



The role of criminal investigation unit in South Sulawesi regional police about law enforcement against makers and hoax information spreaders

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Abstrak

Penelitian ini bertujuan untuk mengetahui Peran Ditreskrimsus Polda Sulawesi Selatan dalam Penegakan Hukum terhadap penyebar Berita Bohong (Hoax) dan untuk mengetahui upaya penanggulangan kejahatan oleh Ditreskrimsus Polda Sulawesi Selatan terhadap pelaku dan penyebar berita bohong (Hoax). Penelitian ini merupakan penelitian yuridis empiris yang menggunakan metode penelitian wawancara dan kepustakaan sebagai teknik pengumpulan data yang kemudian dianalisis secara kualitatif dan disajikan secara deskriptif. Hasil penelitian ini, yaitu: (1) Ditreskrimsus Polda Sulawesi Selatan memegang peran dalam penegakan hukum terhadap Tindak Pidana Penyebaran Berita Palsu yaitu menyelenggarakan penyelidikan dan penyidikan tindak pidana khusus, koordinasi, pengawasan operasional, dan administrasi penyidikan PPNS sesuai dengan ketentuan peraturan perundang-undangan yang dilaksanakan berdasarkan peran idel (ideal role), peran yang seharusnya (expected role) dan peran aktual (actual role), dan (2) Ditreskrimsus Polda Sulawesi Selatan dalam penegakan hukum terhadap Tindak Pidana Penyebaran Informasi atau Berita Palsu (Hoax) melakukan upaya sosialisasi, menyiarkan iklan layanan masyarakat dan patroli dunia maya sebagai upaya preventif atau non penal dan menyelenggarakan proses penyelidikan dan penyidikan berdasarkan KUHAP dan Undang-Undang Nomor 19 Tahun 2016 tentang Informasi dan Transaksi Elektronik (ITE) sebagai upaya represif atau upaya penal.

Abstract

This study aims to determine the role of the criminal investigation unit in South Sulawesi Regional Police about law enforcement against hoax spread-

ers and to investigate crime prevention efforts by the criminal investigation unit in South Sulawesi Regional Police against perpetrators and hoaxes. This research is an empirical juridical study using interview and literature research methods as data collection techniques which are then analyzed qualitatively and presented descriptively. As for the conclusions of this study, viz. (1), the criminal investigation unit in South Sulawesi Regional Police plays a role in law enforcement against spreading hoax news crime, i.e. conducting investigations and investigations of special crimes, coordination, operational supervision, and administration of PPNS investigations in accordance with laws and regulations provisions. which is carried out based on the ideal role, the expected role, and the actual role, and (2) criminal investigation unit in South Sulawesi Regional Police in enforcing the law against the Crime of Information Dissemination or Hoax News conducts socialization efforts, broadcast public service advertisements and cyber patrols as a preventive or non-penal effort and conducts an investigation and investigation process based on the Criminal Procedure Code and Law Number 19 of 2016 concerning Information and Electronic Transactions (ITE) as a repressive or penal effort.

1. Introduction

The millennial era is known for advances in technology and information that have developed in almost all parts of the world which have had a significant influence on people's lives (Littlejohn, 2018). Supported by the advancement of increasingly sophisticated communication tools, interconnection, and interrelation between the world's populations are now intertwined. Technological advances indirectly provide all facilities, especially helping with daily activities. These technological advances have both positive and negative effects depending on how we use them. One of the technological advances is the ease of disseminating information, especially now that all people are able to access everything by internet. In everyday life, internet use has become a necessity. The internet is used by many people for various activities, both business and social. Based on data from the APJII poll (2019), the internet is used by many people, from children to the elderly. The number of internet users in Indonesia is 171.17 million out of a total of 64 million Indonesians, or around 64.85% of Indonesia's population who is connected to the internet.

Now, we can have information quickly. It spread through several media, either by a short message, telephone or by using social media such as Facebook, Twitter, Instagram, WhatsApp, and so on. Any information that is released to individuals and businesses through social and electronic media when it has been sent and read by many people can affect the emotions, feelings, thoughts, and even actions of a person or group reading it. It's very unfortunate if the information conveyed is inaccurate information, especially information about hoaxes with very provocative titles that lead readers and recipients to negative opinions. Negative opinion, slander that spreads then accepted and attacks parties or makes people afraid, feels threatened and can harm the party being reported also damage the reputation and cause material loss (Abner et al., 2019). Hoax news spreaders usually try all means, for example connecting with fake official sources (Nasution, 2017).

Disseminating information by social media is actually dangerous. The main reason's that there is no filtering in the dissemination of information. Need efforts to present instruments that are in

accordance with the development of the world of information and telecommunications are urgent. On April 21, 2008, after going through a discussion, it was finally promulgated specifically related to the issue of using information and electronic transactions which became known as Law Number 19 of 2016, amending Law Number 11 of 2008 concerning Electronic Information and Transactions.

In Electronic Information and Transactions Law, sanctions are given to the perpetrators of spreading hoax news on Article 45A paragraph (1) below: Anyone who deliberately and without right spreads false and misleading news that results in consumer losses in Electronic Transactions as referred to in Article 28 paragraph (1) shall be sentenced to imprisonment of up to 6 (six) years and/or a maximum fine of Rp. 1,000,000,000 , 00 (one billion rupiah).

However, even though it has been regulated and criminalized, hoax news is still spreading on the internet. One of them was the video National Police Chief, Tito Karnavian, which was edited to give an impression to those who watched the video that the Indonesias' trooper could be shot dead. So, it turns out that the video is actually the result of edits and removes the true meaning of what the Police Chief was trying to reveal (Lestari & Nugraha, 2019). This incident is a form of spreading hoax news because it is not in accordance with the actual facts. Another example is the unwise use of social media, viz. creating and spreading hoax news in Makassar in November 2018. South Sulawesi Regional Police managed to arrest two perpetrators who spread hoaxes. Both are named Nurmiyati and Usman who live in Makassar City. They spread hoax news about child abductions and the sale of human organs (Jurnaliston, 2018).

From incidents like this that often recur, then law enforcement against the dissemination of false information must really be enforced thoroughly, because if not then people will continue to spread

information that is not clear where the source and for reasons that are not clearly different, of course, this will disturb the public or individuals related to hoax news that is spread. According to Soekanto (2018), there are several factors that influence law enforcement, e.g law enforcement. Regarding criminal law enforcement against the perpetrators of hoax spreading, the writer tries to explore the role of law enforcers, in this case, the Police, to take action against the perpetrators of hoax spreading. Law Enforcement Factors are important according to the author because if law enforcements' is slow it will make law enforcement less optimal. of course, with good law enforcers, hoping that the crime of spreading hoaxes can decrease from before. This will certainly have a good impact because there will be no more hoax news that will create unrest in the community or cause individual losses.

Law enforcement is an attempt to express the moral image contained in the law. The moral image contained in law can be enforced through law enforcement officials. As law enforcement officers in carrying out their duties, the National Police is required to instill a sense of trust in the community, because upholding law authority, in essence, means instilling the value of trust in society (Purnama, 2018). Law is the entire rule regarding behavior that applies in life together, which can be enforced with a sanction (Ilyas, Anshori et al. 2017). Law implementation can also take place in a formal and peaceful manner but can also occur because it must be enforced (Hamzah, 1996).

Technology and law are two elements which influence each other also society. The technology development must accompany by regulations presence; the goal is not to limit but to curb the use of technology, especially for social media which is currently loved by various elements of society, both young and old (Irwansyah. 2020). Based on the description before, the writer tries to research related to the spread of hoax news that has re-

cently been happening. Therefore, it is necessary to know what the role of the South Sulawesi Regional Police Ditreskrimsus in enforcing the law against the perpetrators of spreading hoax news, and how the efforts to combat crimes are related to it by the Criminal Investigation Unit.

This study is in line with the research results Darwis in 2017 with the title, "The Role of the South Sulawesi Regional Police's Special Criminal Investigation Directorate in Uncovering Banking Crimes". The subject discussed in this study is the role of the South Sulawesi Regional Police of the Criminal Investigation Unit in uncovering banking crimes. The case that was dissected was the case at Bank BNI, Maros Regency. The striking difference in this thesis is that the object of handling cases by Ditreskrimsus Polda South Sulawesi is related to the spread of false news or information (hoax).

Next is the research from Ilham Panunggal Jati Darwin in 2018 with the title, "The Role of the Police in Investigating the Crime of Hoax Spread". The subject discussed in this research is the role of the Police in the investigation stage of the crime of spreading hoax news. The difference with this thesis is in the location of the discussion which focuses on the role of Ditreskrimsus Polda South Sulawesi, besides that the different discussion lies in the enforcement and efforts to combat the spread of hoax news both by the creators and spreaders of hoax news.

Lastly, research by Rino Sun Joy, Bruce Anzward, Sri Endang Rayung Wulan in 2019 with the title, "The Role of Police Officers in Law Enforcement in Responding to Hoax News of the 2019 Presidential Election in the Legal Area of the East Kalimantan Regional Police". The subject discussed in this journal is the role of the East Kalimantan Regional Police in law enforcement related to hoax news in the 2019 General Election. The difference between the discussion with this thesis is the relationship between the spread of hoax news, the

author does not carry out discussion specifications in one particular area, and focuses more on efforts to handle and enforce the crime of spreading hoax news in the jurisdiction of the South Sulawesi Regional Police.

The purpose of this study was to determine the role of the South Sulawesi Regional Police Ditreskrimsus and efforts to combat crime in law enforcement against hoax news spreaders. Based on that, all the authors made a study entitled, "The Role of Criminal Investigation Unit in South Sulawesi Regional Police about Law Enforcement against Makers and Hoax Information Spreaders".

2. Methods

This type of research is an empirical juridical approach which in other words is a type of sociological legal research and can also be called field research, which examines the applicable legal provisions and what happens in reality in society. Empirical legal research is oriented towards primary data. Empirical legal research is an approach carried out through field research by seeing and observing what is happening in the field. To support this empirical research, normative research with a statutory approach is also used by conducting a review of the laws and regulations related to hoax news spreaders (Burhan, 2007). The research approach uses to analyze the existing problems, i.e: (1) Statute approach. This approach is carried out by examining all laws and regulations relating to the legal issue being handled. (2) Case Approach. This approach is carried out by understanding the descending ratio, namely the legal reasons used by the judge to arrive at his decision. This depends ratio shows that law science is prescriptive, not descriptive science. As for the dictum, namely, the decision is something that is descriptive in nature. Therefore, cases do not refer to the dictum of court decisions, but rather refer to the ratio descended.

3. Result and Discussion

3.1 The role of criminal investigation unit in South Sulawesi regional police about law enforcement against hoaxes

The development of information and communication technology in the last few years has become a new phenomenon in the structure and daily life of Indonesian citizens. Its fairly rapid development has been integrated into almost all aspects such as the economic, social, educational, political, legal, and cultural, to the smallest private spaces of society. The police as one of the law enforcement agencies which is further regulated in Law Number 2 of 2002 concerning Polri, which states that the police are an instrument of the State which has a role in maintaining public security and order, upholding the law, and providing protection, protection, and services to the community in maintaining domestic security framework. Criminal Investigation Unit is domiciled in the provincial capital, and specifically, in South Sulawesi, the Directorate of Criminal and Criminal Investigation of South Sulawesi Regional Police's domiciled in Makassar City which has its office at South Sulawesi Regional Police Office at Perintis Kemerdekaan Street, Makassar.

Normatively, the judiciary in criminal acts regulated in Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions. Law enforcement related to the spread of hoax news still applies to the criminal procedure law as regulated in the Criminal Procedure Code. Specific pro-

visions regarding investigations are also regulated in Chapter X Articles 42 to 44 of Law Number 19 of 2016 concerning Electronic Information and Transactions that investigators authorized to commit Electronic Information and Transactions crimes are investigators of the State Police of the Republic of Indonesia, besides Electronic Information and Transactions Crime investigations can also be carried out by other investigating officials within the scope of their duties and responsibilities in the field of Information Technology and Electronic Transactions, viz. officials from the Department / Ministry of Communication and Information Technology.

The cases that occur are related to the Crime of Spreading Hoax News that's submitted to the Criminal Investigation Unit in South Sulawesi Regional Police's experience dynamics every year. Various cases that come in require serious and structured handling so that these cases are handled optimally. The Crime Case for the Spread of Hoax News that is included in t Criminal Investigation Unit in South Sulawesi Regional Police's described in the following table:

The data above illustrates that in 2018 there were 9 cases that were included in the Criminal Investigation Unit in South Sulawesi Regional Police related to the spreading of hoax news crime. There were 4 cases whose case files were submitted to the Prosecutor's Office for trial, this means that there were 5 cases that were not preceded to trial. The remaining 5 cases were discontinued during the trial process and were stopped at Criminal Investigation Unit in South Sulawesi Regional

Table 1. The Crime Case for

Year	The only case is up to the Polda	On trial	Number of Cases
2018	9 Cases	4 Cases	13 Cases
2019	11 Cases	6 Cases	17 Cases

Source: Criminal Investigation Unit in South Sulawesi Regional Police

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Police. The increase in the number of cases in 2019 was due to more and more massive access to information and news ahead of the 2019 General Election. Handling requires a big role from law enforcement officials, in this case, the South Sulawesi Regional Police.

1) Ideal role, The National Police of the Republic of Indonesia plays an ideal role in carrying out duties and responsibilities for domestic security as in Law no. 2 of 2002 concerning the Indonesian National Police. The realization of the guarantee of internal security by the Indonesian National Police is passed down to the organization and working procedures of the Indonesian National Police through Regional Police throughout Indonesia, one of which is the South Sulawesi Regional Police with the same role as the Indonesian National Police. The ideal role in ensuring the maintenance of the state and public order within the scope of the South Sulawesi Regional Police is contained in the Chief of Police Regulation No. 22 of 2010 concerning Organization and Work Procedures at the Regional Police Level; 2) expected role, The National Police of the Republic of Indonesia has a big role to play in maintaining domestic order and security so that the law provides a fairly large role. Law No.2 of 2002 concerning the State Police of the Republic of Indonesia regulates the duties, functions, and authorities which are very broad and large so that the implementation of the duties and responsibilities of security and public order must be carried out systematically with a good mechanism in every unit at various levels throughout Indonesia. Soekanto (2018) provides an opinion, that one of the factors that affect the realization of law enforcement is the law enforcement factor, one of which is the role it should be. It should be related to the prevention of Crime of Information Dissemination or hoax news carried out by the Criminal Investigation Unit in all Regional Police throughout Indonesia. The criminal Investigation Unit is an element that carries out the main tasks under the head of regional police.

The role that should be held by the Police which is carried out by Criminal Investigation Unit's regulated in Chief of Police Regulation No. 22 of 2010 Article 10 Letter d. Tts duties are regulated in Article 139 Paragraph 2 which stipulates that the Criminal Investigation Unit is in charge of carrying out investigations and special investigations crimes, coordination, operational supervision, and administration of PPNS investigations in accordance with the provisions of laws and regulations. The roles of the Criminal Investigation Unit in South Sulawesi must be carried out by the sections under it.

Regarding the role of the Police in handling the crime of spreading hoax news, it plays a direct role in are Operational Development Division and Investigation Supervisory Section. The part of the Criminal Investigation Unit in South Sulawesi regional police that plays a role in the Investigation stage is Bagwassidik as regulated in Article 144 of the Chief of Police Regulation No. 22/2010 with the task of coordinating and supervising the process of investigating criminal acts within the Directorate of Criminal Investigation and following up on complaints from the public relating to the investigation process.

3) actual role, The Indonesian National Police as an institution that is responsible for domestic security and order also plays an actual role. The actual role referred to as far as possible is in line with the role it should be. If the roles should not be in line with the actual roles performed or the actual roles, there will be role gaps. It should be contained in statutory regulations as well as implementing regulations within the Indonesian National Police. The actual role is an implementation of the role that should be, but it does not close the opportunity that decision making is allowed if the rules that are present have not answered the conditions that occur. Actual policy determination in criminal law allows discretion to be issued in response to the legal vacuum that occurs at the level of implementation. Reports that are submit-

ted to the Criminal Investigation Unit in South Sulawesi Regional Police complaints from the public can also be in the form of findings from the Police Investigator.

Several indicators that a post or news on social media can be categorized as findings by Police. This can be seen from a public response that is anxious about the circulation of the news. The hoax news circulating has an unsettling effect, sells fear, and causes a stir so that people's attention is drawn to the news. The second indicator is that the news that is circulating is viral or trending both on certain platforms and in discussions or talks from the general public. The police who receive the report or find the news themselves will check the content of the news to identify the accuracy of the substance of the news, especially if the news invites negative comments from the public. Efforts to combat the criminal act of spreading hoax news are carried out in various ways. The efforts made by the Criminal Investigation Unit in South Sulawesi Regional Police in exposing the perpetrators and spreaders of hoax news are regulated in the Chief of Police Regulation, Circular, and Telegram Letter of the Polices' Chief, but sometimes at the implementation level still considered incomplete so that a policy is needed by police investigators in order to fill in the existing legal void. Several cases prove that the existence of discretion makes the legal vacuum can be filled so that law enforcement optimization related to a criminal act of spreading hoax news can be carried out properly.

At the implementation level, the perpetrators who spread hoax news are children so investigators feel the need to provide wisdom in the investigation process. This policy is based on the Restorative Justice Concept which prioritizes the improvement of criminal acts rather than simply punishing the perpetrators. Efforts applied to children are based on the consideration that they are not old enough, and still in the education process

at school so that if the child continues the legal process and is sentenced to imprisonment, it is feared that it will damage that future.

3.2 Crime prevention efforts by criminal investigation unit in South Sulawesi regional police against hoax perpetrators and spreaders

Handling crimes committed in a criminal act of spreading hoax news by Criminal Investigation Unit in South Sulawesi Regional Police using preventive and repressive measures. Preventive measures can be carried out with a sociological and social approach while overcoming crimes with repressive measures can use criminal legal measures. The explanation is as follows: 1) preventive efforts, Preventive efforts made by Criminal Investigation Unit in South Sulawesi Regional Police in order to prevent the spreading false news crime carried out systematically with a neat mechanism. There are at least three steps that can be used by Ditreskrim Polda South Sulawesi. The first step is to conduct outreach to schools; second, the dissemination of public service announcements on radio, platforms, and social media, and the third is to conduct virtual world patrols to regularly monitor developments or conditions that occur in cyberspace.

Dissemination and presentation related to ITE cases to schools

The first step is to disseminate and explain offenses, cases, and their dangers contained in Criminal Code and in the Law on Information and Electronic Transactions. The socialization and presentation were aimed at schools in order to provide students with an understanding of the dangers and impacts of the spread of hoax news. This consideration is based on the reason that the use of social media and technology is also widely used

by the younger generation, especially by students. The second consideration is that the younger generation, especially students, still don't understand the real impact of hoax news circulation, because in addition to their unstable mental condition, Public service announcements on radio, certain releases, or platforms

Criminal Investigation Unit in South Sulawesi Regional Police's also trying to prevent public service advertisements from spreading hoax news prevention. Other media are used for the dissemination of public service advertisements on platforms such as social media and mass media e.g. newspapers and magazines. This consideration's based so public service advertisement, apart from targeting students, can also be conveyed to the category of society with the adult classification.

Cyber patrol

The cyber patrol carried out by Criminal Investigation Unit in South Sulawesi Regional Police is useful for seeing the latest conditions related to hoax news spread or other criminal acts in cyberspace, combing and targeting that will be known in the investigation process if reports or potential fake news releases. Furthermore, when the team has been formed, a briefing will be carried out first to select and ensure the handling will be carried out and targeted. Patrols are carried out to inventory every potential or possible occurrence of cybercrime. By looking at this, further efforts will be made to prevent criminal acts, especially those related to hoax news spread.

Preventive prevention of crimes is carried out to prevent the occurrence of the first crime. Thus, seen from a criminal point of view, all preventive activities through these efforts have a strategic position, holding key positions that must be intensified and made effective so that social life in the community is not disrupted (Septanto, 2018).

Crime prevention efforts focus more on the preventive nature before the crime occurs. These factors, among others, are centered on social problems or conditions, directly or indirectly that can lead to crime. According to Meilala (1985), in relation to taking preventive action, preventing crime is better than educating criminals to be good again, because it's not only taken into account in terms of cost, but this effort is easier and will get satisfactory results or achieve goals. Namely trying to prevent the growth of evil desires and eliminating the factors that are known to cause crime, for example improving the economy, improving civilization, and so on.

2) repressive efforts, penal or repressive measures are efforts to combat crimes that focus more on the oppression nature, eradication, or suppression after a crime has occurred. The repressive measures that have been taken are as regulated in the Criminal Procedure Code and Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions. Reports that come in can be in form of complaints by the public or obtained by officers themselves through cyber patrols.

Regional Police also tracks the accounts to be tracked through applications or other methods to find the location. Through the tracking process, the officer will come directly to make an arrest. A suspect who is outside South Sulawesi Regional Police jurisdiction will be sought for arrest in coordination 'bout suspect lives. If that time is not sufficient, the Chief Police of the local court will extend the detention period by 30 days and maybe resumed for another 30 days. If case files are deemed complete, the investigator will submit the case files and suspects and evidence to the public prosecutor for trial. Article 390 of the Criminal Code also regulates a similar thing although with a slightly different formula, namely the use of the phrase "broadcast false news", namely whoever

with the intention of benefiting himself or others by opposing the right to reduce or increase the price of the merchandise, funds or money securities by broadcasting hoax news, maximum imprisonment of two years and eight months.

Third, Article 14 and Article 15 of Law Number 1 the Year 1946 concerning Criminal Law Regulations also regulate hoax news, below: anyone, by broadcasting false news or announcements, deliberately publishing disturbances among the people, is punished with a maximum imprisonment of ten years.

In Article 15 of Law no. 1 of 1946 concerning the Criminal, Law Regulations stipulates that. Whoever broadcasts news that is uncertain or news that is excessive or incomplete, while he understands at least it should be able to suspect that such news will or has been able to publish disturbance among the people, is punished by imprisonment as high as two years. This description was a repressive effort by Criminal Investigation Unit in South Sulawesi Regional Police. Repressive measures are all actions taken by law enforcement officials after a criminal act has occurred. This action can be seen as a precaution for the future. This action includes the methods of legal apparatus in carrying out investigations, further investigations, criminal prosecution, examination in court, execution, and so on up to the training of prisoners. Efforts to control crime can be pursued by: (1) Criminal law application. (2) Prevention without punishment. (3) Influencing people's views on crime and punishment through mass media (Arief, 2013).

The crime prevention effort put forward by Arief (2013), which is an effort to tackle crime that focuses more on repressive nature, is criminal law application. Integration of efforts to combat crime by penal and non-penal. Previous descriptions related to preventive and repressive measures were the efforts of the Police. In this case, South Sulawesi Regional Police take action against perpetrators

and spread hoaxes or false news. Based on Arief (2013), there are several efforts in criminal politics, viz. by using non-penal means with preventive measures in its implementation, while penal means are carried out by repressive efforts for their implementation.

Criminal Investigation Unit in South Sulawesi Regional Police has made preventive efforts by making a series of efforts such as socializing to schools about the impact and dangers of spreading hoax news, public service advertisements on radio, releases or on certain platforms, and cyber patrol efforts carried out to monitor social media conditions. Criminal politics is an integral part of community protection efforts and efforts to achieve social welfare, so, criminal politics is an integral part of social politics. Thus, viewed from criminal politics in general, efforts to overcome criminal acts are only through criminal means but can take outside criminal law form (Sofyan and Azisah, 2016).

Crime prevention efforts through penal means can be said to be repressive in nature, while prevention efforts through non-penal means are preventive in nature. Crime prevention efforts by means of penal must be done carefully, carefully, economically, selectively, and imitatively. Criminal Investigation Unit in South Sulawesi Regional Police has made preventive efforts by means of socialization to schools, disseminating public service announcements, and patrolling cyberspace, but in several places and times, the potential for the spread of hoax news is still rife, so there are several things that should be noted and attention.

4. Conclusion

Based on data exposure above, it can be concluded that: (1) Criminal Investigation Unit in South Sulawesi Regional Police plays a role in law enforcement against spreading hoax news crime, i.e. conducting special crimes investigations, co-

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ordination, operational supervision, and administration of investigations for PPNS in accordance with laws provisions the legislation implemented based on the ideal role, expected role, and actual role. (2) Criminal Investigation Unit in South Sulawesi Regional Police in upholding the law against the Information Dissemination Crime or Hoax News makes socialization efforts.

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