

JURNAL CITA HUKUM

Indonesian Law Journal



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Effect Fake News for Democracy*

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Abstract

This paper aims to explain how fake news impacts democracy. This phenomenon is called the post-truth era. The development of information and communication technology is increasing the spread of information so that difficult to distinguish between true and false information. The research method uses normative juridical method, using secondary data obtained through literature study and qualitative analysis. The result and discussion of this research are serious threat from fake news for democracy, because it can cause social cohesion in the community. Some examples of how its impact on the world include the U.S. presidential election 2016, the Brexit referendum in the United Kingdom in 2016 and the 2017 French presidential election.

Keywords: Fake News, Democracy, US Presidential Election, Brexit

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Efek Berita Palsu untuk Demokrasi

Abstrak

Makalah ini bertujuan untuk menjelaskan bagaimana berita palsu berdampak pada demokrasi. Fenomena ini disebut era pasca-kebenaran. Perkembangan teknologi informasi dan komunikasi meningkatkan penyebaran informasi sehingga sulit untuk membedakan antara informasi yang benar dan yang salah. Metode penelitian menggunakan metode yuridis normatif, menggunakan data sekunder yang diperoleh melalui studi literatur dan dianalisis secara kualitatif. Hasil dan diskusi penelitian ini merupakan ancaman serius dari berita palsu untuk demokrasi karena dapat menyebabkan kohesi sosial di masyarakat. Beberapa contoh bagaimana dampaknya terhadap dunia termasuk pemilihan presiden Amerika Serikat 2016, referendum Brexit di Inggris pada tahun 2016 dan pemilihan presiden Prancis 2017.

Kata kunci: Berita Palsu, Demokrasi, Pemilihan Presiden AS, Brexit

Эффекты поддельных новостей для демократии

Аннотация

Цель этой статьи - объяснить, как ложные новости влияют на демократию. Это явление называется эрой пост-правды. Развитие информационных и коммуникационных технологий увеличивает распространение информации, поэтому трудно различить правдивую и ложную информацию. Данное исследование использует нормативно-юридический метод и вторичные данные, полученные в результате изучения литературы и анализируемые качественным методом. Результаты и обсуждение этого исследования показывают, что ложные новости представляют серьезную угрозу для демократии, потому что они могут вызвать социальную сплоченность в обществе. Некоторые примеры того, какое влияние на мир оказывают президентские выборы 2016 года в США, Референдум Брексит в Великобритании в 2016 году и президентские выборы во Франции 2017 года.

Ключевые слова: поддельные новости, демократия, президентские выборы США, Брексит

Introduction

The emergence of fake news increased the outbreak of misinformation in the internet era. Concern over this problem is global. The public is made anxious about false information that continues to increase. Difficult to distinguish which information is right and wrong in social media. This phenomenon causes democracy to be corrupted. Some researchers call it an era of "post-truth" (Higgins, 2016).

The development of the Internet is a blessing for democratization in many countries. The February 20, 2011 movement by young Moroccans who demanded the democratization of government by seeking 19,000 support on Facebook is one example. Through internet networks that are widespread and reach every level of society, a democracy that carries the banner of the participation of demos in heterogeneity comes alive (Susabun, 2018).

However, the spread of the Internet in remote parts of the world began to experience a shift and began to become a threat to democracy. Take, for example, Trump's victory in the 2016 U.S. presidential election, and the Brexit event (Britain's exit from the European Union) became a bad precedent for political digitalization. The public is fooled into making choices based on misleading information, driving public sentiment based on misleading emotional beliefs (Susabun, 2018). Society is divided because of political tactics through false information.

Now the British parliament has recently launched an investigation into how "fake news" threatens modern democracies (Harriss & Raymer, 2017) and the World Economic Forum (2013), placing the dissemination of information wrong as one of the top risks facing the world today. Analysis of Google Trends reveals that this term has begun to gain relevance in U.S. Google search around the time of the U.S. presidential election in 2016, and has remained popular ever since. It's a risk that false news submitted by evidence-based decision-making is increasingly recognized by the government (J. Roozenbeek, 2018).

In this paper, we will discuss how the effects of fake news pose a threat to democracy and cause polarization in society in various countries in the United States, Britain, others.

Definition and History of Media Manipulation

What is "fake news"? Fake News "fabricated information that mimics news media content in form but not in organizational process or intent. Fake news outlets, in

turn, lack the news media's editorial norms and processes for ensuring the accuracy and credibility of the information. Fake news overlaps with other information disorders, such as misinformation (false or misleading information) and disinformation (false information that is purposely spread to deceive people) (David M. J. Lazer et al., 2018).

Fake news has primarily drawn recent attention in a political context, but it also has been documented in information promulgated about topics such as vaccination, nutrition, and stock values. It is particularly pernicious in that it is parasitic on standard news outlets, simultaneously benefiting from and undermining their credibility.

The definition of fake news makes no assumptions about the characteristics of sources or amplification strategies. Some— notably First Draft and Facebook, favor "false news" because of the use of fake news as a political weapon (C. Wardle, 2017). We have retained it because of its value as a scientific construct, and because its political salience draws attention to an important subject.

The term fake news is far from a new idea. It appears to have emerged in the late 19th century, although similar terms such as false news have been around since the 16th century (Merriam-Webster, n.d.), and the ability for news to distort public opinion for political or pecuniary ends has long been understood. In the late 19th century, yellow journalism was a term used to describe exaggerated or outright fabricated stories and – like today's fake news – was connected to profit motives by news organizations.

Yellow journalism has been blamed for stoking the fervor that led to the Spanish-American War and was arguably the forerunner of what became tabloid journalism. While concerns with yellow journalism faded during the progressive era, concerns of media manipulation arguably reached an apex in the 1920s with the publication of Walter Lippmann's (1922) *Public Opinion*. Lippmann, drawing on his experiences writing for the War Department and the State Department during World War I, was shaken at how easily the public had been manipulated into supporting a war it initially opposed. Since that time, scholars and public intellectuals have chronicled the power of media to mold mass opinion in support of various political agendas (Lance E. Mason et al., 2018).

New mass media technologies have always presented novel opportunities for those in positions of power to influence citizens. Hitler used the intimate, one-way communication of the radio to rally German citizens behind his nationalistic, imperial agenda. Similarly, Franklin D. Roosevelt hosted radio-based "fireside

chats" to convince Depression-weary American citizens to support New Deal reforms. Radio also provided a new avenue for advertisers, who leveraged the new technology to reach massive audiences simultaneously, which helped to increase the role of consumerism in American culture.

The proliferation of the television introduced new possibilities for persuasion that were capitalized on by both advertisers and politicians. Businesses were now able to add moving visuals to their sales pitches. Over time, politicians began to take advantage of the multi-sensory features of television to create favorable sense-impressions while minimizing substantive policy stances that might offend potential voters. Meanwhile, the mass nature of television news limited perspectives and variety. It also facilitated what Daniel Boorstin (1961) called pseudo-events such as press conferences, photo opportunities, and other staged events that are planned specifically to be covered by the press.

Although media manipulation is an old story, the term fake news has not been a key term in media discourse until recently. Concerns about this concept can be understood within the context of the emergence of new technologies intersecting with current sociopolitical and economic dynamics. For decades in the U.S. and Europe, promoters of neoliberal corporate capitalism have rejected any notion of the public or common good, which led to lax enforcement of the public interest doctrine for mass media established by the Communications Act of 1934. This doctrine was ultimately abandoned in the mid-1980s. With the lack of regulatory enforcement, media companies began operating under an overt profit motive. Cable news and talk radio began to segment news audiences into ideological camps. An emphasis on profits has decimated local news coverage while leading to such things as canned news, or pre-packaged news segments designed for mass dissemination among local affiliate news stations. This also presented new opportunities for political manipulation. In one documented example, the Bush administration produced canned news stories promoting several of their policy goals, including supporting the invasion of Iraq (Barstow & Stein, 2005).

Such stories were designed to appear as objective news coverage and were shown on local news stations as regular segments, but they were designed by Bush administration officials with the aim of bolstering specific policy positions. Similarly, the Sinclair Broadcast Group requires local news stations across the country to air right-leaning "must-run" segments, including "Terrorism Alert Desk" stories that serve to stoke fear and serve political aims (Ember, 2017). The Trump Administration has also produced short videos where he describes a current initiative, meeting, or policy made to look like he is being interviewed -

with the goal of promoting his agenda. These videos are released by the White House and then often shared with or without comment on cable news and through social media - an example of what is referred to as free media coverage or earned media.

New Media and The Rise of Fake News

The emergence of the Internet and social media have dramatically altered media coverage and perception, and understanding contemporary concerns about fake news requires considering the novel social dynamics introduced by new media technologies. In 2017, two-thirds of Americans reported receiving at least some of their news via social media, and this percentage rises to three-fourths on the platform where President Trump often posts: Twitter (Shearer and Gottfried, 2017). Social media has been taken up for various political purposes. Platforms have been effectively utilized by marginalized groups seeking freedom or justice, perniciously by totalitarian groups aiming to censor, misinform, or distract, and for different purposes by citizens connecting with fellow activists or disconnecting from those with different views (Tufekci, 2017). Moreover, these new media technologies both increase the volume of news while allowing niche marketing on an unprecedented scale, often presenting ideologically bifurcated readers and viewers with entirely different universes of discourse, which has fueled political polarization.

While social media companies capture public attention, newspapers have experienced shrinking add revenue due to pressures from diminished sales because of competition from the Internet. Many agencies have either closed or contracted, which has led to diminished local news coverage and less in-depth reporting. It has also increased the likelihood of reporting factual errors or passing along public relations material as news without thoroughly vetting it for bias or inaccuracies. Newspapers increasingly depend on Internet ad revenue, leading to heightened pressure for headlines or stories that are hyperbolic or sensationalistic. Such stories are more likely to go viral, generate clicks, and thus contribute to the company's bottom line.

Media dynamics surrounding the emergence of the Internet and social media have also heightened the impact of media manipulation. For example, in his book *Trust Me, I'm Lying: Confessions of a Media Manipulator*, Ryan Holiday (2012) explains how he exploits the new media environment to create buzz around products for his various clients. In a process he calls trading up the chain, Holiday explains how he plants a story with a small blog with low reporting

standards, which becomes the source for a larger, more reputable blog, which subsequently may get picked up for coverage by mainstream outlets. One may question why major news organizations would cover unverified information from a blog. Holiday explains that news outlets, in their desperation for readers and clicks, are now more likely to practice what he calls "iterative journalism," which is repeating unverified stories from less reputable sources under the pretense that the story is still in process and the facts are incomplete. Yet this is part of the manipulation. Reporters often know the stories are bogus, so they rarely investigate further and instead content themselves with the temporary increase in clicks. Moreover, media aggregators seeking attention will pull quotes from informal conversations on audio podcasts or radio shows and then highlight and frame these quotes as news with neither the context of the conversation nor consideration of the difference between conversation and written forms.

Moreover, *astroturfing* is a phenomenon in which entire grassroots groups are manufactured in order to give the pretense of popular support for an issue or cause. Common activities include creating commercials or hiring actors to protest either for or against some organization or legislation, the latter intended to garner news coverage, YouTube clicks, and shares through social media. These techniques, among others, leverage the potential of social media users to spread stories and generate buzz while heightening the public's suspicion of news coverage in general. Beyond commercial ambitions, authoritarian leaders have utilized these same strategies to mislead, confuse, or exhaust citizens from engaging with social issues (Tufekci, 2017).

McNair (2018) asserts that fake news "is a discourse about journalistic bias as much as it is about the fabrication of facts; an attempt to subvert the legitimacy of an information source who claims to be 'objective' but is, in the eye of the accuser, biased against their side of a particular issue". Media factions now expend a great deal of energy, pointing out the bias and factual errors of the other side. This performs a useful watchdog function, although, in an already segmented media environment, it also contributes to political polarization while eroding public trust in the media, which according to Gallup (2016), has been steadily falling for the past 40 years. Corrections or refutations are also now less likely to penetrate deeply into public consciousness partly because of ideological segmentation (meaning that those who would most likely be enlightened by the information are least likely to receive it), but also because of the volume of information now available to consumers, which tends to overwhelm any sense of coherency that would connect one story to subsequent ones. Self-selection of media sources and motivated reasoning, or the selection of evidence from news

to support existing beliefs and rejecting information that may counter one's beliefs further exacerbates the issue of fake news (Kahne & Bowyer, 2017). The irony is that within the relatively open media environment of the Internet, media distortions and lies are often exposed by alternative media and other groups, yet this only adds to the public perception that we live in a "post-truth" era dominated by fake news.

Mainstream news organizations also suffered a major blow to credibility during the U.S. presidential election of 2016 when Wikileaks revealed that many reporters from mainstream news agencies were working with the Clinton campaign to ensure her victory over Democrat primary opponent Bernie Sanders. News coverage of the contest often contained only the slightest pretense of neutrality. In one example of slanted coverage, a review of approximately 200 editorials and op-eds in the Washington Post from January to June 2016 found five negative stories for every positive one on Sanders. By comparison, stories on Clinton were split about half positive, half negative (Frank, 2018).

Wikileaks also revealed that the Clinton campaign was working with their allies in the media to bolster what they perceived as the most vulnerable Republican candidates: Ben Carson, Ted Cruz, and Donald Trump (DeBenedetti, 2016). When Trump won the Republican nomination for president, the press quickly turned on him and showed blatant favoritism for Clinton. This may have created a backlash from some voters, though it certainly provided the rhetorical space for Trump to take an oppositional stance to the media and label them as fake news, at least in a way that was convincing to his staunchest supporters, who were already disgruntled with the media coverage of Trump during the election season. This is not meant to provide a justification for Trump's attacks on the media. Rather, it is to assert that understanding our current media environment requires considering how mainstream media has lost credibility with many citizens for reasons that must be confronted if media is to serve its ideal role as an informer of citizens and watchdog of the powerful.

Within these media and social contexts, the increased reliance and role of citizens to encounter and spread the news through social media presents new challenges for democracy and media literacy. Social media companies like Facebook are designed to induce habit-forming use with notifications and algorithms that offer decontextualized fragments of information (similar to the telegraph) that make knowing of things more important than knowing deeply about them (Vaidhyanathan, 2018).

Furthermore, Siva Vaidhyanathan (2018) describes a cryptopticon whereby these companies surveil citizens through the collection of massive

amounts of data, which is then sold off, stolen, or used for marketing purposes of profiling individuals in unprecedented ways. Users tend to accept this invisible surveillance for convenience, efficiency, or security without considering threats to privacy and democracy. As we have discussed, social media has allowed for marginalized voices to raise the profile of social issues (e.g., #BlackLivesMatter, #MeToo, #TimesUp) or even organize activist activities on the ground (e.g., #TahrirNeeds, @TahrirSupplies). Yet, social media platforms pose significant challenges as our spaces for news consumption, and public discourse is increasingly controlled by private corporations who desire markets over democracy.

Brexit Referendum

The U.K. 2016 referendum on leaving the E.U. was the most painful for the E.U. for practical and emotional reasons. Although not well-researched from the American case, it seems that information campaigns from other countries targeting the British population, hoping to secure a victory referendum for the Leave side. The scope of the campaign appears to be smaller than in the U.S. The Committee for Selecting the British Parliament for Culture, Media and Sports, which is investigating this issue, stated in the interim report that it had "heard evidence of elections sponsored by other countries in the U.S. and Britain.

Social media sites like Facebook and Twitter have a significant impact on their platforms, and researchers also find relatively few social media actions. Facebook is reluctant to investigate internally whether it has been used by other countries to influence others. Twitter also claims that it has not found significant activities in other countries related to Brexit. The researchers identified more than 150000 Twitter accounts that registered the language of other countries as their language and tweeted about Brexit. In the final days of the campaign, on the day of the referendum and the day after, they posted more than 45,000 tweets about Brexit, mostly to promote the vote of Leave.

A prominent Brexit supporter on Twitter, with more than 100,000 followers, was confronted with other state trolls from Twitter accounts related to the IRA identified for the U.S. investigation, 419 also posted on Brexit, sometimes anti-immigrant and anti-Muslim propaganda. Researchers have also found evidence of bot activity, but it is not known whether this bot network is connected to other countries.

The Leave campaign was also involved in violating Facebook - Cambridge Analytica data. Both of them leave. The E.U. and Leave face charges of

benefiting from data violations. What's more, Christopher Wylie, Cambridge-which-whistle-blower, said Cambridge Analytica shared data with other state companies that had ties with other countries' intelligence services.

The results of "the first major vote in the post-truth era" surprised many people. Brexit is a hard blow to the cohesive power of the European Union, and greatly influences the basic rights of the British people. The British public is divided about Brexit: voting has undermined British social cohesion and also threatens its territorial integrity. The referendum processes are very important, including the validity of the referendum (Judith Bayer et al., 2019). Nowadays, there is still social cohesion in the U.K., which has led to demonstrations between supporters of Brexit and anti-Brexit in the U.K.

2017 French Presidential Elections

Although less well-documented and without conclusive evidence, it seems that the French elections, and in particular the current campaign of French President Emmanuel Macron, were subjected to disinformation campaigns rumored to have been launched by other countries. Email Macron was rumored to have been hacked by other state agents trying to spy on him using Facebook disguised as a friend of his colleagues to gain access to personal information and unfounded rumors spread about him - but the disinformation efforts were largely unsuccessful in France. Some people explain this by saying that France is less vulnerable to false news because they prefer mainstream media. Another claim is that French institutions tasked with ensuring electoral integrity (such as election supervisors or national security agencies) work better than they do in the U.S. Others accused hackers of making stupid mistakes, making it easier for Macron. The team to denounce hacking (Judith Bayer et al., 2019).

However, others found that the campaign attracted foreign Twitter users, rather than French voters - after all, even hashtags like #MacronLeaks in English. One key aspect seems to be that French voters and politicians are aware of the problem. After high profile disinformation actions during the Brexit campaign, and especially during the U.S. presidential election, the issue was widely discussed in France. This may be an important element that makes French society better equipped to deal with disinformation. At the same time, it should be noted that right-wing candidates Marine Le Pen, supported by other countries included in the media, was second in the presidential election. Recently, because of unbelief and pro-poor policies, there was a demonstration of a yellow jacket in Paris to Macron. The elected president was rumored through a disinformation

process, which resulted in a president who was less capable and caused a social cohesion society in French.

Conclusion

The emergence of social media is like a double-edged knife. People benefit from accessing information as fast as lightning, so there is no limit to space and time between citizens of the earth. Democracy in various parts of the world is more flexible because it creates openness and political participation because of the wide access to information that undermines authoritarian regimes.

However, the negative effects of the outbreak of misinformation emerged, which caused the information to boom communities. Genuine and fake information is difficult to distinguish. This causes global worries. Community anxiety about false information continues to increase. This then causes democracy to be corrupted.

What happened in the U.S. presidential election in 2016, Brexit in 2016, the election of a French president in 2017, some researchers called it an era of "post-truth." This is a serious threat to democratization in the world. Mutual suspicion among citizens causes social cohesion in the community. Beginning with increasing mistrust of the presidential election because the issue of fraud and intervention in other countries, increasing populism, anti-immigrant Brexit, and so on began to mark the impact of Fake News.

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