

Hoax News Study On Social Media Based On Islamic Law And Law No. 19 Of 2016 Concerning Amendments To Law No. 11 Of 2008 Concerning Electronic Transactions And Information

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Abstract

Lately, hoaxes on social media are increasingly rampant, almost every day news information is never empty of news about lies. Covid 19 news which is news warmest as long as almost one in is a soft meal for those who like to make fake news. This incident really saddened our hearts to hear it. Society needs a strong filter for receive news that is not necessarily true. It never hurts to check from which news sources and who's preaching. The spread of fake news according to Islamic law is not justified as stated in the Qur'an Surat An-Nur 24 verse (14) and verse (15), Allah has given an explanation to mankind to always speak the truth, especially in conveying a message or news, because Delivering a message that is not true will not be reassuring, Prophet Muhammad He has also given an example for us to become people who can be trusted, one of which is by being honest with others. Indonesia as a country committed to the progress of the times, especially in the field of technology With this information, the Government supports the development of Information Technology through infrastructure laws and regulations so that the use of Information technology is carried out safely to prevent its abuse by paying attention to the religious and socio-cultural values of the Indonesian people. The threat of punishment for hoax spreaders, based on Law No. 19 of 2016 concerning Amendment against Law No. 11 of 2008 concerning Electronic Information and Transactions as referred to as stated in Article 45A paragraph (1), namely **by imprisonment for a maximum of 6 (six) year and / or a maximum fine of Rp. 1 billion.**

Keywords: *Hoax News Review, Islamic Law, UU ITE*

A. INTRODUCTION

Again - again heard hoax news or fake news circulating in the community. Fake news through social media, unscrupulous members of the TNI are actually spreading the initials MI 1 . Initially Prada MI admitted to being beaten up. MI said he was beaten up by an unknown person.

“According to the data and facts found in the field, what happened was said that MI soldiers have been beaten by unknown people and caused injuries, “said Hadi at Sultan Hasanuddin Air Base, Makassar, Sunday

(30/8/2020). After that, he contacted 27 colleagues and spread the hoax news . «Then it was developed again Related handphone belonging to soldiers MI and MI was found that the soldiers had contacted 27 colleagues and it will be used for further development, “said Hadi.

After that, the Ciracas Police vandalism took place on Saturday (29/8) morning. TNI to Polri stepped down investigating this case. From the results of the examination of a number of witnesses and CCTV footage, it was found conclusion that MI’s statement is not true. In fact, MI had a single accident, wasn’t it beaten up.

From the untrue news like one of the examples above resulted in the Ciracas Police at This is certainly not an example to follow.

From 2018 until now the cases of spreading fake news on social media are increasing This increase certainly raises big questions for us why the nation Indonesia is predominantly Muslim, but appeals, advice and even prohibitions from the leaders religion seems to be ignored, even the Government is good through the Criminal Code and Law No. 19 of 2016 concerning Amendments to Law No. 11 of 2008 concerning Information and Electronic Transactions threaten penalties and fines for those who do create and spread the hoax news.

The spread of fake news according to Islamic law is not justified as stated in the Qur’an Surat An-Nur 24 verse (14) and verse (15), Allah has provided an explanation to mankind to always tell the truth, especially in conveying a message or news, because conveying untrue news will not be reassuring, The Prophet Muhammad has also set an example for us to become people who can be to believe in one of them is to be honest with others.¹

Indonesia as a country committed to the progress of the times, especially in the field of technology This information then the Government supports the development of Information Technology through legal infrastructure and its regulations so that the use of Information technology is carried out safely to prevent misuse by paying attention to religious and socio-cultural values Indonesian society. The threat of punishment for hoax spreaders, based on Law No.19 2016 concerning Amendments to Law No. 11 of 2011 Regarding Information and Electronic Transactions as stipulated in Article 45 paragraph (2), namely by imprisonment a maximum of 6 (six) years and / or a maximum fine of Rp. 1 billion.

Based on the description of the hoax news above, the writer will highlight that news. This lie is both from the religious side and from the point of view of our positive law with the title News Review Hoax based on Islamic Law and Law No. 19 of 2016 concerning Amendment of Law Law No. 11 of 2008 concerning Electronic Transactions and Information.

B. Problems

Referring to the description of hoax news as mentioned above, the writer will take it problems as follows:

1. What is the view of Islamic law on the spread of fake news / hoaxes in the media Social concern for Indonesian society?
2. How is the view of Indonesia’s Positive Law on the spread of fake news in Social Media that makes Indonesian people nervous?

¹. <https://news.detik.com/berita/d-5152474/perALAH-l-Lengkap-panglima-tni-terkait-hoax-picu-perusak-polsek-ciracas>

C. Writing Methodology

Writing about Hoax News Studies based on Islamic Law and Law 19/2016 on Amendments to Law No.11 of 2008 concerning Transactions This electronics uses the statutory approach method 2 which means that the study to the problem by studying and analyzing the rules contained in it Al Qur'an and laws and regulations related to the subject matter.

The data source used is secondary data consisting of three legal materials, namely primary legal materials consisting of the 1945 Constitution, Law no. 19 years old 2016 concerning Amendments to Law No.11 of 2008 concerning Transactions and Information Electronic,. Secondary legal materials, namely articles and journals as well as news in accordance with study. Tertiary legal materials consist of large Indonesian dictionaries online, web, internet.

Qualitative descriptive data analysis. Data in the form of words obtained from literature study is arranged systematically and analyzed qualitatively.²

D. Discussion

1. Islamic legal views on the spread of fake news / hoaxes on social media unsettling society.

Islam is the last religion preached by the Prophet Muhammad and adhered to by the majority of Indonesia's population. Islam is based on the holy books of the Qur'an and Al Hadiths as well as some Ijtihad from the scholars. Al Qur'an 3 as a guide for Muslims consists of 30 juz, 114 letters and 6236 verses. The Qur'an does not come down all at once but gradually in order to establish themselves as the Apostle. According to some scholars, verses al-Qur'an came down gradually over a period of 22 years 2 months 22 days; and there is as well as some other scholars who argue that the Qur'an was revealed gradually in 23 years (started on 22 December 603 AD). The scholars divide the period of descent It is divided into two periods, namely the Mecca period and the forming period of Medina classification of Surah Makkiyah and Surah Madaniyah. The Mecca period lasts for 12 the prophetic year Rasulullah SAW and the surahs that came down at this time were classified surah Makkiyyah . Meanwhile, the Medina period, which began when the Hijrah took place for 10 years and the surah that came down during this period is called the Madaniyah surah .

Three major things are regulated in the Holy Qur'an, namely about commands, prohibitions and stories. In the Holy Qur'an, Allah (SWT) commands prayer, fasting, zakat, pilgrimage, as well as other things such as doing good or doing good deeds towards others, helping each other in virtue and others. Actions are ordered by Allah SWT for done that, if done by someone, then Allah's reward will be the highest degree in Heaven someday and vice versa in the holy book of the Qur'an, Allah also prohibits it for humans to commit adultery, take something that is not their right, kill, summon someone with a title that he does not like, including forbidden to lie and slander others. If the prohibited actions are committed by humans then Allah will give torment both in the world, in the grave and in the hereafter. Besides these two things the holy Qur'an also tells about the stories of the Prophet before the Prophet Muhammad SAW, such as the story of Prophet Noah, Prophet Musa, Prophet Ibrahim, Prophet Isa and others so. We must believe the stories are true because they are stories made up by Allah SWT and reported in the form of revelations to the Prophet Muhammad SAW.³

2. Peter Mahmud Marzuki, 2009, Legal Research , Kencana, Jakarta, p. 200

3. ndonesian Wikipedia, the free encyclopedia, <https://id.wikipedia.org/wiki/Al-Qur%27an#:~:text=Al%2DQur'an%20consists%20of%20above,6214%20verses%20according%20to%20history%20Warsy.download> on 2 September 2020

Allah forbids humans to persecute (mendholimi) others, form persecution (pendholiman) can be in the form of physical abuse or persecution non-physically. Physical abuse can take the form of beatings by hand empty or with weapons while non-physical abuse can be in the form of slander, damaging someone's good name including spreading fake news about the incident. Both forms of persecution will certainly harm the other party if in binoculars according to Islamic law actions as if they have harmed others it is actually self-defeating.

One form of persecuting others according to Islam is by lying to others, even though there are 3 things that are allowed in Islam to lie as narrated by Al Imam Muslim, namely:

1. **Lying when in danger**
2. **When you want to reconcile siblings**
3. **Lies to make your wife / husband happy⁴**

These three things, if done, certainly do not cause harm to others. All lying is prohibited in Islam except for the three things mentioned above. Lying is forbidden especially to spread fake news that we don't know the truth. People who love to lie are a sign that the person is included munafiq people who love to break promises.

Rasulullah SAW once said that:

“ There are three signs of a person who is munafiq: when speaking lies, when he promises break his promise and if believed to be treasonous ”(Hadith narrated by Bukhari and Muslim.).

From the above hadith, it is clear that a liar is usually not far from a fondness breaking promises and treachery. These characteristics are the nature of the munafiq should be avoided because it can harm yourself and others. munafiq nature which is not Quickly thrown away can have an impact on daily life to the point of being excluded.

We as Muslims should not be trapped in things that can pit one against each other generate hostility among Muslims themselves. In this technological era, everything is all-round easy to access news both true and false.

Surat An Nur 24 verse 19 says that⁵ :

“In fact people who want (news of) his very heinous deeds spread to the people among those who believe, for them a painful punishment in the world and in the hereafter. And Allah is All-Knowing whereas you don't know ”.

Chapter An Nur Verse 19 implies that a believer is pure, possesses value and value in the presence of Allah SWT, therefore no one is justified confessing himself the faith always wants to find fault with others, spy on and spread false news about other people's personal as it is also written in Hadith narrated by Ahmadi, Rasululloh said:

“Don't you hurt Allah's servants, don't criticize them and don't search for their aurat / disgrace. Because whoever is looking for the shame of his fellow Muslims, then Allah will seek his disgrace so that he will open the disgrace in his house. The threat of receiving torment from Allah SWT for those who commit abuses against others humans including slander and spreading fake news should really believe because the promise of Allah SWT must have happened.

4. Lying husband or wife towards a partner is not done to do something if one day the couple knowing that he or she is lying will bring up evil flames in a partner, such as a husband lied to his wife that he was going out of town, he did not work but instead went out '1'1

2. Indonesia's positive legal views on the spread of fake news in the media Social

As mandated by our constitution, namely the 1945 Constitution that our State is the rule of law means that every step of the population is both indigenous as well as foreign residents and the Government itself must comply with all the rules made by the Government, including the rules on electronic information.

The globalization of the information world has also positioned Indonesia as a part of information society of the world thus necessitating the formation of regulations regarding management of Information and Electronic Transactions at the national level, including developments and such rapid advances in Information Technology have led to changes in activities the life of the Indonesian people in various fields. Utilization of Information Technology it has an important role in advancing the Indonesian nation as a committed country with the progress of the times, especially in the field of Information technology, the Government support the development of Information Technology through legal infrastructure and its regulation so that the use of Information technology is carried out safely to prevent its abuse by paying attention to the religious and socio-cultural values of the Indonesian peoples.⁵

Indonesia is a country that accommodates the entry of technology into life have a community as the embodiment of a democratic civil society that we all aspire to. Modern society with all the sophistication of technology including the use of HP (Handphone) It is hoped that in everyday life it will be well integrated. The government has made effortsto create a legal umbrella related to information technology.

The regulation in question is Law No. 11 of 2008 concerning Information and Electronic Transactions. Electronics as a product of legislation that is needed and has become a pioneer who laid the basis for regulation in the field of utilization of Information Technology and Electronic Transactions. In the course of the implementation of the UUIITE experienced various problems so that in 2016 the UUIITE was amended by law No. 19 of 2016, this Law is a Law that replaces the Law Law No.11 of 2008 concerning Electronic Information. This law consists of 13 CHAPTERS and 54 articles, passed in Jakarta in 2016. There are several articles in Law No. 11 of 2008 which was amended, the amended Article was Article 1 Chapter I concerning provisionsGeneral added for point 6 to 6a, Article 26, Article 31 paragraph (3), Article 40, Article 43, and Art 45.

UUIITE regulates the mandatory use of Information Technology and Electronic Transactions implemented based on the principles of legal certainty, benefits, prudence, good faith and having the freedom to choose technology means that it is not focused on usage certain technology so that it can keep up with developments in the future. Every people and society in utilizing this information technology are required implement the precautionary principle by taking into account all potential aspects incur losses, both for themselves and for other parties.

This precautionary principle is often ignored by some Indonesian people inside carry out the use of information technology, so that incidents occur which harm the other party. Some examples of cases of defaming other people, playing one against each other and even spreading fake news with intentions certain.

Several things that are prohibited by UUIITE as regulated in Article 27 up to Article 31, al:

Article 27 (1) Everyone knowingly and without right distributes and / or transmits and / or make accessible Electronic Information and / or Electronic Documents has a charge that violates decency.

Article 27 (2) Everyone knowingly and without right distributes and / or transmits and / or make

5. [https://metrojambi.com/read/2017/05/02/20675/hukum-bergosip-dan-ancaman-untuk-penyebar-gossip-](https://metrojambi.com/read/2017/05/02/20675/hukum-bergosip-dan-ancaman-untuk-penyebar-gossip)

accessible Electronic Information and / or Electronic Documents has a gambling charge.

Article 27 (3) Everyone knowingly and without right distributes and / or transmits and / or make accessible Electronic Information and / or Electronic Documents has a load of insulting and / or defamation.

Article 27 (4) Everyone knowingly and without right distributes and / or transmits and / or make accessible Electronic Information and / or Electronic Documents has a blackmail and / or threatening charge.

Article 28 (1) Everyone knowingly and without right spread false news and misleading which results in consumer losses in Electronic Transactions.

Article 28 (2) Anyone knowingly and without the right to distribute the information intended to create hatred or hostility towards certain individuals and / groups of society based on ethnicity, religion, race and between groups (RAS)

The things that have been prohibited are as stated in Article 28 paragraph (1) and (2) of the UUIITE apparently it did not dampen the intention of Indonesian citizens to do what was forbidden the. The threat of punishment and fines has also been regulated as stated in

Article 45A (1) UUIITE:

Anyone who knowingly and without right spread false news and misleading which results in consumer losses in Electronic Transactions subject to a maximum sentence of 6 years and / or a maximum fine of Rp.1,000,000,000 (one billion rupiah)

The law does not define or define fake news. According to Head of the Press Council, Yosep Adi Prasetyo, said hoaxes were fabrications that were deliberately made up for disguised as truth. These falsehoods generally use data, photos and citations people, so that people who read it as the truth.

According to the Big Indonesian Dictionary (KBBI), hoax or hoaxes are fake news or news is not sourced. Hoaxes are information that is actually untrue, but created as if it were true.

Hoax is fake news that is deliberately created and spread by certain people with a specific purpose too. Based on data from the Anti Slander and Hoax Society (Mafindo), In the first three months of 2019 alone 320 hoax content were found , where the majority political themed.

The characteristics of hoax news⁶ are

1. Creating anxiety, hatred, hostility.
2. The source is unclear and no one can be held accountable for or clarified
3. The message is unilateral, offensive and not neutral or one-sided.
4. Write names of influential figures or use names similar to well-known media.
5. Making use of fanaticism in the name of ideology, religion, the voice of the people.
6. The title and introduction are provocative and do not match the content.
7. Give a nickname
8. Ask to share or make it viral.
9. Uses highly technical arguments and data to make it appear scientific and credible
10. Articles that are written usually hide facts and data and twist statements the source.

11. This news is usually written by fake media, where the media address and the stage answer not clear.
12. Photo manipulation and captions. The photos used are usually old and originated from events elsewhere and the information is also manipulated

The first known media for spreading internet hoaxes was via email, usually containing warning of a false claim. However, with the development of technology, especially on smartphones and social media, the types of hoaxes on the internet are increasing dangerous. If not careful, cyber users or netizens can easily consumed by the hoax hoax. In fact, it could even contribute to spreading hoaxes, which of course will very detrimental to the victim of slander. You need to be aware of mandatory hoax news known. The following is hoax news to watch out for⁶

Types of Hoax News to Watch Out for⁷ :

1. Hoax Virus

This type of hoax is usually developed by hackers and spreads via email or chat application. This type of hoax usually contains a dangerous virus on the computer or your smartphone that is not actually infected.

2. Hoax Send Chain Messages

Active users of the WhatsApp or BBM chat applications often get messages for forward the message to several other friends for various reasons. Usually, the message about getting a particular gift or having a bad time not sending it.

3. Hoax Urban Legend

Many people like to make hoaxes about scary urban legend stories about places, objects, or certain activities. This type of hoax usually encourages netizens not to visit, buy, or do the things that the hoax maker mentioned earlier. This type of hoax can It has a negative impact on the object of hoax news, such as being shunned until its economic value decreased. At first glance this hoax is similar to a black campaign.

4. Hoax get Free Gifts

This hoax mode is similar to online fraud. Someone will send a message broadcast or pop-up message containing announcement of free gifts. Here, indeed victims rarely experience financial losses, but they are deceived by filling out surveys internet survey for advertising. The negative impact will be even greater if the victim accidentally use your work email or main email to enroll in the survey. If happens, then advertising emails are sure to flow fast and hard to stop.

5. Hoax about a sad story

This hoax is in the form of a letter containing news from someone who is sick and need funds for surgery or medicine. This type of hoax usually uses photos from Google for sympathy. The person who spread the hoax also included a number an account so that the deceived victim can send some

6. authors from Herman / YUD, source: BeritaSatu.com, <https://www.beritasatu.com/yudo-dahono / digital / 547545 / ini-12-characteristic-news-hoax> accessed on 28 August 2020

7. <https://www.liputan6.com/news/read/3867707/hoax-adalah-ciri-ciri-dan-cara-mengatasinya-di-dunia-maya-with-easy> , accessible on 5 September 2020

amount of money.

6. Name Defamation Hoax

The nature of this hoax is very dangerous. Because fake news can easily spread in the world virtual and capable of destroying someone's life in an instant.

As untrue news, hoaxes have a bad impact on society. As for Negative Impacts that arise as a result of hoaxes include the following ⁸:

1. Waste of Time and Money

According to calculations on the cmsconnect.com site , reading hoax news can cause losses that are not small for the individual or the office where you work. This happened thanks decreased productivity due to the shocking effect of hoax news.

For companies, the losses usually incurred are at least Rp. 10 million per year. While individuals can reach IDR 200 thousand per year. All of this can happen if any workers spend 10 seconds per day reading e-mails or hoax messages.

2. Transfer Issues

In cyberspace, especially for cyber criminals, hoaxes can be used to make things easier their illegal act. Cyber criminals are known to often spread hoaxes about system vulnerabilities on an internet service, such as Google Gmail.

Well, in the hoax message, hackers may include certain recommended links to be clicked to avoid the Gmail system vulnerability. In fact, the link above contains viruses that can hijack your Gmail.

3. Public Fraud

Apart from the furor, there are types of hoaxes that are made to seek sympathy and money. In Indonesia itself, the hoax news that deceived the public some time ago is the opening message

registration of national CPNS sent via WhatsApp. After the crowd spread, then the government clarified if it would not open the CPNS registration yet.

4. Public Panic Triggers

News of natural disasters or events on transportation is often used as material for spread hoax news. This is one of the most popular hoax destinations by unscrupulous makers of hoax news, triggering public panic. To stop panic, usually the mass media or online media must help the community and clarified that the news was just a hoax.

8. <https://www.liputan6.com/news/read/3867707/hoax-adalah-ciri-ciri-dan-cara-mengatasinya-di-dunia-maya-easily> , by Reporter: Nisa Mutia Sari, accessed on 5 September 2020

There are several ways that can be done to identify the news whether it is false news or genuine news, namely: ⁹

1. Be careful with provocative titles

Hoax news often uses sensational and provocative titles. The contents can also be retrieved from official media news, which are altered to create the desired perception from the hoax maker.

2. Pay attention to the site address

For information obtained from websites or including links, pay attention to the URL address the site in question. If it comes from a site that has not been verified as a press institution official, for example using a blog domain, then the information is arguably dubious. According to the records of the Press Council, in Indonesia there are around 43,000 websites that claim to be news portal.

3. Fact Check

You need to pay attention to where the news is getting. Is from an official institution like KPK or Polri. You should not easily believe the information that comes from mass organization activists, political figures, or observers.

4. Check the authenticity of photos

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

5. Participate in the Anti Hoax Discussion Group

On Facebook there are a number of anti-hoax fanpages and discussion groups, for example the Anti Slander Forum, Hasut, and Hoax (FAFHH), Fanpage & Group Indonesian Hoax Buster, Indonesian Fanpage Hoaxes, and the Sekoci Group.

In order to protect the public interest from all kinds of disturbances as a result misuse of Electronic Information and Electronic Transactions, it is necessary to confirm the role The government in preventing the distribution of illegal content by taking action termination of access to Electronic Information and / or Electronic Documents that have cargo that violates the law so that it cannot be accessed from Indonesian jurisdiction as well authority is required for investigators to request the information contained in Electronic System Operation for the purpose of law enforcement in criminal acts Information Technology and Electronic Transactions. As regulated in Article 40 paragraph (2a and 2b) Law no.19 of 2016.

If we find hoax news, it is possible to prevent the news from spreading report the hoax news through the means available in the respective media. Facebook social media, can use the Report Status feature and categorize hoax information as hatespeech / harrasment / rude / threatening or other appropriate categories. If a lot of complaints from the user, Facebook will delete the status. For Google, we can use feedback feature to report sites from search results if they contain fake news. Twitter has a Report Tweet feature to report negative tweets, as well Instagram. Then, for internet users we can complain negative content to Ministry of Communication and Informatics by sending e-mail to address aduankonten@mail.

⁹. ibid

kominfo.go.id . ¹⁰Everyone and / the community can file a civil suit against the party who is operating Electronic Systems and or using Information Technology incurring losses¹¹

E. Conclusion

1. Islamic legal views on the spread of fake news / hoaxes on social media unsettling society.

Three major things are regulated in the Holy Qur'an, namely about commands, prohibitions and story. In the Holy Qur'an, Allah SWT commands prayer, fasting, zakat, hajj, and other things such as doing good or doing good deeds to others, help each other in virtue and others. Actions are ordered by Allah SWT to do this, if done by someone, then Allah's reward in the form of the highest degree in Heaven in the future and vice versa in the holy book of the Qur'an Allah SWT also forbids humans to commit adultery, taking something that is not rights, to kill, to call someone with a title he does not like, including It is forbidden to lie and slander others. If those actions are prohibited is done by humans then Allah will give good torment in the world, in nature the grave and in the hereafter. Surat An Nur 24 verse 19 says that:

“Actually people who want (news) of his very heinous actions scattered among the believers, for them a painful punishment in the world and in the afterlife. And Allah is All-Knowing whereas you don't know ”.

2. Indonesia's Positive Legal Views on the spread of fake news on Social Media.

Indonesia is a country that accommodates the entry of technology into life socializing as the manifestation of the democratic civil society that we aspire to together. Modern society with all the sophistication of technology, including use HP (Handphone) in everyday life is expected to be integrated with The government has made efforts to create a legal umbrella related to technology The regulation in question is Law No. 11 of 2008 concerning Electronic Information and Transactions. Electronics as a very product of legislation needed and have been the pioneers that laid the foundations for regulation in the field utilization of Information Technology and Electronic Transactions. On the way the implementation of the UUIE experienced various problems so that in the year 2016 UUIE is amended by Law No. 19 of 2016. Fake news including things that are prohibited by the UUIE. According to the Chairman of the Press Council, Yosep Adi Prasetyo, hoaxes are fakes that are deliberately made to disguise themselves as truth. These falsehoods generally use data, photos and quotes from people, so they are considered people who read it as truth. The threat of punishment and fines has also been regulated as stated in Article 45 A (1) UUIE:

Anyone who knowingly and without right spread false news and misleading which results in consumer losses in threatened Electronic Transactions a maximum sentence of 6 years and or a maximum fine of Rp.1,000,000,000 (one billion rupiah)

10. ibid

11. As regulated in Articles 38 and 39 of the UUIE.

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