the reality of the truth would present. People often have ill intent and are looking for personal gain in some way, as their purpose for writing the misleading or false information and releasing it into the public. Over the last few years, the world has seen what feels like an explosion of fake news due to social media and technological advancements enabling news to be spread and accessed in a whole new way with no limits as to the different areas fake news is attempting to invade and affect. Fake news can potentially impact the social, political, and economic aspects of our world, and as the frequency of fake news continues to increase, it propels fake news more into the spotlight of public relevancy. The issue of fake or intentionally inaccurate news existing in the world has been around for ages, as many groups of people have tried to mislead or deceive others using misinformation. However, as the world becomes more and more interconnected and the accessibility to news becomes easier, it increases the potential effects and risks associated with fake news being spread. This paper is designed to analyze the risks and effects that can come from fake news in the business world and assess how big an impact or significance it can play in the performance of the financial markets.

According to Chazawi, Djatmika, and Ferdian (2015), it is clear that the spread of fake news (hoax), there are several elements that must be fulfilled. Before a person can be said to have committed a criminal act, hoax spreads. First, broadcasting the news or fake notification (hoax) must be deliberately

or have the intention of causing confusion among the public. Second, the person must know, the news is fake news. Or, the person must at least have an assumption, that the news is fake news (hoax). The first element is the element which is the most serious thing to prove in this action is disorder. The chaos referred to in this article has a measure that in society there is violence and panic. The size of the disorder stipulated in this article is very high. So that law enforcers cannot arbitrarily determine someone as a suspect. If these elements are not fulfilled. Another element that must be considered in this news is, the element that mentions, people who spread fake news (hoaxes) and exaggerated must know that the news is really fake news (hoax). Or you should suspect that the news is fake news (hoax).

Paul Machete and Marita Turpin (2020), With the large amount of news currently being published online, the ability to evaluate the credibility of online news has become essential. While there are many studies involving fake news and tools on how to detect it, there is a limited amount of work that focuses on the use of information literacy to assist people to critically access online information and news. Critical thinking, as a form of information literacy, provides a means to critically engage with online content, for example by looking for evidence to support claims and by evaluating the plausibility of arguments. The purpose of this study is to investigate the current state of knowledge on the use of critical thinking to identify fake news.

Fatemeh Torabi Asr and Maite Taboada (2019), we first define and delimit the problem and its historical roots. Then in the section on Approaches to the fake news problem, we discuss general approaches, from multiple points of view (educating the public, stopping the spread, human and automatic identification). The approach we take concentrates on automatic identification by using the text of the fake news article (rather than metadata of information about spread). This is why, in text classification for fake news, we introduce text classification methods, including both classic and more recent algorithms used in research on fake news. The following section discusses the problem of lack of quality data in this case. Although media would have us believe that instances of fake news are everywhere, we have found it challenging to compile a large enough dataset of reliably labelled fake news articles. We discuss how we have compiled MisInfoText, our relatively large, but still insufficient dataset, and what steps can be taken to add to this data. This repository is built with a focus on quality data collection and based on the continuous effort of fact-checking websites in

finding and labelling instances of fake news. We make available the full text of the news articles, together with veracity labels previously assigned based on manual assessment of the articles' truth content. We have conducted experiments on the data that we have so far collected to show the gaps and sources of data imbalance in the topics covered by fact-checkers section.

The spread of fake news (hoax) can be regulated in Law Number 19 of 2016 concerning amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions in Article 45A states that: "Everyone who deliberately and without rights spreads fake news and misleading which results in consumer losses in Electronic Transactions as referred to in Article 28 paragraph (1) shall be punished with imprisonment of a maximum of 6 (six) years and / or a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah)". Meanwhile, as for what is stated in Article 28 paragraph (1) that: "Every person knowingly and without right spreads fake news (hoax) and misleading which results in consumer losses in Electronic Transactions". Electronic Transactions are legal acts carried out using computers, computer networks, and / or other electronic media (Article 1 paragraph 2 of Law Number 19 Year 2016).

Suhariyanto (2013) explains that the Implementation of Electronic Transactions can be carried out in the public and private sphere. Operations in the public sphere include the implementation of Electronic Transactions by agencies or parties by other parties that provide public services as long as they are not exempted by the Law on Electronic Information and Transactions. Whereas the implementation of Electronic Transactions in the private sphere includes Electronic Transactions between business actors, between business actors and consumers, between individuals, between agencies, and between agencies and business actors in accordance with the provisions of laws and regulations (Article 40 of Government Regulation Number 82 of 2012 concerning System Operation and Electronic Transactions).

Yariv Tsfati, H. G. Boomgaarden, J. Strömbäck, R. Vliegenthart, A. Damstra & E. Lindgren (2020), A third key reason why fake news is reported by mainstream news media has to do with the psychology of news decisions. When examining the psychological factors that shape news decisions, Donsbach, beyond seeking the truth, a major factor that shapes journalists' decision is social validation, that is, that journalists are extremely attentive to what other journalists are saying and doing when making

their own news decisions. This process takes place in part through interaction with peers and colleagues and in part by observing colleagues' journalistic outputs and internalizing common assumptions, norms, practices and 'news ideologies. In that context, it is important to note that the topic of 'fake news' has received ample attention in mainstream media news items referencing the term in 23 U.S. The ample attention dedicated by mainstream news outlets to fake news and the salience of the fact-checking concept in the coverage of fake news by these news outlets (p. 6) signal to journalists that fake news is perceived by the journalistic community as an important social problem, one that should be addressed by correction.

According to Mauludi (2018), the spread of hoax news is currently spreading in various media. Whether it's print media or online media, starting from spreading someone through broadcast messages, print media, online media, and other mass media. Sadly, most of the people easily believe in the hoax news without finding out the real truth. Hoax news is fake news fabricated or distorted from its true reality.

Arliman (2015) states that law enforcement is a process to make the objectives of law become reality, so the process must involve law makers and implementers, as well as the community. The law not only reinforces existing behavior patterns, but is oriented towards creating new patterns of behavior. Law enforcement is not a mere logical process, but a condition with human involvement in it.

In Law Number 19 of 2016 concerning amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions, criminal acts that deliberately and without rights spread fake news (hoaxes) that cause losses to consumers of electronic transactions and disseminate information for create a sense of hatred or hostility.

Muhammad Khalil Gunawan, Adi Wijaya, Salma, and Abd. Hadid Idrus (2018), Hoax messages or fake news have become a global problem that unsettles and threatens the unity of nations, including Southeast Asian countries incorporated in ASEAN, such as Indonesia and Singapore. Hence each country designs and issues regulations in order to penalize those who fabricate or spread fake news. The sanctions given vary from one country and another. The fake news landscape in Indonesia is complex, however. In fact, the Indonesian Ministry of Communication and Information reported as many as 800 thousand websites have been found to have disseminated fake news. Media literacy is a perspective that can be used when dealing with the

media in order to interpret a message delivered by the newsmaker. People tend to build a perspective through a structured knowledge that is constructed in the ability to use information. Also, in another sense, media literacy is the ability to evaluate and communicate information in various formats, whether written or spoken. Media literacy is a useful set of skills in the process of accessing, analyzing, evaluating, and creating messages in various forms. Media literacy is used as an exploratory instructional model, so that individuals can more critically respond to what they see, hear, and read.

David D. Parsons (2020), to better understand the impact of fake news on company value, it is essential to understand the motives behind it while also considering the importance of fighting back against fake news and refuting misinformation. With the vast increase in the amount of news available, the relaxing of journalistic standards on what should be published, the shortening of the news cycle, and the development of new platforms for spreading news, fake news is now more prominent. In addition, these factors also raise the possibility that fake news can have a substantial impact on company value. Investors throughout the world now have to properly manage the threat of fake news and be constantly on guard against whether false or misleading information will alter or affect their everyday decisions in their work

Provisions regarding the spread of fake news (hoax) are regulated in Law Number 19 of 2016 concerning Electronic Information and Transactions, namely "Everyone deliberately and without rights distributes and / or transmits and / or makes electronic information and / or electronic documents accessible. Which has a content of insulting and / or defamation (Article 27 paragraph (3) of Law Number 19 Year 2016 concerning Electronic Information and Transactions).

4 CONCLUSION AND SUGGESTIONS

4.1 Conclusion

Press companies that are legal entities have found indications of spreading hoaxes or fake news, the penalties given are in the form of Criminal Provisions in Article 18 paragraph (3) of Law Number 40 of 1999 concerning the Press and Article 28 paragraphs 1 and 2 of Law Number 19 of 2016 concerning Electronic Information and Transactions. The criminal threat of spreading hoax news does not only

refer to the news creators, but also to those who spread it. Therefore, the public must be careful in publishing any information they receive.

4.2 Suggestions

As a research recommendation, an affirmation is needed in the form of a strict Press Law on press companies disseminating hoax news to the public. This is needed so that the media can directly deal with hoax news that is born and continues to emerge even though it is managed unprofessionally. In addition, the criminal act of spreading hoax news must be categorized as an extraordinary crime because the impact extends to the public and has the potential to cause other criminal acts. This happens if the recipient of fake news acts by committing a new criminal act in response to the hoax he has consumed.

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