

## **OFFENSES PRINCIPLES AND A LIMITATION FOR DISINFORMATION VIA THE INTERNET IN INDONESIA**

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### **ABSTRACT**

Actors utilize the internet to spread disinformation. The content might be irritated the public but does not cause direct distribution to public order. Article 14 and Article 15 of Law No. 1 of 1946 on Criminal Law Regulation prohibit the publication of disinformation that causes the distribution to public order. However, the implementation of the legislation shows that the panel of judges punish the actor who publishes disinformation without considering the impact of that disinformation on society. Therefore, the purpose of this research is to criticize the limitation of disinformation distribution through the internet under offenses principles. The principles are used to analyze the relevancy and limitation of criminalization in article 14 and article 15. By using document research with the statute, case, and conceptual approaches, it is concluded that the intervention of criminal law may be justified to protect public order, but the intervention shall be limited which strict requirements.

**Keywords:** disinformation, internet, offenses principles

### **A. Introduction**

Indonesia faces a critical problem when false, fake, and inaccurate information is spread massively and becomes viral on the internet., The Ministry of Communication and Information of the Republic of Indonesia verified 1.527 false, fake, and inaccurate information on Covid-19 spread through 3.110 contents from January 2020 until April 2021. Internet platforms like Facebook, Instagram, Twitter, and YouTube have taken

down 2.687 contents while the authorities are still processing the rest. Ministry of Communication and Information Republic of Indonesia reported 113 unlawful contents to Indonesia National Police for further investigation procedure.<sup>1</sup>

False, fake, and inaccurate information is also known as a hoax. Merriam Webster Online Dictionary defines hoax as “to trick into believing or accepting as genuine something false and often preposterous”.<sup>2</sup>

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1 Ministry of Communication and Information Technology Republic of Indonesia, “Penanganan Sebaran Isu Hoaks Covid-19 Jumat (16/04/2021),”<https://www.kominfo.go.id/content/detail/33916/penanganan-sebaran-isu-hoaks-covid-19-jumat-16042021/0/infografis> (accessed 17 April 2021).

2 Merriam Webster Online Dictionary, “Hoax,” <https://www.merriam-webster.com/dictionary/hoax> (accessed 17 April 2021)