

CRIMINAL LAW POLICY IN TACKLING FAKE NEWS CRIME

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Abstract

Criminal acts of spreading false information or hoaxes have become a serious threat in the rapidly evolving digital information era. To combat this phenomenon, criminal law policy plays a central role. This journal discusses the role and importance of criminal law policy in addressing the crime of spreading false information. This research employs a non-doctrinal approach in the study of criminal law, meaning that it relies not only on legal provisions but also emphasizes the views of criminal law experts, both domestically and internationally. This approach aims to gain a clear understanding and a comprehensive overview of the issues examined in this research. The research findings indicate that criminal law policy plays a crucial role in addressing the crime of spreading false information. However, law enforcement against this crime in Indonesia still faces various challenges, such as difficulties in determining the boundaries between freedom of expression and the dissemination of false information, lengthy and complex legal processes, and the influence of corruption and nepotism within the legal system. Therefore, efforts are needed to enhance the resources of law enforcement agencies, combat corruption, improve transparency, and raise public awareness of the law.

Keywords: *Legal Policy, Criminal, Hoax*

INTRODUCTION

The increasingly advanced digital and information era has opened up wide and rapid access to information dissemination. With just a few clicks, information can spread widely and quickly to various corners of the world. However, this progress also brings new challenges, one of which is the spread of fake news or hoaxes. Fake news or hoaxes are false information that is spread with the aim of deceiving, deceiving, or harming others. In Indonesia, the crime of fake news has become a serious problem. Fake news can damage the reputation of individuals or organizations, trigger social conflicts, and even threaten national security. In addition, fake news can also affect democratic processes, such as elections, and undermine public trust in government institutions (Maaliki & Soponyono, 2021). Criminal law policy has a major role in tackling the crime of fake news. First of all, this policy provides a clear and unequivocal legal framework related to the spread of fake news. This provides a legal basis for law enforcement officials to identify, pursue, and prosecute perpetrators of fake news (Maaliki & Soponyono, 2021).

Handling the crime of fake news through criminal law policy is very important because it has several main functions. First of all, criminal law policy provides a strong legal foundation for cracking down on perpetrators of fake news crimes. This means that the offender may be subject to legal sanctions appropriate to their severity, such as fines or

imprisonment. It aims to maintain social order and punish perpetrators who deliberately disseminate false information that can harm individuals or society. In addition, criminal law policies also play a role in preventing the further spread of fake news. The threat of legal sanctions can be a deterrence for individuals who have the potential to spread false information. The deterrent effect arising from the implementation of this law can reduce the incentive to disseminate fake news. Criminal law policy also sends a strong message to the general public that the act of spreading fake news is illegal and unacceptable. This helps educate the public about the importance of honesty in communicating and participating in responsible reporting. Thus, criminal law policy is an important tool in maintaining information integrity and maintaining social order (Yashila & Athifahputih, 2022).

Fake news or hoaxes have a very serious impact in social and political contexts. In society, fake news can damage the reputation of individuals or organizations, create social conflicts, and create mistrust between individuals. In a political context, fake news can disrupt democratic processes, especially during elections, where voters can be influenced by false information. The impact also extends to the national level, as fake news can threaten state security by creating tensions and internal conflicts. In addition, fake news can also undermine public trust in government institutions. When people lose trust in the government due to the spread of fake news, the stability of the country may be compromised, and the government may face challenges in carrying out its duties. Strict law enforcement against fake news crimes is very important to maintain the stability and integrity of the country. These efforts must be carried out effectively and fairly, taking into account human rights and freedom of expression, but must also provide strict sanctions to perpetrators who deliberately disseminate fake news for personal gain or specific purposes.

Law enforcement against fake news crimes in Indonesia still faces various challenges. One of them is the difficulty in determining the line between freedom of opinion and the spread of fake news. In addition, long and complicated legal processes are often obstacles in law enforcement. Criminal law policy is an important instrument in tackling fake news. This policy not only serves to sanction perpetrators, but also to prevent the spread of fake news. Therefore, there is a need for in-depth research on criminal law policies in tackling fake news crimes in Indonesia (Muttaqien & Irawan, 2021).

Based on the background of the above problems, the formulation of the problem in this study is (1) What is the criminal law policy in tackling fake news crimes in Indonesia? (2) What are the challenges and obstacles to law enforcement?. The purpose of this study is

to analyze criminal law policies in tackling fake news crimes in Indonesia, identify challenges and obstacles in law enforcement, and provide recommendations for improving criminal law policies. It is hoped that the results of this study can be a reference for policymakers in formulating effective strategies and policies in tackling fake news crimes.

This research uses a non-doctrinal approach in criminal law studies, which means that it does not only rely on legal provisions, but focuses more on the views of criminal law experts, both from within the country and abroad. This approach aims to gain a clear understanding and a comprehensive picture of the problems studied in this study. This allows researchers to explore diverse viewpoints and consider different criminal law perspectives, so that research results become more comprehensive and informative.

RESEARCH METHODS

The research method used in this study is Literature Review or literature review. This method is a research approach that focuses on collecting, analyzing, and synthesizing literature or papers relevant to the research topic. The Literature Review method is very useful in gathering existing information about research topics and helping researchers understand the context and current developments in the field. It can be the basis for formulating further research questions, hypotheses, or policy recommendations.

RESULT AND DISCUSSION

Criminal law policy in tackling fake news in Indonesia

The digital age and the development of information technology have brought significant changes in the way we access and disseminate information. The ease of access to the internet and social media has drastically changed the information landscape, allowing every individual to become a disseminator of information. However, along with these advantages, a new challenge also arises, namely the spread of fake news or what is often called "hoax." Fake news is false information spread with the aim of deceiving, harming, or deceiving others. In Indonesia, the crime of fake news has become a serious problem that affects various aspects of society.

Criminal law policy is an important instrument in tackling fake news in Indonesia. This policy serves to sanction perpetrators and prevent further spread of fake news. However, law enforcement against fake news crimes in Indonesia still faces various challenges. One of the main challenges in law enforcement against fake news crimes is determining the line

between freedom of speech and the spread of fake news. Freedom of opinion is a human right guaranteed by the constitution. However, this right should not be used to spread false news that may harm others or disrupt social and political stability. Therefore, there needs to be clear and objective criteria to determine whether an information is fake news or not (Alfayed, 2020).

Long and complicated legal processes are often obstacles in law enforcement against fake news crimes. Long and complicated legal processes can hinder law enforcement and provide opportunities for perpetrators to escape the law. Therefore, there is a need for increased efficiency and effectiveness in legal processes. Criminal law policy in tackling fake news in Indonesia also needs to consider technological factors. In the digital era, the spread of fake news is often done through social media and other digital platforms. Therefore, criminal law policies need to be adjusted to technological developments and changes in the way fake news is spread (Pinatih & Suardana, 2019).

Criminal law policy also needs to consider social and cultural factors. For example, there is a need for education and socialization to the public about the dangers and negative impacts of fake news. This education and socialization can be done through various means, such as media campaigns, training, and education in schools. Criminal law policy not only serves to sanction perpetrators, but also to prevent the spread of fake news and educate the public. Therefore, criminal law policy in tackling fake news in Indonesia needs to be seen as part of a broader effort to promote a healthy and responsible information culture.

This solution needs to be combined with other efforts, such as increasing digital literacy, increasing media transparency and accountability, and increasing public participation in combating fake news. Increasing digital literacy is very important in this digital era. People need to be equipped with the knowledge and skills to distinguish between true information and fake news. They also need to be equipped with knowledge on how to use social media and other digital platforms wisely and responsibly. Increased media transparency and accountability are also crucial. The media has an important role in disseminating information and shaping public opinion. Therefore, the media needs to take responsibility for the information they disseminate and must be transparent in their reporting and editing processes. Increased community participation is also very important. The public needs to be involved in the fight against fake news. They can participate in a variety of ways, such as reporting fake news, sharing true information, and supporting media and organizations committed to countering fake news (Yashila & Athifahputih, 2022).

Criminal law policy in tackling fake news in Indonesia needs to be seen in a broader context. This policy needs to be combined with other efforts to create a healthy and responsible information environment. In addition, this policy also needs to be adjusted to technological developments and social and cultural changes. In law enforcement against fake news crimes, the role of government, media, and society is very important. The government needs to formulate and implement effective and fair criminal law policies. Media need to be responsible and transparent in their reporting and editing processes. And society needs to actively participate in the fight against fake news. With good cooperation between governments, media, and society, we can tackle the problem of fake news and create a healthy and responsible information environment.

Challenges and obstacles in enforcement in law enforcement

Law enforcement is a very important process in maintaining order and justice in society. However, this process often faces various challenges and obstacles, both technically, socially, and politically. One of the main challenges in law enforcement is the difficulty in determining and proving violations of the law. In many cases, violations of the law are not always clear and easy to prove. For example, in cases of corruption or the spread of fake news, violations of the law are often carried out secretly and involve many parties. Therefore, law enforcement in cases like this requires in-depth investigation and extensive legal knowledge (Pinatih & Suardana, 2019).

Law enforcement is also often hampered by a lack of resources. Law enforcement requires sufficient resources, both in terms of personnel, funds, and technology. However, in many cases, law enforcement agencies often lack these resources. As a result, they often find it difficult to investigate, arrest perpetrators, and carry out legal processes. Other obstacles in law enforcement are corruption and nepotism. In many cases, legal proceedings are often influenced by political and economic interests. For example, offenders with strong political or economic ties can often avoid punishment or get light sentences. This not only hinders law enforcement, but also undermines public confidence in the legal system.

Law enforcement is also often hampered by a lack of public awareness and understanding of the law. Many societies do not understand their rights and obligations in law, or do not trust the legal system. As a result, they are often reluctant to report violations of the law or cooperate with law enforcement agencies. To overcome these challenges and obstacles, various efforts are needed. First, there needs to be increased resources for law

enforcement agencies. This can be done through budget increases, personnel training, and procurement of more advanced technology. Second, there needs to be efforts to combat corruption and nepotism in the legal system. This can be done through increased transparency and accountability in legal processes. Third, efforts are needed to increase public awareness and understanding of the law. This can be done through legal education and legal socialization campaigns(Alfayed, 2020).

Law enforcement is a complex process that faces a variety of challenges and obstacles. However, with the right efforts, we can overcome these challenges and obstacles and create a fair and effective legal system. In addition to the above challenges, law enforcement is also faced by the challenges of globalization and technological developments. Globalization and technological developments have created new types of crime that are more complex and difficult to handle, such as cybercrime, transnational crime, and financial crime. To deal with these crimes, law enforcement needs to have up-to-date knowledge and skills, as well as access to technology and international networks.

Law enforcement is also faced by challenges in maintaining a balance between security and human rights needs. In enforcing the law, law enforcement should strive to maintain security and order, but should also respect human rights and individual freedoms. Maintaining this balance is often difficult and requires the right policies and approaches. In the face of these challenges and obstacles, law enforcement needs to adapt and innovate. They need to continue to learn and develop their knowledge and skills, as well as cooperate with various parties, both at home and abroad. They also need to be committed to maintaining their integrity and professionalism, and always strive to best serve the community(Muttaqien & Irawan, 2021).

Overall, law enforcement is an arduous and challenging task. However, with commitment, dedication and hard work, we can overcome these challenges and obstacles and create a legal system that is fair, effective and respected by everyone. To overcome these challenges and obstacles, it is necessary to increase resources, both in terms of personnel, funds, and technology. In addition, efforts are needed to combat corruption and nepotism in the legal system, as well as increase transparency and accountability in legal processes. Legal education and legal socialization are also important to increase public awareness and understanding of the law.

CONCLUSION

Law enforcement is a crucial aspect in maintaining order and justice in society. However, this process often faces various obstacles, including difficulty identifying and proving violations of the law, limited resources, and problems related to corruption and nepotism. Addressing these challenges requires commitment and reform in the legal system. Increased allocation of resources to law enforcement agencies, better transparency, and increased public awareness of the law are important steps in creating a fairer and more effective legal system. In the face of global challenges such as technological developments and new crimes, law enforcement must constantly adapt and innovate in order to perform their duties well. With hard work and the right changes, we can strengthen law enforcement for the realization of justice and social order.

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