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Strategies in Countering Hoax and Hate Speech in Indonesia

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Abstract

Hoax and Hate Speech are cyber-crimes that are closely related to ideological, political and religious issues. In Indonesia, just before the 2019 Presidential Election, this crime is very common, mainly used to attack political opponents. In this study, we provide several samples of Hoax and Hate Speech crimes, namely those with ideological, political and religious nuances. We consider these three crime samples to be sufficient to illustrate that Hoax and Hate Speech greatly influence the stability of domestic security. Based on the results of research conducted at the Directorate of Cyber Crime Enforcement of the Indonesian Police Criminal Investigation Agency, we can conclude that the strategic steps that must be taken to tackle Hoax and Hate Speech are Preventive Efforts in the form of Cyber Patrol, Hoax labeling, analyzing media opinion trends, dissemination positive news through text media, clarification and public information, security carried out by cover names, cover jobs, and cover stories, and countermeasures. Then, to provide a deterrent effect to the community, repressive efforts through law enforcement activities must be carried out including investigations by means of the Cyber Patrol to find cyber-crime, providing technical assistance and tactical investigations, investigating units in the region in order to uncover networks of cyber perpetrators, providing assistance in examining digital evidence, and cooperating by exchanging information for the purpose of researching and investigating cyber-crime. With the coping methods described above, especially inter-regional police cooperation that is centrally controlled by maximizing technology, the Indonesian police are able to uncover and dismantle networks of cyber-crime perpetrators that occur in Indonesia such as hoaxes, hate speeches and terrorism.

Keywords: Strategies; Countering; Criminal Act; Hoax; Hate Speech

I. INTRODUCTION

Article 4 of the Republic of Indonesia Act Number 2 of 2002 explains that the aim of the Indonesian National Police is to realize Domestic Security, namely the maintenance of public security and order, the enforcement of law and the implementation of protection and services to the community. In an effort to realize the stability of Internal Security, the Indonesian National Police is always confronted with the dynamics of community development and the strategic environment, globalization, and regional security conditions that affect the situation and conditions of national security.

In the aspect of the global situation, it is well known that globalization has driven integration and interdependence between the nations of the world which is motivated by the rapid development of information technology as a major factor in the development of human civilization in a country including Indonesia. Social phenomena and information technology are related to the development of Indonesia's infrastructure that has reached all parts of Indonesia from Sabang to the island of Rote which includes Eastern Indonesia, Central Indonesia and Western Indonesia. This information technology revolution has fundamentally changed the lifestyle of the majority of the world community as many experts have stated that "the nation and the world community are in the process of a fourth-generation industrial revolution or commonly referred to as the four point zero (4.0) industrial revolution".

Schwab (2017) in his view states that the industrial revolution 4.0 is the fourth phase of the historical course of the industrial revolution which began in the 18th century. The one point zero (1.0) industrial

revolution known as the French Revolution was marked by the invention of a steam engine to support production engines, trains and sailing ships. The two point zero (2.0) industrial revolution was marked by the discovery of electrical energy and the concept of division of labor to produce large quantities of production in the early 9th century. The three point zero (3.0) industrial revolution was marked by the development of information technology and production processes that were automatically controlled in the early 20th century. The industrial revolution then experiences its peak today, namely the four point zero (4.0) industrial revolution marked by the birth of digital information technology that has a massive impact on human life. The latest industrial revolution encourages automation systems in all activities and encourages the global community to have a very large dependency on using information technology, especially in the form of the internet and social media so that now more than half of the world's citizens use the internet as a means of communication (Schwab, 2017).

Based on data published by the Global Digital Report (2018) the number of internet users in the world is 4 billion out of a total of 7.5 billion world population, while active social media users (at the end of 2018) are 3.2 billion people. At the Asia-Pacific regional level, there are 2.1 billion internet users out of a total 4.2 billion population in the Asia Pacific region while active social media users in the Asia Pacific region currently have 1.8 billion inhabitants.

Responding to the rapid development of this digital technology, the nation's leaders, especially in the Southeast Asia (ASEAN) region, have agreed to face the era of the industrial revolution

4.0 by publishing a number of programs including implementing automation in the production process that utilizes robotics connected to the internet in its operation so that in the future it is hoped that ASEAN will become a region capable of leading as a future of production based on internet of everything as its main infrastructure (http://www. digination.id/updates/asean- sepakati-kerjasama-hadapi-industry-4-0, accessed on July 26, 2018).

II. RESULT AND DISCUSSION

Area 1: The Issues Cybercrime Data

The high number of hoaxes and hate speech cases in Indonesia is influenced by the high number of internet users and social media users. Based on the issue graphs of Hoax and Hate Speech in 2017 the rise of hoax and hate speech spread can be described as follows:
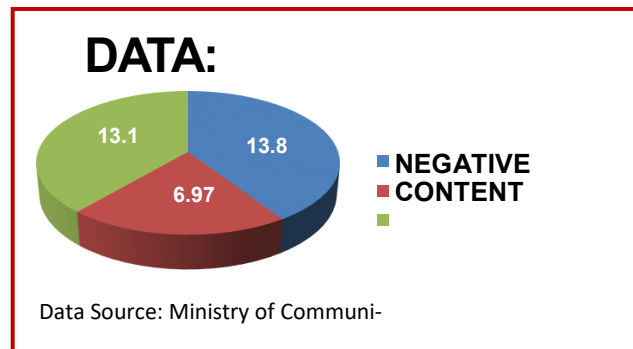

Figure 1
Graphs Data of Negative Content, Hoax and Hate Speech, and Pornography

Based on the Hoax and Hate Speech Data Graph announced by the Ministry of Communication and Information above, it can be explained that during 2017 13,829 negative contents were recorded, hate speech and hoax content was 6,973 and pornography content was 13,120 (https://kominfo.go.id/content/detail/11958/ ujaran-kebencian-picu- generasi-muda- jadi-intoleran-dan-diskriminatif/0/sorotanmedia, accessed on July 26, 2018). While the results of a survey from The World's Most Literate Nations (2016), which examined 61 countries including Indonesia from 200 countries, stated that the population of Indonesia occupies position 60 as the country with the lowest reading interest, which is only 1 level above the population of Botswana, a small country in Africa (http://semnastafis.unimed.ac.id/wp-content/uploads/2017/11/29-rahayu-accessed on 26 July 2018). These variables make hoaxes and hate speech very easy to develop in Indonesia.

In connection with the phenomenon of the spread of hoaxes and hate speech as well as its impact on social conflict, it is known that currently there have been several social conflict events that are motivated by issues circulating on social media such as:

The case of attacks by hundreds of residents from three villages against other villages in Indramayu, West Java (2017) was caused by the spread of hoaxes on social media that confronted the residents of the villages.

Events in Tanjung Balai – North Sumatra City in July 2016. There has been a misinformation of information that led to the utterance of hatred which caused 3 Viharas and 6 Temples to be attacked and burned by hundreds of mobs.

The case of the former Governor of DKI Jakarta, Basuki Tjahaja Purnama (Ahok), who was accused of blasphemy in September 2016 also occurred so massively that it threatened national integration because the issues used to attack were ethnic, religious, racial, and intergroup issues.

Hoax Issues in the 2014 presidential election. There was a circulation of the 'Obor Rakyat' tabloid which contained provocative false stories against the background of sectarian issues as a strategy to attack political opponents resulting in very high social upheaval in the community.

Area 2: Theoretical Issues

In theory, the views of several criminologists can be described as follows. Prakoso stated that there are 2 factors causing crimes according to criminology, namely Conventional Criminology and Modern Criminology. Related to this research, what will be studied is Modern Criminology because it is more relevant to the problems to be faced. Sutherland in his hypothesis stated that criminal behavior includes crime techniques, motives, encouragement, attitudes, and comfortable rationalization which are learned through association and carried out by those who violate the norms of society including legal norms. In Anomi's theory (strain theory) Durkheim explained that under certain social conditions traditional social norms and various regulations lost their authority over behavior. Furthermore, Merton considers that humans basically always break the law after the breakdown of goals and how to achieve them becomes so large that the only way to achieve goals is through illegal channels (Muljono, 2012).

Alam (1999) states that the NKK Theory is the latest theory that tries to explain the cause of crime in society. This theory is the most common approach used by the police in tackling crime in the community. This crime theory uses the formula: $N + K1 = K2$. According to this theory, the factors causing the occurrence of crime are due to the integrated intention and opportunity. So even if there is intention, there is no chance, it is impossible for crime to occur. Conversely, even though there is an opportunity but there is no intention, it is also impossible for a crime to occur (Muljono, 2012).

In this connection, there is currently a tendency for social conflict to return to Indonesia in line with the massive use of social media in the country. This is consistent with the results of a study by The World Development Report (2011). It said, "Countries that have a long history of violent conflict experience will face a recurrence cycle of violence". In addition, Collier and Hoeffler (2006) also stated that people who have experienced prolonged violent conflict tend to have the risk of experiencing incidents of violence again. Thus, it is worth observing the various potential violent conflicts in Indonesia in order to avoid the recurrence of past experiences (Collier & Hoeffler, 1999).

Gelber and Sarah (2007) stated that hate speech tends to reinforce hatred and prejudice against people or groups of people of different races, nationalities, ethnicities, nations, ethno-religions, religions, and sexes. Meanwhile, (Marcus, 1996) in his book 'Fighting Words: The Politics of Hatefull Speech' states that the targets of hate speech are usually those who experience subordination because of their different identities or minorities such as gender, religion, country of origin, and others.

Area 3: The Impact of Cyber Crime

The real impact of cyber crime can be seen from a number of cases that occurred in several countries including Indonesia, namely the spread of Hoax and Hate Speech through the internet, especially social media which encouraged people to carry out revolutions in several countries.

For example:

The Arab Spring Movement in 2010 which took place in Egypt was carried out by pro- change

demonstrators who faced pro-Egyptian protesters Hosni Mubarak. Pro-change mass actions are pioneered by young people who are connected to each other in cyberspace (Facebook and Twitter). The action finally succeeded in overthrowing Hosni Mubarak. What happened in Egypt at that time also happened in several other Middle Eastern countries such as Tunisia and Libya.

In Europe, the use of internet-based facilities, especially social media, has also threatened the sustainability of democracy and even threatened the territorial integrity of a country such as in Spain which almost lost the Catalonia region due to hoaxes (Catalonia is a Spanish autonomous region which has an area of 32,114 km² with Barcelona as its capital). On October 1, 2017, the people of Catalonia flocked to the voting booths in a referendum with the aim of choosing whether to separate from Spain or not. As a result, 92.01% of voters said they chose to separate from Spain. During the referendum, massive news and false information emerged and spread news of brutal nuances by the police accompanied by photos of injured and bloody voters. It turned out that the photos distributed were photographs of Spanish mining workers injured in work accidents in 2002. These false news managed to drive public opinion which eventually made the majority of the population choose to separate from Spain. This problem proves that social media can be used by demonstrators to delegitimize the political stabilization of the Spanish state. Fortunately, the Catalonia referendum was declared invalid by the Spanish Court so that Catalonia still remains part of Spain.

In Indonesia, social media is used as the most powerful means to bring down political opponents. An example is the Case of DKI Governor Basuki Tjahaya Purnama (Ahok). Because quoting Al Maidah's letter verse 51 when giving a speech in the 'Thousand Islands' on September 27, 2016, Ahok was considered blasphemous by certain groups who supported his political opponents. Ahok seems to be led to jail through the spread of inciting news on social media such as spreading the news of the anti-China movement and inviting the majority community to take to the streets with the jargon of 'people power'. Eventually the group succeeded in overthrowing Ahok through legal channels. On May 9, 2017, Ahok was sentenced by the North Jakarta Panel of Judges for two (2) years in prison for being found guilty of blasphemy as provided for in article 156a of the Criminal Code and article 156 of the Criminal Code. The judge's decision differs from the demands of the Prosecutor who demanded that Ahok be sentenced to one-year imprisonment with a trial period of 2 years (Delvira Hutabarat, http://m.liputan6.com [9/5/2017] accessed on 22 February 2020).

This same movement was also tried again by the same group to subvert the presidential candidate, Jokowi, in the 2019 Presidential election and the Chief of Police of the Republic of Indonesia, General Tito Karnavian, by spreading the news of Hoax and Hate Speech through social media. They write sentences like the following; Jokowi is of Chinese descent, Jokowi is a descendant of the Indonesian Communist Party, and Tito Karnavian cheated in the 2014 Noken elections in Papua.

The Director of Cyber Crime Enforcement at the Indonesian Police said that the Hoax and Hate Speech were distributed precisely at the time when the domestic survey agencies conducted the survey. The level of community electability towards the presidential candidate pair, Jokowi-Maaruf at that time was in the following position; Political Indicator 60.6% [23 – 31 March 2018]; LSI Denny JA 53.6% [12 – 19 August 2018]; Poltracking 57% [January 27 – February 3, 2018]; Population Center 64.3% [7 – 16 February 2018]; Cyrus Network 64.0% [27 March – 3 April 2018]; Charta Politica 58.8% [13–19 April 2018]; Indo Barometer 50.4% [15 – 22 April 2018]; Y Publica 53.9% [13–23 August 2018]. The conclusion from the Indo Barometer of 9 Indonesian survey institutions is that the average vote for Jokowi is 57.8%. The electability level achieved by Jokowi-Maaruf Amin became one of the most influential variables on the emergence of Hoax and Hate Speech in Indonesia ahead of the 2019 Presidential Election (see Danu Damarjati, https://m.detik.com, accessed February 23, 2020).

Likewise, the Hoax news about the persecution of Ratna Sarumpaet who criticized the Jokowi government because they were considered to have failed in law enforcement. It turns out that the incident was engineered by the victim himself. For his actions, Ratna Sarumpaet was put on trial and on Thursday 11 July 2019, Ratna Sarumpaet was sentenced to two (2) years in prison for being found guilty of spreading hoaxes of persecution (Hoax) as regulated in article 14 paragraph 1 of Law Number 1 in 1946 (Samsudhuha Wildansyah, http // m.detik.com (07/16/2019), accessed on February 22, 2020). The news that contained Hoax and Hate Speech content did not succeed in overthrowing Jokowi as a presidential candidate. It turned out that the support was getting stronger and through the decision of the

Constitutional Court Session finally Jokowi came out as the winner of the 2019 General Election.

At the national level, the influence of the rolling of the industrial revolution era 4.0 is also strongly felt by the increasing number of internet and social media users in Indonesia. Based on a study from the Global Digital Report (2018) the number of internet users in Indonesia is 132 million out of a total of 265 million Indonesian population. Of the active number, the number of active social media users currently stands at 130 million. The very massive use of internet-based devices has resulted in an abundance of information circulating in cyberspace. Then as happened to other global societies, this phenomenon has also fundamentally changed the lifestyle of Indonesian people, in both positive and negative terms. From the negative aspect, this generation of industrial revolution not only provides opportunities, but also has an impact on the emergence of a paradox in the form of threats that must be anticipated together. The paradox that can emerge as a threat is the cyber threat that has implications for national defense and security.

Area 4: Issues Hoax have Threatened the Stability of Domestic Security

From these events, it can be interpreted that the power of social media that is so great can affect the stability of a country's security. In a context like what is happening in Indonesia, with the increasing number of internet users and social media available, this has become a potential that needs to be examined. As we all know at this time there has been a tendency in which social media is used by some parties to achieve certain goals in ways that lead to potential divisions between nations. This can threaten the stability of domestic security. The threat to normative domestic security stability can be indicated from the lack of security and public order, the enforcement of the law, and the lack of protection and service to the community (Definition of Domestic Security as stipulated in article 1 number 6 of Act Number 2 of 2002 concerning Police Republic of Indonesia).

The negative impact of social media is vulnerability and threats to the stability of domestic security which have been felt significantly in everyday life, with the development of various social media such as Facebook, Twitter, Instagram, and others as a means of political communication, propaganda, and various activities other socio-political movements which then have an impact on social upheaval in the community and then develop into the potential for social conflict.

In this regard, vulnerability to internal security stability from the threat of social conflict is a determinant variable considering that the Indonesian people have a dark historical experience as a result of social conflicts that colored the journey of the Indonesian nation. Related to this research, several theories will be outlined that will be used as a knife in analyzing the problems of Hoax and Hate Speech in Indonesia. Friedman stated that the effectiveness of law enforcement in a country depends on three legal systems, namely the legal substance, legal structure, and legal culture. The legal substance includes the set of laws, the legal structure regarding law enforcement officers, and the legal culture is the legal norms that live in the community (living law).

Structure is a pattern that shows how the law is carried out according to formal provisions. This structure shows how the courts, lawmakers, and legal entities and processes are run and carried out. In Indonesia, for example, if we talk about the structure of the Indonesian legal system, then it includes the structure of law enforcement institutions such as the police, prosecutors and courts. Another aspect of the legal system is its substance. What is meant by the substance is the rules, norms, and patterns of real human behavior within the system. So, the substance of the law relating to the applicable laws and regulations has binding power and becomes a guideline for law enforcement officials dealing with criminal acts. While regarding legal culture, it is a human attitude including legal culture for law enforcement officials (Friedman, 2009).

Area 5: Tackling the Hoax Issues as a Cyber Crime

In making efforts to tackle crime, cooperation between law enforcement becomes an absolute necessity. Soekanto stated that cooperation is a joint effort between individuals or groups of people to achieve one or several common goals (Soekanto, 1984). Alam (2010) states that overcoming empirical crime consists of three main parts, namely pre- emptive, preventive, and repressive. Pre-emptive is the initial efforts made by the police to prevent criminal acts. Crime prevention efforts carried out is by instilling good values or norms so that they are internalized in a person. Preventive is an effort to prevent

before the occurrence of crime by taking anticipatory steps, for example checking negative content, blocking, coordinating with print or electronic media in order to do a balanced reporting. In this connection, the emphasis is on eliminating opportunities to commit Hoax and Hate Speech crimes. While repressive efforts are actions taken during and after the occurrence of criminal acts of Hoax and Hate Speech through law enforcement.

Preventive Issues

In connection with the foregoing, the government together with all relevant ministries and institutions, including the Indonesian National Police, have taken various steps and efforts to overcome the spread of hoaxes and hate speech through repressive efforts, namely:

Block sites that contain hoaxes and hate speech.

Forming a State Cyber and Cipher Agency (BSSN), a national institution that forms the legal umbrella for all national cyber activities as an effort to tackle the spread of hoax news.
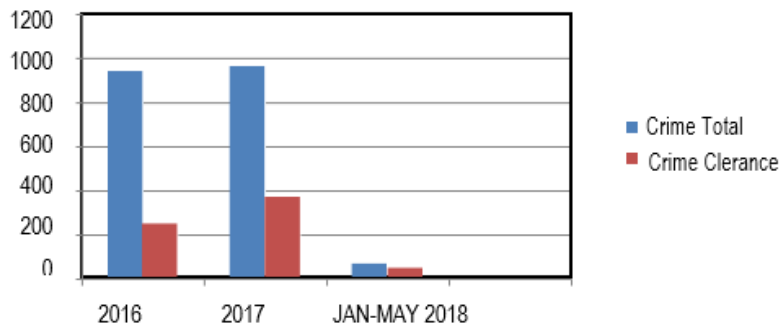
Establish cooperation with the National Press Council to increase media professionalism, maintain balanced and fair reporting and reduce tendentious news to reduce the spread of false news.

Collaborating with global internet giants, especially Facebook, to help prevent the spread of hoax information and hate speech.

Law Enforcement Issues

In response to the above problems, the government needs to immediately take strategic steps to optimize the prevention of hoaxes and hate speech by making repressive efforts through law enforcement. To give an overview of law enforcement efforts carried out by the government through the police, this research will describe several case samples relating to hate speech, hoaxes, blasphemy and politics that are handled by the Indonesian National Police. Those cases have been sentenced by the panel of judges. This case sample is expected to provide an overview of the law enforcement process against Hoax and Hate Speech in Indonesia.

To support the government's commitment to tackling hoaxes and hate speeches, the Indonesian National Police, in addition to taking preventive measures to prevent Hoax and Hate Speech, undertake repressive efforts with the following results:

Figure 2
Graph of Hoax and Hate Speech Case Enforcement in 2016-2018
Data Source: Police Criminal Investigation in 2018

Within a period of 3 years (2016-2018) the Law Enforcement Graph on the distribution of hoax and hate speech content in Indonesia is as follows: In 2016 the police investigated 936 cases with the completion of 245 cases, in 2017 the police investigated 958 cases with the completion of 369 cases, and in January-May 2018 the police investigated 61 cases with the completion of 41 cases.

Based on these data it can be seen that the level of resolution of hoaxes and hate speech cases in terms of quantity is still relatively low, but in quality it is sufficient to be able to reduce the high level of vulnerability in the spread of hoaxes and hate speeches in Indonesia. On the other hand, although insignificant, the pre-emptive steps taken by the Indonesian National Police through activities such as guidance, community outreach and collaboration with related parties to improve the capacity of community literacy are still quite effective and their intensity must be increased. Preventive efforts

through cyber patrols and cooperation in blocking websites containing hoaxes and hate speeches are still effective and able to have a significant influence in reducing the crime of Hoax and Hate Speech in Indonesia.

(Prasetyo, 2019) stated that the reason for suspects in committing hoaxes and hate speeches was due to economic, political and belief / principle factors of a religion. In addition, the police found the fact that the suspect committed a crime due to the intention (dolus) and the opening of opportunities to commit the crime. Qualitatively the results achieved in law enforcement are as follows:

In the case investigation of Defendant 'SRN', she stated that she committed a crime because of the crush of economic factors that made her a migrant worker in Hong Kong. While in Hong Kong, 'SRN' was active in social media. The first account 'SRN' created by her friend. Then she learned to create her own account so that she has several accounts. From here she often changed accounts. Over the past two (2) years, 'SRN' has been active in using social media and often requests assistance from 'JAS' as Chairperson of 'Saracen' if there are obstacles found in creating accounts. The defendant 'SRN' conducted intensive communication and even met 'JAS' directly. Furthermore 'SRN' joined dozens of Facebook groups including radical groups and cyber-crime perpetrators such as: https://www.Face book.com/groups/Saracen.Cyber.Hacker.KMP (Saracen team);https://www.facebook.com/ groups/ Keranda.Mayat.Jokowi.Ahok/?Ref=groupheader (www.Saracennews.com); https:// www.facebook.com/ groups/1197219177031266/?ref=grou pheader (Muslim Cyber Army).

'SRN' is strongly suspected of having committed a criminal act intentionally and without the right to disseminate information intended to incite hatred or hostility of certain individuals and/or groups of people based on ethnicity, religion, race, and between groups and/or intentionally shows hatred or hatred feelings towards others based on racial and ethnic discrimination and/or in public she has expressed feelings of hostility, hatred or contempt for one or several groups of the Indonesian people as referred to in article 45A paragraph (2) of the article 28 paragraph (2) junto Act Number 19 of 2016, concerning amendments to Act Number 11 of 2008, concerning Information and electronic transactions and/or article 16 Junto article 4 letter 'b' number 1 of Act Number 40 of 2008, concerning the elimination of Racial and Ethnic discrimination and/or article 156 of the Criminal Code, allegedly committed by 'SRN' suspects, in accordance with the Report Police Number LP/776/VIII/2017/Bareskrim, dated August 4, 2017.

Based on the description, then in the case of 'SRN' applies The Theory of 'Differential Associations' from Gabriel Tarde. The theory states that a crime committed by a person is the result of imitation of an act of crime that exists in society. Sutherland in his view stated that criminal behavior which includes crime techniques, motives, encouragement, attitudes, and comfortable rationalization, was learned through associations carried out but violated the norms of society, including legal norms.

In the case of the Suspect 'AT' it was found that he was highly educated and had been engaged in the communist / Indonesian Communist Party (PKI) movement for more than 25 years. That made him tweet a lot in his Twitter account with 1,000 followers, according to which some experts, namely criminal law, constitutional law, and linguists, 'AT' tweet in the twitter contained expressions of hatred, libel, and defamation of someone and group. However, in the view of the suspect 'AT', he felt himself an expert and well understood about PKI, so he stated that 85% of members of the Partai Demokrasi Indonesia Perjuangan (PDIP) were cadres of the Indonesian Communist Party. This tweet is not supported by any data and evidence. The suspect also did not feel that he committed a crime and violated positive law in Indonesia, in this case the Criminal Code (KUHP) and the Electronic Information and Transaction Act (ITE Act).

In the investigation conducted on the case of the suspect 'MFT', he admitted in his examination that he had uploaded the picture and provided an explanation that the overall meaning of the article was 27 indications of the fact that 'Jokowi' was a PKI. 'Jokowi' in question is 'Joko Widodo', President of the Republic of Indonesia. The writing on the picture posted was an explanation of the defendant 'MFT' on May 18, 2016.

Likewise, in the spread of Hoax and Hate Speech with political nuances, the target was the National Police Chief. During the investigation process the suspect 'MFT' admitted that he uploaded the picture and gave an explanation that the meaning of the phrase "Take it off if necessary, the position of the

Chief of Police only because of the manipulation of 6 Million Papuan Noken Voices when he was the Papua Regional Police Head in the 2014 Presidential Election" was a request from the suspect that if necessary the position of the National Police Chief was removed if unable to resolve the case. According to the suspect 'MFT', 'Tito Karnavian' was given the position of National Police Chief for allowing the manipulation of 6 million noken votes in Papua when Tito Karnavian served as Papua police chief in 2014. The purpose of the suspect sending the post was to notify Facebook account users that the suspect felt disappointed over the attitude of the police which he considered had criminalized Islamic scholars and other criminal cases such as the hydrochloric acid watering on the 'Novel Baswedan' which had not yet been revealed.

The 'MFT' Suspect Case has proven that the factors causing the crime are in accordance with the NKK Theory. As the statement of the suspect 'MFT' in the investigation by the investigator, he stated that all his actions were carried out with his awareness. This shows, that there has been an "intention" from the suspect 'MFT' to carry out criminal acts that meet the elements of the formulation of articles in criminal law. The "opportunity" factor is in accordance with the character of the 'ITE' crime, so this factor is very open and there are a lot of opportunities because it can be done anywhere.

Factors causing the Hoax and Hate Speech carried out by the suspect 'MFT' are in accordance with Emile Durkheim's Anomi (strain theory) theory that under certain social conditions traditional social norms and various regulations lose their authority over behavior. This theory is supported by Merton's view that human beings are basically always breaking the law after the severing of the relationship between goals and how to achieve them becomes so great that the only way to achieve goals is through illegal channels. In certain social conditions, there are differences in political choices and differences in the flow of beliefs / religions / matzab where the suspect 'MFT' is a follower of the teachings of Hisbut Tahrir which is different from 'Nahdlatul Ulama'. Certainly, the suspect 'MFT' aims to claim that his choice is better. Differences in political choice and confidence in the suspect 'MFT' encourage the loss of authority of social norms and regulations towards the suspect 'MFT' self and the severance of the relationship between the goal and the way to achieve the goal so that the suspect 'MFT' reveals through an illegal channel (Wibowo, Director of Cyber Criminal Act Bareskrim,Republic of Indonesia Police, Interview: March 25, 2019).

In combating cyber-crime, based on the results of research conducted by Ngo & Jaishankar published in the International Journal of Cyber Criminology (Vol 11 issue 1 January-June 2017) they stated:

Currently there exist only a handful of systematic reviews on the subject of cyber- crime and to the best of our knowledge; no study has examined what works and what doesn't work in combating an preventing cyber-crime. Documenting best practices in combating and preventing cyber-crime is a salient and pertinent area of inquiry because there is evidence that conventional policing methods designed to fight and prevent crime in the physical space are ill suited for combating and preventing crime in the virtual world (Ngo & Jaishankar, 2017).

Responding to the statement in the Ngo & Jaishankar research mentioned above, this research will describe the Strategy for Overcoming Hoax and Hate Speech by the Indonesian Police in combating and preventing cyber-crime in Indonesia. In this study, we obtained valid data from the Director of Cyber Crime Enforcement at the Indonesian Police Criminal Investigation Agency, namely the results of law enforcement in cyberspace crime in Indonesia are quite good where the efforts made are able to give a deterrent effect to cyber perpetrators. The success parameters of the Indonesian Police must be seen from the social aspects of Indonesian society which are very heterogeneous which have very high vulnerability potential. If in dealing with cyber-crime is not appropriate, then at any time Indonesia will be in security instability. During this time the Indonesian police institutions assisted by the national army were quite successful in managing heterogeneous communities consisting of many religions, ethnicities and cultures so that any problems or events that arise in Indonesia such as terrorism, hoaxes and hate speech can be quickly dismantled by the police, including a network of the perpetrators (Dedi Prasetyo Karo Public Information Bureau of the Public Relations Division of the Indonesian National Police Headquarters, Interview: March 28, 2019).

For example:

In dismantling the network of stabbing perpetrators against Wiranto as Coordinating Minister for

Politics, Law and Security after giving a public lecture at Matlaul Anwar Pandeglang University Banten West Java on October 10, 2019 (https://m.liputan6.com) conducted by Syahril and Fitri Andriana (husband and wife) from the JAD Pandeglang Banten network. This group was hurt because on September 23, 2019 Detachment 88 arrested 9 suspected terrorists who were members of JAD Bekasi. Previously at the end of September 2019, a Policewoman from Maluku Regional Police who was exposed to ISIS by the name of NOS had also been arrested in Yogyakarta by Detachment 88. Dedi Prasetyo, Head of the Public Information Bureau of the Public Relations Division of the Indonesian National Police Headquarters (Thursday, 10/17/2019) stated that all terrorist networks arrested within 7 days (10-17 October 2019) related to the stabbing Coordinating Minister for Politics, Law and Security, Wiranto, were 40 people. This proves that with the investigation method by conducting surveillance, data collection and analyzing accounts in cyberspace which has the potential to cause criminal offenses, the Indonesian police are able to expose terrorist crimes which constitute extraordinary crimes (https://m.cnnindonesia.com, accessed February 24, 2019).

Area 6: Criminal Liability Issues

The explanation below will describe the law enforcement carried out against the perpetrators of cyberspace crimes namely Hoax and Hate Speech whose targets are President Joko Widodo and Indonesian Police Chief, General Tito Karnavian. Mardjudin Djafar as the Public Prosecutor at the Jakarta High Prosecutor's Office said that the suspects as described in the case file allegedly committed ITE (hoaxes and hate speech) crimes with the following explanation:

'AT' is alleged to have committed criminal defamation and/or defamation through electronic media and/or hate speech based on ethnicity, religion, race, and between groups as referred to in article 310 of the Criminal Code and 311 of the Criminal Code

and/or article 156 of the Criminal Code and/or article 27 paragraph 3 Junto article 45 paragraph 3 and/or article 28 paragraph (2) Junto Article 45A paragraph (2) RI Law No. 19 of 2016 concerning amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions, based on police reports number LP/567/II/2017/PMJ/Dit Reskrimsus, dated February 2, 2017.

'MFT' is strongly suspected of having committed a criminal act intentionally and without the right to disseminate information intended to incite hatred or hostility of certain individuals and/or groups of people based on ethnicity, religion, race, and among groups and/or intentionally shows hatred or sense hate others based on racial and ethnic discrimination and/or publicly declare hostility, hatred or contempt for an Indonesian group or class of people as referred to in Article 45A paragraph (2) of the article 28 paragraph (2) of Act Number 19 Year 2016 concerning changes to Act Number 11 Year 2008 concerning information and electronic transactions and/or Article 16 junto Article 4 letter 'b' number 1, number 2, or number 3 Act Number 40 of 2008 concerning the elimination of racial and ethnic discrimination and/or article 156 of the Criminal Code allegedly committed by the owner of the Facebook account 'Faizal Muhammad Tonong' based on police report number LP/122/VII/2017/Bareskrim, July 20, 2017. Then the Panel of Judges handed down a criminal verdict with judicial verdict as follows:

The defendant 'MFT' aka 'FMT' above has been proven legally and convincingly guilty of committing a crime "without the right to disseminate information intended to incite hatred or hostility of certain individuals and / or groups based on ethnicity, religion, race, and between groups ";

Convicted a criminal against the defendant 'MFT' aka 'FMT' with imprisonment for 1 Year and 6 Months, and a fine of IDR 200,000,000 provided that if they were not paid, they were replaced with imprisonment for 3 months;

Determine that the period of arrest and detention that has been served by the defendant is deducted entirely from the criminal sentence imposed.

'SRN' as a suspect who is allegedly committed a criminal act intentionally and without the right to disseminate information that aims to incite hatred or hostility of certain individuals and / or groups of people based on ethnicity, religion, race, and among groups and / or intentionally shows hatred or hatred feelings towards others based on racial and ethnic discrimination and / or publicly expressing feelings of hostility, hatred or contempt for one or several groups of the Indonesian people as referred to in article

45A paragraph (2) Junto article 28 paragraph (2) of the Law Number 19 of 2016 concerning amendments to Law Number 11 of 2008 concerning Information and electronic Transactions and / or article 16 Junto article 4 letter 'b' number 1 of Law Number 40 of 2008 concerning the elimination of Racial and Ethnic discrimination and / or articles 156 of the Criminal Code, allegedly committed by the 'SRN', is in accordance with the Police Report N LP number / 776 / VIII / 2017 / Criminal Investigation, dated August 4, 2017.

In connection with the investigation process of 40 suspected terrorists who committed the crime of stabbing, the Coordinating Minister for Political, Legal and Security Affairs, Wiranto, Special Detachment 88 Criminal Investigation Police have carried out the development and this problem will not be described in depth. Research on the terrorist problem needs to be done separately specifically so that the results obtained in this study are only on the criminal acts of Hoax and Hate Speech.

III. CONCLUSION

In tackling Hoax and Hate Speech in Indonesia, there are several strategic steps taken by the police of Republic of Indonesia to reduce the intensity of these crimes. The results of law enforcement carried out as a repressive effort are as follows:

Preventive Efforts

Strategic efforts undertaken are implementing Cyber Patrol Activities by monitoring online media and social media; labeling 'HOAX' after discovering social media and online media that are considered to have hoax content; analyzing the tendency of media opinion by collecting data on Hoax content social media networks; positive news dissemination through text media, animation media, video media, graphic media, audio media and other interactive media; clarification and public information by explaining the actual conditions by police officials; crisis management which is done when the situation and condition of the community deteriorates due to hoaxes and hate speech.

The security is done by cover names, cover jobs and cover stories through closed intelligence security activities; contra-opinion, which is to build positive opinions in order to neutralize negative opinions that are raised in the community; the raising of certain people, groups or communities that have been exposed to hoaxes and hate speeches to prevent radicalism.

Repressive Efforts

Repressive efforts through Law Enforcement carried out by the government, the Directorate of Cyber Crimes, in tackling Hoaxes and hate speeches through the following activities: investigations carried out by Cyber Patrol by targeting people, groups, sites and others suspected of carrying out hoaxes and hate speeches or are indicated to disturb the stability of domestic security; technical and tactical research and investigation assistance, which is intended to back up investigators in the regional police area; assistance in examining digital evidence by providing services to investigators both 'Bareskrim' investigators and territorial investigators related to the examination of electronic / digital evidence and cooperation carried out by exchanging information for the purposes of research and investigation as well as enhancing the ability of human resources in scope both domestically and abroad.

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