

CRIMINAL TREATMENT SPREAD FAKE NEWS (HOAX) TO HOSPITAL PATIENTS SO THAT CREATE FEAR IN THE TIMEPANDEMY COVID-19

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ABSTRACT

Since the corona case first occurred in Wuhan, Hoaxes have spread in Indonesia in all forms, especially the spread of fear. The purpose of this research is to find out positive legal arrangements regarding the crime of spreading hoax news to hospital patients during the corona virus pandemic, criminal responsibility for perpetrators who spread fake news (hoaxes) to hospital patients during the corona virus pandemic, efforts to counter fake news (hoaxes) which can be done in hospital patients during the corona virus pandemic. The data analysis was conducted qualitatively by collecting primary, secondary and tertiary legal materials related to the research. The results obtained, Positive legal arrangements regarding the crime of spreading hoax news to hospital patients during the corona virus pandemic are regulated in Law of the Republic of Indonesia Number: 11 of 2008 concerning Electronic Information and Transactions and Law of the Republic of Indonesia Number: 19 of 2016 concerning Amendments On the Law of the Republic of Indonesia Number: 11 of 2008 concerning Electronic Information and Transactions, The criminal responsibility of the perpetrator who spreads fake news (Hoaks) to hospital patients during the corona virus pandemic is to accept the consequences of his actions based on the applicable law, Efforts to tackle fake news (hoaxes) that can be carried out on hospital patients during the corona virus pandemic can be done through the penal line by making complaints to the Indonesian Police and through non-penal channels by not participating in spreading news that is not necessarily true but more first looking for the truth of the news or by providing an understanding to be careful in conveying news to news spreaders that are not necessarily true.

Keywords: Crime Management, Fake News, Pandemic, Corona Virus

INTRODUCTION

Nowadays the advancement of information and communication technology is very fast. Its development is increasingly fast and inevitable makes us have to be prepared to follow it. One of the products of information and communication technology is social media. The presence of social media such as Facebook, Instagram, line, WhatsApp makes it easier for us to get information than from printed media such as newspapers and magazines.

However, the ease with which it was obtained turned out to have a serious impact. Social media has turned out to be a fertile ground for hoaxes. Hoax or fake news are no longer strange words for us to hear. Whether on social media or in the midst of society, we often see posters with anti-hoax writing. Even government agencies often hold public discussions or public seminars to prevent hoaxes from spreading. Hoax is fake news that harms other people. This is because this information can judge someone unilaterally without knowing the truth. Reporting from the wikipedia site fake news or fake news or hoaxes is information that is actually not true, but is made as if it is true.

The Mastel survey (2017) revealed that of 1,146 respondents, 44.3% received hoax news every day and 17.2% received more than once a day. Even the mainstream media that are relied on as media that can be trusted are sometimes contaminated with the spread of hoaxes. Mainstream media have also become channels for disseminating hoax information / news, at 1.20% (radio), 5% (print media) and 8.70% (television) respectively. The channels that are widely used in the spread of hoaxes are websites, 34.90%, chat applications (Whatsapp, Line, Telegram) 62.80%, and through social media (Facebook, Twitter, Instagram and path) which are the most used media. namely reaching 92.40%.

This hoax phenomenon in Indonesia is seen as causing various problems. The Indonesian Press Council considers hoaxes to have entered a serious stage. Moreover, hoaxes have a very wide range, ranging from satire to satire to those published through various information channels. Initially, people were looking for the truth about information through the mainstream media. However, currently hoaxes are actually entering another dimension on social media and are just being adopted in the mainstream media without clarification.

For example, hoaxes circulating among patients who are treated at the hospital are a wild issue that says there are patients being "diagnosed" so that the hospital will receive funds from the government, blowing on social media. The viral news was delivered by the @BalqisRrzq (Sandekala) account on July 20, 2020 at 08.48 WIB. PERSI collected a number of allegations submitted by the account. One of the accounts conveyed was that there was a patient at Wiyung Sejahtera Hospital, who did not receive a positive swab test result for the Corona virus (COVID-19) but tested positive for COVID-19. In addition, the account is considered to have accused Wiyung Hospital of fabricating a positive Corona result in order to get assistance from the government with details of Rp. 200 million per positive patient and Rp. 350 million per corona patient who dies.

RESEARCH METHOD

The research method is defined as a scientific way to obtain valid data with the aim of being able to find, develop and prove certain knowledge so that it can be used to understand, solve and anticipate problems. Based on the above opinion, the methods used in the study are as follows. This research uses a normative juridical approach, namely by reviewing or analyzing secondary data in the form of secondary legal materials by understanding law as a set of regulations or positive norms in the statutory system that governs problems in research, so that this research is understood as library research, namely research on secondary data.

The research approach carried out by researchers is the statutory approach (Statue Approach) in normative legal research. The statutory approach is an approach that is carried out by examining all laws and regulations related to the legal issue being handled. In legal research, there are two types of data needed, namely the first type of data called primary data and the second type of data is called secondary data. Law of the Republic of Indonesia Number: 11 of 2008 concerning Electronic Information and Transactions as amended by Law of the Republic of Indonesia Number: 19 of 2016 concerning Amendments to Law of the Republic of Indonesia Number: 11 of 2008 concerning Electronic Information and Transactions.

RESULTS AND DISCUSSION

The corona virus (Covid-19) outbreak that occurred in Indonesia made the public worried, so they needed a lot of information related to the corona virus pandemic. Hospital patients at the time of the corona virus pandemic can be said to be two types of patients, namely patients exposed to the corona virus and patients not being exposed to the corona virus regardless of the disease so that hospital patients are very vulnerable to being exposed to hoaxes from irresponsible people which has a specific purpose for its sake.

In the midst of this public concern, there are those who spread false or hoax information. However, social media observers such as Enda Nasution argue that there must be a distinction between disinformation and misinformation, especially when linked to the law. False information or fake news (hoax) that is made on purpose and aims to cause harm is called disinformation, while misinformation is an activity to redistribute fake news or other terms that have been forwarded already circulating on social media. Misinformation also occurs as a result of the delivery of information from one to another which allows the addition or reduction of the information.

For example, as put forward by Epidemiologist from the Faculty of Public Health, Airlangga University, Surabaya, Windhu Purnomo stated that the massive disinformation or conspiracy boasting about Covid-19 has driven the transmission to a more craze. This hoax made the public distrustful of the government's handling of the pandemic, so that in the end they ignored health protocols. This means that they are lazy to wear a mask, are reluctant to be tested, are not willing to be asked for independent isolation, and are even reluctant to be treated. Director of Arman Bausat Hospital suspected that the action occurred because of fake news on social media which said that the hospital received hundreds of millions of rupiah for every Covid-19 patient who died. This was reinforced because the family did not actually dispute the funeral protocol by signing the form when the patient was first treated.

Policy or prevention of crime is essentially an integral part of efforts to protect society (social defense) and efforts to achieve social welfare. Therefore, in the midst of the Covid-19 pandemic, especially patients in hospitals, efforts to overcome this fake news are needed, including through the penal line as put forward by Barda Nawai Arief. He revealed that the efforts to overcome through the penal route are referred to as efforts made through the criminal law route. This effort is a countermeasure that focuses more on a repressive nature, namely actions taken after the crime has occurred by enforcing the law and imposing penalties for the crimes that have been committed. This shows that if a hospital patient feels fake news that is detrimental to the patient, he can take legal action by reporting the person suspected of spreading the fake news to the Indonesian Police.

CONCLUSION

1. Positive legal arrangements regarding the crime of spreading hoax news to hospital patients during the Covid-19 pandemic are regulated in Law of the Republic of Indonesia Number: 11 of 2008 concerning Information and Electronic Transactions and Law of the Republic of Indonesia Number: 19 of 2016 concerning Amendments to Law of the Republic of Indonesia Number: 11 of 2008 concerning Electronic Information and Transactions.
2. The criminal responsibility of perpetrators who spread fake news (hoaxes) to hospital patients during the Covid-19 pandemic is to accept the consequences of their actions under the applicable law.
3. Efforts to tackle fake news (hoaxes) that can be carried out on hospital patients during the Covid-19 pandemic can be carried out through penal channels by making complaints to the Indonesian Police and through non-penal channels by not participating in spreading news that is not necessarily true, will but first looking for the truth of the news or by providing understanding to be careful in conveying news to news broadcasters that are not necessarily true.

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