Government Authority in Regulating Hoax Cases on Social Media That Occur in Indonesia

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Abstrak

Penelitian ini membahas wewenang pemerintah Indonesia dalam menangani penyebaran berita palsu atau hoax di media sosial, yang menjadi tantangan dalam mengelola informasi di era digital. Tujuan dari penelitian ini adalah memahami aturan yang digunakan pemerintah serta cara mengatasi kasus hoax agar tercipta ketertiban dan keamanan bagi masyarakat. Penelitian ini menggunakan metode hukum normatif dengan menganalisis berbagai sumber hukum seperti peraturan primer, sekunder, dan tersier. Hasil penelitian menunjukkan bahwa undang-undang seperti UU Nomor 19 Tahun 2016 tentang Informasi dan Transaksi Elektronik serta PP Nomor 71 Tahun 2019 menjadi dasar hukum utama dalam mengatur hoax. Meski demikian, penerapan hukum masih kurang efektif karena kurangnya pemahaman masyarakat tentang hukum dan kesulitan dalam menyeimbangkan kebebasan berbicara dengan perlindungan informasi yang benar. Kesimpulannya, selain hukum, diperlukan peran edukasi digital secara luas dan kerja sama antar sektor untuk membangun masyarakat digital yang lebih tangguh terhadap informasi yang benar.
Kata Kunci: Hoax; Kewenangan Pemerintah; Media Sosial; Literasi Hukum; Regulasi Digital.

Abstract

This study examines the Indonesian government's authority in addressing the spread of fake news or hoaxes on social media, a challenge in managing information in the digital age. The aim of this study is to understand the regulations used by the government and how to address hoax cases to maintain public order and security. This study uses normative legal methods by analyzing various legal sources, including primary, secondary, and tertiary regulations. The results show that laws such as Law Number 19 of 2016 concerning Electronic Information and Transactions and Government Regulation Number 71 of 2019 serve as the primary legal basis for regulating hoaxes. However, legal implementation remains ineffective due to a lack of public understanding of the law and difficulties in balancing freedom of speech with the protection of accurate information. In conclusion, in addition to the law, broad digital education and intersectoral collaboration are needed to build a digital society that is more resilient to accurate information.
Keywords: Hoax; Government Authority; Social Media; Legal Literacy; Digital Regulation.

A. Introduction

Humans are social creatures where every day they always interact with other humans, in communicating, of course, every human wants effective, smooth, and positive communication, so that there are no misunderstandings that refer to conflicts. The rapid advancement of technology has helped humans find new ways of communication, namely by using the internet or social media.[1] The presence of the internet in the context of human life has transformed daily habits, cognitive patterns, modes of communication, and individual behavior. Diverse accessibility to information and entertainment, such as those provided by social media platforms (e.g., Facebook, Twitter, YouTube, Instagram, WhatsApp, Line, and others), has created an innovative digital ecosystem. Access to social media encourages the formation of a new digital culture that is interactive, where geographical, temporal, and spatial boundaries are no longer barriers in the communication process. In recent periods, social media has gained significant popularity and preference among users. Beyond social media, the internet also facilitates ease of accessing news and information, ranging from local to foreign content, through efficient search mechanisms.[2]

The proliferation of hoax news in the era of globalization cannot be separated from the

[1] Putri Yashila Rahimah Athifahputih, "Law Enforcement Against the Spread of Hoax News as Seen from a Legal Review," *Journal of Law and Economic Development* 10, no. 1 (2022): 64–77.
[2] Firganefi Firganefi and Annisa Diska Nabila, "LAW ENFORCEMENT AGAINST THE CRIME OF SPREADING FALSE NEWS (HOAX) REGARDING POLITICS THROUGH SOCIAL MEDIA," *Lex LATA* 6, no. 1 (2024).

pattern of public consumption of online media and the evolution of information technology itself. The imbalance between available information and data validity is one of the main triggering factors in the spread of hoax news, where fanaticism towards certain figures or groups increasingly facilitates the public to be trapped in various incidents of spreading false information. Hoax news, in this context, refers to content that is not based on authentic reality, often involving addition, distortion, or reversal of facts. As a result, many events that were actually inaccurate or fictitious were turned into news narratives to appeal to a wide audience.[3]

Fake news and SARA elements circulating on social media spread quickly, causing divisions among the community. This is very detrimental to the common life of a nation and state. The government as the party responsible for the state, in order to ensure the implementation of the 1945 Constitution, issued Law No. 19 of 2016 concerning Amendments to Law No. 11 of 2008 concerning Information and Electronic Transactions. In the basis of the consideration of the law, it is stated that to ensure the recognition and respect of the rights and freedoms of others, as well as to meet the demands of justice in accordance with considerations of security and public order in society.[4]

So in this study it aims to find out more about what causes people to be easily influenced by hoax news which has been trending lately into a hot discussion in every corner of the country, so we conducted this research with the title "Government Authority in Regulating Hoax Cases on Social Media That Occur in Indonesia", which is expected to answer various questions that arise and answer discussions and research.

B. Methods

This study uses normative and normative juridical approaches that focus on literature studies and analysis of legal materials. The normative approach is carried out by reviewing and examining laws and regulations, government policies, and court decisions related to the regulation and handling of hoax cases on social media in Indonesia. This approach also considers the results of previous research as a relevant reference. The main data in this study are various primary legal regulations such as Laws, Government Regulations, and rules derived from them. In addition, secondary legal materials such as journals, scientific articles, and other references that discuss the government's authority in dealing with fake news are also used. This research also refers to tertiary legal materials in the form of explanations and views from legal experts and sources that are considered trustworthy.

C. Result and Discussion

Social media is one type of platform that continues to grow in the world of cyber media. Therefore, the nature and characteristics of social media are not too different from the characteristics of cyber media in general. Gane and Beer (2008) provide several important concepts so that we can better understand the meaning of cyber media and its various characteristics. In addition, when it comes to the characteristics of social media, one of the things that stands out the most is its ability to form relationships or networks between users. False information, commonly known as hoaxes, is a form of information whose content has been altered, either through addition or subtraction from the actual incident. Hoaxes contain elements of deliberate manipulation and modification of content, with the aim of arousing certain reactions from the public so that the information is easily spread widely or viral. The practice of spreading false information has been regulated in the applicable legal provisions, Perpetrators of spreading false information can be subject to criminal sanctions in accordance with the provisions stipulated in the Electronic Information and Transaction Law (ITE Law). However, the high prevalence of the spread of hoaxes in the community shows that the effectiveness of the applicable regulations has not reached

[3] Dewi Ayu Pranesti and Ridwan Arifin, "Victim Protection in the Case of Spreading Hoax News on Social Media in Indonesia," *Media Bhakti* Law Journal 3, no. 1 (2019): 8–17.

[4] Inge Rahayu Riyandini, Listijowati Listijowati, and Mohammad Ichlasul Amal, "Juridical Review of the Crime of Spreading False and Misleading News According to Law No. 19 of 2016," *Justice Pro: Journal of Law* 3, no. 2 (2019): 97–117.

the optimal level.[5]

Efforts to check the truth of information, as well as apply legal sanctions so that its spread can be prevented. One of the steps taken by the government is to cooperate preventively To reduce the risk of events that can cause the emergence of fake news, the low public understanding of the law also plays a role in the increase in the spread of hoaxes. Many individuals do not understand the legal implications of their actions in the digital world, so it is easy to believe and participate in spreading information that has not been verified to be true. emphasized that although Law Number 19 of 2016 concerning Electronic Information and Transactions (UU ITE) provides criminal sanctions for the perpetrators of spreading hoaxes, the implementation of this law still encounters obstacles due to low public understanding of these provisions. This causes people to often be unaware that disseminating unverified information can have legal consequences.

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On the other hand, to prevent the widespread proliferation of disinformation, the government has established the National Cyber Agency. This agency is responsible for tracking down sources of false information as well as protecting government websites from the threat of hacking. In addition, the National Cyber Agency is also mandated to maintain the security of state institutions from cyber attacks In addition, the Indonesian Ulema Council (MUI), as a religious and community institution, is expected to play an important role through community education programs to improve people's ability to sort and select information circulating on social media platforms. Therefore, the public needs to understand and get to know the Electronic Information and Transaction Law (ITE), so that social media users can be wiser in dealing with various information that emerges to be able to understand the content and purpose of the Law, especially to respond to circulating information, as well as to comment or update status selectively on digital platforms. [7]

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[5] Reni Amanda Putri et al., "The Implementation of the ITE Law in Dealing with the Spread of Hoaxes on Social Media," *Journal of Applied Education Innovation* 8, no. 3 (2025): 528–31.

[6] Muhammad Rama Diennova Sulistyo and Fatma Ulfatun Najicha, "The Influence of Hoax News on the Unity and Unity of the Nation," *Journal of Citizenship* 6, no. 1 (2022): 528–31.

[7] Journal of Abdi et al., "The Dangers of Delivering Fake News Through Social Media," *Journal of Eternal Work* 5, no. 3 (December 2021): 575–82, www.cnnindonesia.com/teknologi/20161229170130-185-182956/ada-800-ribu-situs-.

When finding false information, how to prevent its spread so as not to harm the wider community. Internet users can report such false information through the reporting mechanism provided by each media platform. On Facebook's platform, users can take advantage of the "Report Status" feature to classify content that is considered inaccurate as a form of hate speech, bullying, abusive behavior, threats, or other related categories. If significant reports accumulate from the online user community, the platform will generally remove the status in question.[8]

The prevention of disinformation on social media is still not good enough, because many parties, including law enforcement officials, community leaders, politicians, and other groups, are less sensitive to the dangers of disinformation that can cause major problems for society. In fact, these important figures are sometimes involved in creating and spreading false information. This can disrupt social harmony that has been maintained, because wrong information is spread by people who are role models for society.[9]

The positive impact of the use of social media can be identified as follows:

1. Development of social networks. Social media platforms help people, especially children, in building social relationships with others in different parts of the world, although most of the interactions that happen are virtual and do not involve face-to-face meetings.
2. Motivation for self-development. Children and adolescents are encouraged to engage in the process of learning and personal growth through interactions with online peers, where they exchange feedback and experiences.[10]

The Electronic Information and Transaction Law (ITE) states that committing prohibited acts as stipulated in Article 27 paragraphs (3) and (4) and Article 28 is an offense that prohibits the dissemination of false information. This Law determines the criminal punishment for these prohibited acts in accordance with their respective articles, with amendments to criminal penalties written in Law Number 19 of 2016 as amendments to Law Number 11 of 2008.[11]

In Indonesia, spreading false information can present severe legal consequences, in accordance with applicable law. Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions (ITE Law) was made to provide punishment to people who deliberately disseminate fake news, In addition, the regulation aims to protect the public from its negative consequences. However, the implementation of these legal norms often provokes controversy, particularly in the context of the balance between legal imperatives and the right to freedom of expression. In accordance with Article 45A paragraph (1) of the ITE Law, anyone who deliberately spreads false information that causes losses to consumers in electronic transactions can be punished with imprisonment for a maximum of 6 years and/or a fine of up to IDR 1 billion.[12]

Regulations regarding the dissemination of false or misleading information (hoax) are included in Article 28 paragraph (1) and paragraph (2) of Law Number 11 of 2008 concerning Electronic Information and Transactions (UU ITE), which applies in the Republic of Indonesia in 2008, as well as Article 45A paragraph (1) and paragraph (2) of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE).[13]

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[8] M Ravii Marwan and A Ahyad, "Analysis of the Spread of Hoax News in Indonesia," *Department of Communication Sciences, Faculty of Communication Sciences, Gunadarma* University 5, no. 1 (2016): 1–16.

[9] Chaerul Yani, "Prevention of Hoaxes on Social Media to Maintain Social Harmony," *Journal of Lemhannas RI* 7, no. 4 (2019): 15–21.

[10] Ivan Fauzani Raharja, "Wise Use of Social Media among Students According to Law Number 19 of 2016 concerning Information and Electronic Transactions," *Strait* Journal 6, no. 2 (2019): 235–46.

[11] Rio Gustrinanda and TITONY Tanjung, "The Influence of Hoax News on Public Trust in Elections in Indonesia," *BULLET: Journal of Multidisciplinary Sciences* 2, no. 1 (2023): 2.

[12] Dedi Prasetyo Wibowo, "LEGAL CONSEQUENCES FOR PERPETRATORS OF SPREADING FALSE INFORMATION (HOAX) BASED ON THE ITE LAW," *LEX LAGUENS: Journal of Law and Justice Studies* 3, no. 1 (2025): 45–59.

[13] Ahmad Habib Al Fikry, "Anti-Hoax Education for Village Youth: Digital and Legal Literacy Perspectives," *Journal of Legal Dedication* 2, no. 3 (2022): 329–38.

D. Conclussion

The authority of the government of the Republic of Indonesia in dealing with the spread of misleading information (hoax) through social media platforms relies on a solid legal foundation, namely Law Number 19 of 2016 concerning Electronic Information and Transactions (UU ITE) and Government Regulation Number 71 of 2019 concerning the Implementation of Electronic Systems and Transactions. These rules are the main legal instruments that give the government the authority to regulate, supervise content in cyberspace, and take strict action against parties who spread hoaxes, even with the threat of criminal sanctions. This research aims to understand government regulations and efforts in overcoming hoax cases in order to maintain public order and security in the midst of the heavy flow of digital information. Even though the legal basis has been available, law enforcement in hoax cases is still considered ineffective. This is due to two main factors: the lack of public understanding of the provisions of the law (legal literacy), which makes many individuals easily believe and unknowingly participate in disseminating unverified information, in addition, the challenge of maintaining a balance between the right to freedom of expression and the protection mechanism for the integrity of accurate and correct information. Thus, the conclusion of this study confirms that, in addition to more optimal law enforcement efforts, a more comprehensive solution is needed. The solution includes strengthening digital education and massively increasing legal literacy at all levels of society to be able to critically sort information and understand the legal consequences of their actions on social media. In addition, collaboration between sectors is also needed to build a digital society that is more resilient to disinformation, so the role of the community in verifying every information is very crucial.

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