

Model Tata Kelola Penanganan Penyebaran Berita Bohong di Era Digital: Kajian Rekonstruksi Hukum dan Pola Penanganan = Governance Model for Handling Fake News in the Digital Era: A Study of Legal Reconstruction and Handling Patterns

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Abstrak

Di era post-truth, penyebaran berita bohong (hoax) melalui teknologi informasi berlangsung cepat dan masif, menyebabkan gangguan ketertiban umum serta kerusuhan di masyarakat. Penelitian ini bertujuan untuk mengkaji rekonstruksi hukum (kriminalisasi) dan merancang model tata kelola penanganan berita bohong yang berpotensi menimbulkan kerusuhan. Penelitian menggunakan pendekatan yuridis normatif dan studi lapang dengan data primer yang diperoleh melalui focused group discussion (FGD) dan wawancara mendalam dengan ahli hukum pidana, pidana khusus, serta pakar tata kelola siber. Data sekunder berasal dari artikel, laporan, dan putusan pengadilan terkait. Hasil penelitian menunjukkan bahwa kriminalisasi merupakan langkah terakhir setelah upaya preemtif dan preventif, sesuai dengan Pasal 14 dan 15 UU No. 1 Tahun 1946, serta Pasal 28 ayat 1 dan 2 UU ITE yang telah diperbarui dengan UU No. 19 Tahun 2016 dan UU No. 1 Tahun 2024. Model tata kelola yang diusulkan adalah model terintegrasi berbasis multi-stakeholder cybersecurity framework dan community-based cybersecurity framework. Model ini menekankan interoperabilitas, hubungan kelembagaan, dan akuntabilitas, melibatkan pemerintah, industri, pendidikan, masyarakat, dan komunitas siber untuk secara aktif melaksanakan langkah preemtif, preventif, dan represif. Mekanisme penanganan penyebaran berita bohong meliputi lima tahap utama: (i) identifikasi; (ii) proteksi; (iii) deteksi; (iv) respons; dan (v) pemulihan, yang dirancang untuk memastikan kolaborasi antarlembaga dan keberlanjutan tata kelola dalam mengatasi dampak negatif berita bohong di masyarakat.

.....In the post-truth era, the rapid and massive spread of false news (hoaxes) through information technology disrupts public order and incites social unrest. This study aims to examine the legal reconstruction (criminalization) of hoax dissemination and propose a governance model to address its potential to disturb public order. The research employs a normative juridical approach combined with field studies, utilizing primary data collected through focused group discussions (FGD) and in-depth interviews with criminal law experts, specialists in hoax-related offenses, and cybersecurity governance professionals. Secondary data were sourced from articles, reports, and court rulings related to the criminalization of hoaxes. The findings underscore that criminalization acts as a last resort after preemptive and preventive measures have been exhausted. This aligns with Article 14 and 15 of Law No. 1 of 1946 and Article 28 (1) and (2) of the Electronic Information and Transactions (ITE) Law, as amended by Law No. 19 of 2016 and Law No. 1 of 2024. The proposed governance model integrates the multi-stakeholder cybersecurity framework and the community-based cybersecurity framework. This model emphasizes interoperability, institutional coordination, and accountability, engaging active participation from the government, private sector, educational institutions, the public, and cybersecurity communities in implementing preemptive, preventive, and repressive strategies. The governance mechanism comprises five key stages: (i) identification; (ii) protection; (iii) detection; (iv) response; and (v) recovery. This integrated approach ensures institutional collaboration and sustainable governance, effectively addressing the adverse impacts of

hoaxes on public order.