The Beginning of the Human Rights 5th Generation: A Lesson from Covid-19 Outbreak in Indonesia

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Abstract

This research tries to find the root cause of the spread of fake news during the Covid-19 pandemic in Indonesia. The Indonesian Ministry of Information and Communication recorded that there were 519 or 56% of the total 926 fake news during semester 1 of 2020. This figure doubled in October 2020 with a total of 1,028 fake news in the health sector especially dealing with Covid-19. Whereas, in the perspective of Human Rights, everyone has the right to get the correct information. This statement is guaranteed in Article 28F of the 1945 Constitution, Article 19 UDHR, and Article 19 of the ICCPR. These problems were then analyzed using a prescriptive method to find new concepts related to fake news to prevent a pandemic. This study indicates that the spread of fake news during the Covid-19 pandemic in Indonesia was greatly influenced by low literacy and public knowledge, lack of self-awareness, and a tendency to attack political opponents.

Keywords: Fake News, IET Law, Covid-19, Human Rights, Indonesia
A. Introduction

The Covid-19 pandemic that has occurred since the beginning of 2020 has changed people’s way of life. Nowadays, more and more people interact online than face-to-face to reduce the spread of the Covid-19 virus. Everyday life activities are “forced” to shift into virtual activities ranging from work from home, distance learning, online meetings, and shopping or selling from home through e-commerce platforms. Interestingly, the level of internet use has increased sharply since the outbreak of the pandemic. According to We Are Social-Hootsuite, as of January 2021, the number of internet users in Indonesia rose to 73.7 per cent of Indonesia’s population of 274.9 million or penetrated 202.6 million users. Even over the past year, there have been an additional 27 million users. Interestingly, the time used to access the internet also increased, from 7 hours 59 minutes to 8 hours 52 minutes spent on chat (96.5%), social networks (96.3%), shopping (78.2%), financial services (39.2%), entertainment (86.2%) and others.1 At the beginning of 2024, it turns out that this figure has increased quite significantly when Indonesia’s internet penetration rate stood at 66.5 percent of the total population at the start of 2024.2 Indonesia was home to 139.0 million social media users in January 2024, equating to 49.9 percent of the total population. A total of 353.3 million cellular mobile connections were active in Indonesia in early 2024, with this figure equivalent to 126.8 percent of the total population.

Unfortunately, the increase in internet users also adversely affects the spread of fake news in Indonesia, especially related to the covid-19 pandemic. The leading cause is undoubtedly the lack of public understanding of information spread on the internet. Online media was used as the only source of information for the public during the pandemic. However, the public was easily provoked by unconfirmed news. Fake News about the pandemic has started since covid-19 was first detected in Wuhan. The most commonly used media for the

2 https://datareportal.com/reports/digital-2024-indonesia
spread of fake news is social media WhatsApp, youtube, Facebook, Instagram, Twitter, and online news portals. On January 26, 2020, for example, before the Indonesian government officially announced the covid-19 case, a facebook post told that there was one person reported to be infected with coronavirus at Wahidin Makassar hospital and was being isolated, but it turned out that the patient only suffered from acute respiratory infections (Infeksi Saluran Pernapasan Akut/ISPA).³

Fake news throughout the pandemic appeared one after another, increasingly making people panic, confused, and worried, ranging from the statements implying that covid-19 is just a global elite conspiracy, covid-19 does not exist, Hospital patients will be considered affected by Covid to get government incentive fees, covid-19 vaccine is fitted with microchips to control the human mind, covid-19 vaccine contains pig elements, ivermectin can cure covid-19, bear brand milk can treat covid-19, to the most recent fake news implying that sinovac vaccine purchased from China set Kalimantan island as a guarantee. As a result of this fake news, the community has been victimized because of confusion and excessive worry. Following fake news implying that ivermectin could treat covid-19, for example, people immediately experienced panic-buying by storming pharmacies and buying such products as supplies. As a result, the product soared in price and reached scarcity in the market. In contrast, studies have proven that ivermectin cannot treat covid-19.⁴

Worse, the increasingly massive spread of fake news is not accompanied by educational efforts and understanding by the government. Instead, the government established cyber police to stem the flow of fakes with threats using the Information and Electronic Transaction Law (IET Law) and the Criminal Code. The result is predictable, many perpetrators spreading fake news were imprisoned

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for violating the IET Law. Cyber police instead arrested many public figures who argued differently from the government on the grounds of the spread of fakes. This further reinforces people’s suspicions that the covid-19 pandemic is just a conspiracy. As a result, health protocols become saggy and not obeyed by the community, resulting in soaring cases of Covid-19.

Looking at this fact, did people during the Covid-19 pandemic not get protection against the correct information? Getting the correct information is one form of human rights fulfilment. Article 14 paragraphs (1) and (2) of the Human Rights Law affirm that “everyone has the right to communicate and obtain the information necessary to develop his or her personal and social environment” and “everyone has the right to seek, acquire, possess, store, process, and convey information using all available means.” Also, it is guaranteed in Article 18F of the 1945 Constitution that everyone has the right to communicate and obtain information. Moreover, every September 28, the world turns out to commemorate The International Day of Right to Know or commonly called The International Day for Universal Access to Information. The anniversary of the day is not only a spirit of encouraging the search for more excellent information, but also the spirit of the government to provide valid information to the public.

From here, comes the idea of whether valid information is a separate generation of human rights from the previous generation? If the first generation of human rights is centered on socio-political, the second generation on the economic, social, and cultural fields, the third generation on the rights of solidarity (the demands of developing countries or the Third World on a fairer international order), and the fourth generation on criticism of the role of a country that

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7 Ibid.
is very dominant in the development process focused on economic development and raises such neglect of aspects of people’s welfare. So it is appropriate, the human rights generation has shifted to the fifth generation, namely the protection of the provision of correct information in the digital era. The first part of this paper will discuss the development of fake news during the pandemic of Covid-19 and the government’s efforts in tackling fake news in Indonesia in the second part. The third discussion will focus on the legal structure of protection of the right to information, and, before the conclusion, the author will review about the fifth generation of human rights: protection of correct information?

The concept of the 5th Generation of Human Rights globally is still in the development stage and does not yet have a universally agreed definition. However, there are discussions and ideas about rights that may belong to this generation. In general, 5th Generation Human Rights is defined as rights that emerged in response to new challenges and realities in the 21st century. These rights are often related to technological progress, globalization, and climate change. So, the discussion in this article is very relevant to the concept of human rights development in the world today.

B. Fake News During the Covid-19 Pandemic in Indonesia

As one of the most popular words these days, fake news is interpreted as a form of fraud whose purpose is to make humour or bring danger.\(^8\) The spread of fake news on social media is one of the impacts of the digitalization of life in society. People share this misinformation for different reasons. In addition to intended deliberate popularity and profit, unintentional factor such as the lack of information literacy also contributes to the cause of misinformation dissemination. In a previous paper titled *Hoax and The Principle of Legal Certainty in Indonesian Legal System*, the author once described that fake news are developing along with the rapid development of technology.\(^9\) The


ease and efficiency offered by social media, especially those based online, are making it a forum for disseminating information that is very influential in society.\textsuperscript{10} Social media changed not only the way information is passed but also people’s insights that consume information. These spectacular developments also have an impact on the development of legal interactions and social interactions. Besides giving positive impacts in the form of ease of interaction that is not limited to time and space, information technology media also has negative impacts on its users. Problems that often occur are the absence of control and tendency to be misused for criminal offenses such as human trafficking, the spread of fake news, provocation, slander, hacking, data breach especially in banking, and other cyber-crimes.\textsuperscript{11}

In Indonesia, the fake news spreader has been overgrowing since 2012. Andrea Renda states that online smear campaigns in Indonesia have been around since 2012 to welcome general elections in a bad way. Some of these politically motivated campaigns have been aided by well-organized “fake news factories”, and the Saracen Cyber Team is among them, an online syndicate that created many social media accounts to spread hate speech for clients willing to pay for them.\textsuperscript{12} Even according to him, “Online narrative narratives have polarized public opinion in the lead-up to the Jakarta governor elections in 2017 that saw the defeat of the former governor, Basuki Tjahaja Purnama.” Fake News has always peaked in political times such as elections and presidential elections.\textsuperscript{13}

So what about the covid-19 pandemic? As it turns out, the development of fake news equals the number of active cases in Indonesia, which is experiencing significant developments. According to data

\begin{itemize}
  \item \textsuperscript{11}Al-Fatih and Firma Aditya, “Hoax and The Principle of Legal Certainty in Indonesian Legal System.”
  \item \textsuperscript{12}Andrea Renda, \textit{The Legal Framework to Address “Fake News”: Possible Policy Actions at the EU Level}, ed. Irene VERNACOTOLA (European Union, 2018).
  \item \textsuperscript{13}Renda.
\end{itemize}
from the Ministry of Communication and Information, until March 7, 2020, there were 147 fakes related to covid-19. Furthermore, on April 8, 2020, 474 fake issues were found, and in June 2020, there were 800 pieces of fake news related to Covid-19 spread across 1,125 digital platforms, such as Facebook, Instagram, Twitter, and Youtube. This number increased considerably in early December 2020 with 1273 pieces of fake news, and the peak set in mid-July 2021 where the Ministry of Communication and Information detected 1730 fake issues around Covid-19. It means that on average, there are 96 pieces of fake news every month during the 18 months of pandemic covid-19. The rise of fake news around Covid-19 has led to mixed information on Covid-19, blurring the boundaries between scientific and factual information mixed with various opinions and speculations. As a result, Covid-19 hyper-reality occurs when information about this virus does not have a clear dividing line between fact-sourced information and information resulting from a mere design.¹⁴

**Figure 1.** Fake news during pandemic Covid-19

Out of a total of 1730 pieces of fake news, it spread to 3,774 contents on social media platforms. Facebook ranked first with the spread of fakes around covid-19, reaching 3,153 contents, followed by Twitter with 546 fake news contents around covid-19. While on Youtube, there are 49 fake news contents about covid-19 and 26 on Instagram. From the amount of fake news above, the ministry has

¹⁴ Kominfo, “Hoax,” Kominfo, 2021. This data is continuously updated by the Ministry of Communication and Information republic Indonesia, can be seen on the website https://www.kominfo.go.id/content/all/laporan_isu_hoaks.
managed to bring this figure down to 3,340 contents, while another 434 contents are being investigated. The ministry also noted that there were 113 contents related to the issue of covid-19 fake news brought to the legal track because it was proven to be misleading and create a stir in the community.

Figure 2. Social media platforms for spreading fake news

![Figure 2. Social media platforms for spreading fake news](image)

Some fakes news that has caused a stir in the community, among others:

1. Coronavirus is a biological weapon leaked from Wuhan Laboratory. The headline circulated on Facebook saying the coronavirus was a leaked Chinese government-made biological weapon. However, in fact the post was a twist from a medium by *The Washington Times*, a daily newspaper published in Washington DC, the USA, titled “Virus-hit Wuhan has two laboratories linked to Chinese bio-warfare program”. The news was later rewritten and dubbed by some sites and media outlets. The fake news caused a stir among the Muslim community because it was considered genocide against Uighur Muslims.

2. Coronavirus prediction by The Simpsons went viral on Twitter on February 11, 2020. In fact, the short clip comes from the Simpsons episode of season four (1993), “Marge in Chains”. At that time, a news report announced fears of the “Osaka Flu” from Japan regarding Springfield in America. The infected person was a Japanese factory worker, and the spread of the disease was Osaka flu, not Coronavirus. One of the images accompanying the story was edited from “Apocalypse Meow” to “Corona Virus”. This
fake news has succeeded in making the public think that covid-19 is a conspiracy of global elites.\textsuperscript{15}

3. Smoking, One of the Covid-19 prevention solutions. On March 9, 2020, information was circulated in an article from one of the online sites with the title “WHO: Smoking, One of the Covid-19 Prevention Solutions”. In the article, it is written that “In Indonesia, in addition to 60% of cigarettes that we smoke is a tax for the country, it turns out that Covid-19 does not favor smokers.” and there is also information that seems to state, smoking is one solution of the WHO in anticipation of Covid-19. In fact, the information is not accurate because WHO never mentioned that smoking could cure diseases caused by coronavirus infection. The article indeed cites the information released by WHO in the Question & Answer section. However, it turned out that the information was deleted and replaced by more valid information. Thus, the statement has broken the assumption that smoking can prevent or treat Covid-19, which in fact smoking can be harmful to the body.\textsuperscript{16}

4. Amoxicillin can kill Coronavirus. On March 31, 2020, circulated a lot on social media claiming that the drug amoxcilin could kill the coronavirus by putting it on a water reservoir. The message lists the name of a habib and a minister to make the public trust him. In fact, according to the Dean of the Faculty of Medicine, University of Indonesia, dr. Ari Fahrial Syam, the news was not accurate, and amoxicillin drug can not kill coronavirus. The drug amoxicillin can only kill bacteria present in the respiratory tract. In addition, Coordinating Minister for Maritime Affairs and Investment Luhut Binsar Pandjaitan never stated, as stated in the viral article.\textsuperscript{17}

5. 5,000 ustadz will be injected with Covid-19 until death. On April 7, 2020, circulated a narrative through a WhatsApp chain message

\textsuperscript{15} “Fake or Fact?,” 2022.
\textsuperscript{16} “Hoax Rokok,” 2021.
\textsuperscript{17} Ayunda Septiani, “Viral Amoxicillin Bisa Bunuh Virus Corona, Dipastikan Hoax!,” DetikHealth, 2020.
saying that the proposal of 5,000 scholars in West Java had to undergo a rapid test was a mode of killing ustadz by injecting coronavirus till death. In fact, the allegations in the narrative that mention rapid test as a mode of killing ulama are misleading. The Deputy Governor of West Java explained that these rapid tests were aimed for a fundamental reason. The scholars in question are ranging from religious figures in villages to boarding schools. Ulama itself falls into category-B, as they are a group of people who are categorized as often meeting with many people. The rest also explained that the proposal of 5,000 ustadz undergoing rapid tests based on the results of rapid tests in West Java showed 667 among them were suspected to be infected with Covid-19.18

6. Communist, Jewish and Christian conspiracies take advantage of Covid-19 to destroy Islam. On May 12, 2020, information circulated on social media claimed communist, Jewish and Christian conspiracies used coronavirus to destroy Islam. In the post, twelve missions were mentioned to destroy Islam. In fact, claims that Communist, Jewish and Christian conspiracies used Covid-19 to destroy Islam are untrue. A total of 12 missions listed in the outstanding claim were not proven true.19

7. “Plandemic” video claims related to Coronavirus. On May 10, 2020 circulated on social media a video titled Plandemic containing a number of conspiracy theories related to Coronavirus, public health and pharmaceutical industry. The video also claimed that coronavirus was released from the laboratory environment and was unlikely to occur naturally. The use of masks and gloves was also claimed to make people sicker. In fact, after being traced the Plandemic video at least contained conspiracy theories and untrue claims. Quoted from politifact.com there are eight false and misleading claims. These claims are not medically and scientifically proven and contradict the advice of medical

experts. Plandemic videos have been removed since they were first uploaded on a number of social media platforms such as Facebook, Twitter, Vimeo and Youtube for spreading harmful and misleading health information. However, later the video was again seen on social media.\textsuperscript{20}

8. Covid-19 vaccine can cause disease. On June 19, 2020 after clinical trials of the Covid-19 vaccine, a video link was circulated claiming to contain the confession of Anthony Fauci, an American physician and immunologist that vaccines caused disease and had a worse impact on humans. In fact, quoted from factcheck. afp.com the claim was misleading. The video claimed to contain Anthony Fauci’s confession regarding the adverse effects of the Covid-19 vaccine was a video clip of a press conference on the new Coronavirus. Fauci in the press conference explained the importance of clinical trials to ensure the effectiveness of vaccines against Covid-19.\textsuperscript{21}

9. WHO designates Covid-19 as pandemic in the day after receiving Bill Gates donation. Rumors circulated that the determination of Covid-19 as a pandemic by the WHO on March 11, 2020 was influenced by Bill Gates’ donation the day before. The amount of injection of funds that Bill Gates gave to WHO was believed to reach 50 million dollars. In fact, as cited from cekfakta.tempo.co, the claim that the determination of Covid-19 as a pandemic by WHO on March 11, 2020 was influenced by Bill Gates’ donation the day before was false. Bill Gates’ first donation to WHO related to Covid-19 was made in February 2020, long before the pandemic. Bill Gates’ second donation was made in April 2020, after American President Donald Trump stopped funding WHO. The determination of Covid-19 as a pandemic was carried out due to the spread rate and the increasing number of victims. In theory, Covid-19 has also met the criteria as a pandemic.


\textsuperscript{21} Anthony Fauci, “This Video Shows Dr. Anthony Fauci Emphasising the Importance of Clinical Trials for a COVID-19 Vaccine,” \textit{AFP Fact Check}, 2020.
10. Four children die immediately after being given Covid-19 vaccine containing microchips. On June 29, 2020, a Facebook account uploaded an image of four children dying and dying after being given the Covid-19 vaccine containing a microchip. The information also stated that the vaccine would be mandatory for children to drink before they could return to school. Once traced, the claim was false. Reported from reuters.id, so far there has been no approved vaccine for Covid-19 and there is also no evidence that the vaccine being developed will contain rfid microchip. Reuters has also previously denied claims of children dying in Africa after being given the Covid-19 vaccine. Meanwhile, according to the WHO, there are currently 142 potential vaccines being developed worldwide, 13 of which are undergoing human trials.22

11. On July 20, 2021, an information circulated through WhatsApp group that mentioned that eating steamed pumpkin can cure people from diseases due to Covid-19. This information also included stories from others who recovered from Covid-19, 34 days after consuming this steamed pumpkin, but it turned out to be wrong because it cannot be proven true. Even according to professor of pharmacy UGM, Zullies Ikawati stated that there has been no research implying that warm pumpkins can cure Covid-19 sufferers despite their antioxidants and vitamins beneficial for health.23

12. Barcode on Covid-19 vaccine controls humans to death. On July 23, 2021, a 1 minute 4 second video was circulated showing the Minister of State-Owned Enterprises who also serves as the Chairman of the Implementation Team for Handling Covid-19 and National Economic Recovery, Erick Thohir in a dialogue in a national television talkshow program hosted by Najwa Shihab. The video post showed an additional narration “Congratulations to you who have Covid 19 vaccine. You’re controlled to death”.

The barcode on the packaging of the vaccine was intended for the identity of the vaccine and to record the available vaccines and avoid counterfeiting vaccines, considering that fake vaccines are circulating and used, and it certainly poses a threat to the public and immunity to the Covid-19 vaccine.\textsuperscript{24}

The fake news above only represents the tip of the iceberg, especially in Indonesia. Indeed, fake health news ranked first, accounting for 30 per cent, followed by conspiracy news (25 per cent). Other fake issues, however, developed during the pandemic, such as the Chinese issue (15 per cent), vaccine issue (10 per cent), government issue (7 per cent), corruption (5 per cent), and political and legal issues (13 per cent).\textsuperscript{25}

Figure 3. Fake news issue during pandemic Covid-19

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{fake_news_issue.png}
\caption{Fake news issue during pandemic Covid-19}
\end{figure}

So, what impacts this massive fake news can have? It turns out that fake news can be one of the potential disruptions to slow down the process of tackling Covid-19 in Indonesia because a lot of people have been fooled by false information. In fact, fake news can take lives, and people lose their right to immunization and the right to self-protection. First, fake news can take lives. It is due to the massive fake news implying that covid-19 does not exist and is limited to conspiracies. Many people do not believe and ignore health protocols, refuse to be tested swab PCR because they think the results are...


\textsuperscript{25} This data may be different from the original version, because the development of fake cases in Indonesia is still being updated by the Ministry of Communication and Information.
fictitious, refuse to be hospitalized because they believe they will be forcibly declared to have covid, refuse to be vaccinated because they have been led to believe that the vaccine contains a mind-controlling microchip and contains pig-related materials. As a consequence, people died of worsening infection. Second, many fake news related to vaccines also seemingly revoke their right to immunization. People tend refuse to be vaccinated because of the news that vaccines are haram and contain pig materials, contrary to what was declared by the Indonesian Ulema Council and the scholars that vaccines are halal. The government itself has targeted 175 million vaccine recipients, but due to the low willingness of the public, vaccination in Indonesia is still low while positive cases are increasing. Third, society becomes polarized into two groups: those who believe in and deny covid-19. This polarization results in people losing the right to self-protection primarily when they work and are exposed to Covid-19.

C. Government Efforts in Handling Fake News During the Pandemic

The government is actually aware that fake news can hamper vaccination programs and counter the covid-19 pandemic. This is evidenced by the government’s rapid action in countering fake news spread in the community. The first step taken by the government is to capture the actors spreading troubling fakes. As a result, in mid-April 2020, the Indonesian police, through the Directorate of Cyber Crime, managed to arrest 22 actors spreading fakes. In addition, the government also established virtual police to monitor the movement of fake news. Interestingly, virtual police work is more to educate the public about the Information and Electronic Transactions Act (IET). In the process, members who become virtual police will monitor public activities on social media and report them to superiors if

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they find posts that potentially violate the IET Act. Furthermore, the officer will submit the posts and be asked for opinions by criminal experts, linguists, and IET experts. If there is a potentially criminal act, it will be handed over to the Director of Cyber Crime or the appointed official. After being given an endorsement, it then notifies the account that the posts contain fake elements.

The existence of virtual police is seen as a smart move in eradicating fake news, but it can also be seen as a step backwards in free speech because the interpretation of whether the news is fake or not only comes from the government (although in its way it must ask the opinion of experts). This is evident from the statement from the Minister of Communication and Information, Johny G. Plate, on October 15, 2020 in the Mata Najwa tv program saying: “If the Government Has Said Hoaks, Yes He Hoaks, Why Argue?” This statement shows that the government is in control of all news contents. As a result, this step actually makes people who have different views from the government threatened with punishment under the IET Act as the author said in an article entitled *Indonesian constitutional rights: expressing and purposing opinions on the internet* in 2020. Even before the pandemic, the government frequently arrested the public following posts on social media. This is also what puts Indonesia in the yellow zone of freedom of expression online. According to the Freedom House research report entitled Freedom on the Net 2019: The Crisis of Social Media, Indonesia has a score of 51 for freedom of expression online on social media and is still in the yellow zone (partly free) consisting of obstacles to access (score 14), Limits on content (score 14), and Restrictions on network access (score 14).

19), and violation of User Rights (score 14).\textsuperscript{30}

In addition to the virtual police, the government also established a fake buster on the www.covid19.go.id with the primary purpose to straighten out the false news that has been spread in the community. The government and media companies also form “fact check” columns with a purpose that is almost similar to a fake buster. Unfortunately, this is less successful because the level of digital literacy of society is still low. After all, fake news is more widely spread through internal social media groups the government cannot access. So it is left to the awareness and intelligence of each individual to ward off fake news. The role of digital literacy is also significant because it is proven to be able to encourage people to think critically, creatively, and innovatively in the face of current problems. Digital literacy is also able to help solve problems, communicate more seamlessly, and to collaborate with more people. Digital literacy itself supports the pillars of digital transformation in society, where infrastructure and regulations become the umbrellas to increase digital awareness, digital knowledge, hygienic behaviour, and digital skills. Unfortunately, the government has not been able to provide digital literacy for the public at large.

According to the research from Central Connecticut State University entitled World Literacy: How Countries Rank and Why It Matters in March 2016, Indonesia ranked 60th out of 61 countries on reading interests, just below Thailand (59) and above Bostwana (61).\textsuperscript{32} In fact, in terms of infrastructure assessment to support reading, Indonesia ranks above European countries. Similarly, according to the results of a survey of the Ministry of Communication and Information entitled Status of Digital Literacy Indonesia: Survey Results in 34 Provinces, almost every province has a low Data Information and Literacy score.\textsuperscript{33}

\textsuperscript{32} John W. Miller and Michael C. McKenna, World Literacy: How Countries Rank and Why It Matters (Routledge, 2016).
\textsuperscript{33} Kominfo, ‘Annual Report of the Ministry of Communications and Infor-
The next question arises regarding false statements about Covid-19 given by the government. When this is the case, can the government be subject to the article of IET Act? For over the whole period of the dissemination of fake news during the pandemic, controversial statements made by the government have also been inevitable. The Institute for Research, Education, Economic and Social Information (LP3ES) released their research on the political communication of President Joko Widodo’s cabinet during the Covid-19 pandemic, revealing that the government made many blunders or had misconceptions in communication. In less than 100 days from January 1 to April 5, 2020, LP3ES found 37 blunder statements related to coronavirus or Covid-19. For example, in February 2020, the Minister of Health, Terawan, stated that healthy people did not need to put their masks on to anticipate the virus. Supposedly, the mask was intended to only be used by sick people so that they did not transmit the disease to the surrounding environment. In fact, on another occasion, Terawan also said that the public did not have to worry about the virus because the flu disease that usually has affected Indonesians had a higher death rate than the coronavirus. He believed that flu disease, cold, and cough had a higher death rate, plus Covid-19 disease could disappear by itself.

Not to be outdone by the minister of health, Budi Karya Sumamentals of 2020” (Jakarta, 2020).
di, as The Minister of Transportation, also stated ‘coronavirus does not enter Indonesia because people eat cat rice’. Meanwhile, Coordinating Minister for Politics, Law and Security, Mahfud MD, on his Twitter account (quoting the statement of the Coordinating Minister of Economy, Airlangga Hartarto), once tweeted ‘Covid-19 did not enter Indonesia because the licensing is difficult’. Furthermore, Vice President Ma’ruf Amin also mentioned ‘coronavirus is removed from Indonesia because of qunut prayer’. He also had time to issue a joke, ‘wild horse milk can ward off Covid-19’. Furthermore, pseudo-science also infected the government with a statement from the Minister of Agriculture that eucalyptus necklaces can kill corona. He even claimed being in contact for 15 minutes with a corona necklace could kill 42 per cent of Covid-19. The Ministry of Agriculture stated it could eliminate and kill up to 80 per cent if the contract with the necklace was up to half an hour. But it turns out that this anti-corona necklace is not a drug to overcome Covid-19 because it is still at in vitro stage, meaning it has not been tested in humans. The anti-corona necklace in BPOM is a herbal medicine to relieve the respiratory tract and reduce shortness of breath.

The public then felt that the news issued by the state’s official institutions could not be trusted. So they trust the information more in online news portals. In fact, this also further reinforces the public’s suspicion that the government is involved in drafting a conspiracy about the covid-19 pandemic. Many public figures ended up speaking up and expressing their opinions about the covid-19 pandemic. One of them is Jerinx, the former drummer of the band ‘Superman is Dead’ who stated that Indonesian Doctor Association (Ikatan Dokter Indonesia/IDI) was the lackey of WHO. For his statement, he was eventually jailed for ten months for allegedly violating the IET Law. Jerinx’s words are intriguing but they carry an important message: the government should be a credible institution in providing information and should not create confusion in the community during the pandemic. If the government is credible, then it is certain that the public will comply with government policies in addressing covid-19, one of which is reinforce health protocols.
D. Legal Structure of Protection Against the Right to Get the Right Information

The right to information is one of the Human Rights. This right is attached to the state as a form of accountability to the people. Moreover, in a democratic society, the right to information is fundamental because it provides an opportunity for every citizen to monitor factual information. Even since 1948, the UN General Assembly adopted Resolution 59 (1), which states “Freedom of Information is a fundamental human right and is a sign of all freedom that will be a point of concern of the United Nations.”  

Therefore, the right to information later became one of the internationally recognized rights, which is stipulated in Article 19 of the United Nations Universal Declaration of Human Rights which states “Everyone has the right to freedom of expression and ideas; this right includes the right to hold opinions without interference, and to seek, receive, and disseminate information and ideas through any medium without considering the borders of the state.”

Similarly, the International Covenant On Civil And Political Rights (ICCPR) mandates that the right to communicate and obtain information is part of civil and political rights. The right to information is formulated in Article 19 paragraph (2) of ICCPR, which is a derivation of Article 19 UDHR 1948. Article 19 paragraph (2) of the ICCPR states, “Everyone has the right to freedom of expression; this right includes the freedom to seek, receive and provide any information and thought, regardless of restrictions orally, in writing, or print, artwork or through other media at its option.” As part of the international community, Indonesia is certainly inseparable from the agreement by ratifying the ICCPR in 2005 through Law No. 12 of 2005 on ratification of the International Covenant on Civil and Political Rights. The ratification of ICCPR is certainly not just an act of ratification by the legislature alone, but it has juridical consequences for Indonesia to implement all the provisions contained in

34 Koalisi untuk kebebasan Informasi, “Melawan Tirani Informasi” (Jakarta, 2001).
it because it has been passed through the law and become a positive law, including provisions on the guarantee of protection of the right to information.

In addition to ratifying the ICCPR, Indonesia also recognizes the right to information as part of its constitutional rights as stipulated in Article 28F of the 1945 Constitution, which states, “Everyone has the right to communicate and obtain information to develop his/her personal and social environment, and has the right to search, obtain, possess, and store information using all available channels.” Furthermore, to assure all people in obtaining information, Law No. 14 of 2008 on Public Information Disclosure was established. This maximum function is necessary, considering that the right to obtain information is a human right to live a life with democratic and national values.

Initially, the legal framework for the right to information was used as a mechanism for state accountability to the people. In the sense that the public must be given information related to what is being or and done by the government, and the public must obtain such information because of the request or not. In addition, the right to information in the legal framework is more aimed at efforts to involve the public in the administration. Therefore, the freedom that was carried out in that era is Freedom of Information, where the public can control every step taken and policy made by the state. The public has the right to submit complaints, advise, or criticize the implementation of the state that is considered not following the prevailing laws and regulations. Experience in everyday life shows that such protests, suggestions, or criticisms of society are often not responded to correctly and properly.

But if you look at the current developments, freedom and disclosure of information should be shifted as a tool of state control for the public to receive the correct information. Moreover, the rule of law has been available in both the constitution, international cov-

enants, and regulations. The law needs changing to keep up with the development of the era/technology. IET Law and the Criminal Code rules govern fake news, specifically in Article 45A paragraph (1) of the IET Law stating that anyone who deliberately spreads false and misleading news that results in consumer losses in electronic transactions can be subject to a maximum imprisonment of six years and/or a maximum fine of IDR 1 billion.

Interestingly, the article was not intended for fake news outside the field of economy/trade because the article clearly states the phrase “which results in consumer losses in electronic transactions”. Similarly, Article 28 paragraph 2 of the IET Law reads, “Everyone deliberately and without the right to disseminate information intended to incite hatred or hostility of certain individuals and/or community groups based on ethnicity, religion, race, and intergovernmental”. Article 28 paragraph (2) is only intended for fake news that contains elements of “hatred or hostility of certain individuals and/or community groups based on ethnicity, religion, race, and inter-ethnicity”. So, what if the fake news around the covid-19 pandemic does not contain elements of hatred, hostility and does not harm consumers?

In the case of fake news about the Covid-19 conspiracy, for example, if traced, there is no element of ‘hatred and hostility, ‘ethnicity, religion, race, and inter-ethnicity’, ‘hate speech, or the element of ‘harming consumers’. So that juridically fake news spreaders can not be detained under the IET Law or the Criminal Code. However, the impact of fake news around the covid-19 conspiracy is much greater because it causes people to become distrustful of, disobedient to health protocols, and they refuse to be tested and vaccinated. The state must take part in making the rule of law related to the prohibition of the spread of fake news. In addition, the government must also counter the fake news with correct news.

E. Fifth Generation Human Rights: The Right to Correct Information?

As outlined in the background, the human rights generation is cur-
rently heading towards the fourth generation. If we look further, the thinking about human rights continues to evolve following the social context of people’s lives and times. For example, in the first generation of human rights, there was a fear of freedom in civil and political rights. The spirit of the second generation of human rights is the equality reflected in economic, social, and cultural rights. The essence of the third generation of human rights, namely brotherhood, is reflected in the rights of solidarity and groups. The spirit of human rights of the fourth generation was marked by the birth of human rights critical thinking. In the first generation of human rights, human rights understanding was more focused on legal and political purposes. In this first generation, the emergence of human rights was motivated by the tyranny of the ruler at that time, which triggered resistance from the community and gave rise to revolutionar

The demands of society at that time were within social and political scopes such as the right to life, the right not to be a slave, the right not to be tortured and detained, the right of equality and justice in the legal process, the presumption of innocence, and so on. In addition to these rights, the right of nationality, the right of ownership, the right of thought, the right to religion, the right to education, the right to work and cultural life, the right to freedom from retroactive laws, and the right to a fair judicial process. Some experts’ first generation of rights is often referred to as the ‘negative right’, which requires the state not to intervene in realising rights. Interestingly, some experts such as Rhona K.M. Smith and Ane Brown think

that the country is more vulnerable to human rights violations if it acts actively against these rights.

In the second generation of human rights, human rights thinking demands juridical rights and economic, social, political, and cultural rights. In its generation, several conventions protect human rights in the economic, social, political, and cultural fields, such as the International covenant on economic, social, and cultural rights, and the international covenant on civil and political rights that was ratified in the 1966 United Nations general assembly. According to Michelin Ishay, economic, social, political, and cultural rights are contributions from socialist countries that glorify the equal fulfilment of the welfare of their citizens.40

The rights of the second generation include, among others, the right to employment and a living wage, the right to social security, the right to education, the right to health, the right to food, the right to housing, the right to land, and the right to a healthy environment. The second generation of human rights is also referred to as the ‘positive right’ because the state must play an active role in its fulfilment. Therefore, the rights of the second generation are formulated in a positive language of ‘right to’, not in the negative language of ‘freedom from’. In this generation, a culture is an object of claimable rights, meaning that every individual has the right to own and enjoy culture.41

The third generation of human rights emerged in the second half of the 20th century as outlined in documents classified as soft law in international law, such as the Stockholm Declaration of 1972 and the Rio de Janeiro Declaration of 1992. In this third-generation human rights, the main focus is on the discourse of human rights unity between economic, social, cultural, political, and legal rights in an integral part known as development rights. In this third-generation era, the role of the state seems dominant. Some human rights

41 Maria Socorrol Diokno, Human Rights Centered Development (Quezon City: The University of the Philippines Press, 2004).
in the third generation are the right to development and the right to a healthy environment.

While the fourth generation is characterized by critical human rights thinking, pioneered by Asian countries, which in 1983 gave birth to the Declaration of the Basic Duties of Asia People and Government, its declaration demands just social order. Even in article II, paragraph 2 of this declaration obliges its participants to make Asia a peaceful and neutral region as follows:

It is the duty of governments to transform Asia into a region of peace and neutrality. In particular, it is their duty to abstain from alignment with any power bloc, to eliminate military entanglements with foreign powers, to abstain from military adventures, to ban foreign military bases and troops from their land, to refrain from developing, storing or using nuclear, biological or chemical weapons, and to bar the use of their oceans and sea lanes to armed vessels of foreign powers.

The fourth-generation also demanded guarantees of solidarity rights, including the right to development and a healthy environment in the African region. The Assembly of Heads of State and Government of the Organization of African Unions in 1981 ratified the Banjul Charter on Human and People Rights, which was later ratified in 1986 to become The African Charter on Human and Peoples’. The Charter contains some basic principles such as personal rights, and people’s rights are two interrelated matters. Interestingly, in this fourth-generation, environmental issues as legal subjects began to be introduced.

Furthermore, looking at the reality as described in the previous sections, it is only natural that the human rights generation is on and on to the fifth generation of protection of the right to correct information. The right to this information is recognized as a human right under international law which means the country has a legal obligation to carry it out. According to the Indonesian Alliance of Independent Journalists and the Center for Law and Democracy, nearly 90 countries around the world have adopted information rights laws, from just 13 countries in 1990.^{42} Sweden became the first country to

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^{42} AJII and CLD, “Indonesia How Applicants Can Take Advantage of The
adopt a right to information law in 1766. Then, in 1990, 13 countries adopted similar laws, most of which were democracies in the West. Today, countries around the world–Asia, Africa, North and South America, Europe, countries in the Pacific region and the Middle East have adopted similar laws.

If examined more deeply, the right to information is actually part of the political right that came in the first generation of human rights. However, given the current developments, the right to information should be placed in a separate human rights generation because, as outlined in the third part of this paper, the right to information does not simply mean that the government has information not for themselves, and that the Public has the right to access that information. It is not also a political right that people have the right to hear and give input on a policy to be made. But more than that, the right to information includes the obligation of the state to provide correct information to the public. In a simpler sense, when people get misinformation, it is the duty of the community to correct it because incorrect information consumed by the public will continuously make the information look as if it were “correct”. This can certainly threaten the balance of people’s lives, even threaten the sovereignty of the country.

Moreover, the information available in today’s digital age knows no geographical boundaries. Many fake news stories are emerged and spread by the domestic community and the foreign community. Many parties use modern communication technology to fight opinions and ideas known as “netwar”. John Arquilla and David Ronfeldt first put forward the definition of netwar in an article titled “Cyberwar is coming” in 1993. As he believed, the advancement of information technology has had a significant influence on doctrine, organization and strategy that later creates a modern warfare.\textsuperscript{43} The information revolution has an impact on the increasing efficiency of

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\textsuperscript{43} John Arquilla and David Ronfeldt, “Cyber War is Coming,” in \textit{In Athena’s Camp: Preparing for Conflict in the Information Age} (RAND Corporation, 1993).
\end{flushright}
various economic, political, social, and security activities. Arquilla and Rinfekdt added:

The information revolution reflects the advance of computerized information and communications technologies and related innovations in organization and management theory. Sea changes are occurring in how information is collected, stored, processed, communicated and presented, and in how organizations are designed to take advantage of increased information. Information is becoming a strategic resource that may prove as valuable and influential in the post-industrial era as capital and labor has been in the industrial age.\(^{44}\)

Netwar aims to disrupt, undermine, or change the understanding that exists in society about what is going on both in a national and a global context. Things that can be done in netwar include propaganda, the dissemination of fake news, public diplomacy, social campaigns, the use and utilization of media, networks or databases as well as all efforts made to influence the movement of opponents through communication networks.\(^{45}\) The war that occurs in netwar is a war targeted at public opinion or elite groups, or both parties at once. Unlike war or conflict in general, the target of netwar war is a source of information and communication.

In Netwar, actors who engage openly and secretly attempt to disrupt, destroy or change what people, who are the target of their actions, know about the events that occur in the world around them.\(^{46}\) In short, in netwar the protagonists attempt to construct people’s understanding of the events that occur according to their objectives, by utilizing the role of technology and communication. In the current era of the Covid-19 pandemic, Netwar is taking place in the form of fake news about Covid-19 including the reversal of facts as the author explained in the first discussion. The goal is certainly nothing but to make people distrust Covid-19, bring down the government, and disrupt the covid-19 prevention program.

Although, the author can not precisely trace the actors behind the massive spread of fake news in the pandemic, whether from

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\(^{44}\) Arquilla and Ronfeldt.
\(^{45}\) Arquilla and Ronfeldt.
\(^{46}\) Arquilla and Ronfeldt.
within the country or from another country. However, the important point is that today, the public and the government are at war against covid-19 and fighting opinions and ideas in the form of the spread of fake news. When the war occurred, it was an obligation for the state to protect the people without exception because the victims of this war lose the right to life and other rights such as the right to health, the right to work, the right to education, the right to a healthy life, and others. So what is the government’s attempt to fight back? Recalling that fake news has been prevailing and it is not easy to completely remove it, news of correct information seems to be the best way to counteract bogus information. From here, the entrance of the right to correct information becomes its different human rights generation, namely the fifth generation of human rights.

F. Conclusion

The growth of fake news during the Covid-19 pandemic is almost directly proportional to the number of cases of Covid-19 transmission in Indonesia. That is, during the Covid-19 pandemic, the number of fake news continued to grow and grow. The author noted that there are at least 12 popular fake news stories spread in the community about Covid-19. The impact of the spread of fake news about the Covid-19 pandemic resulted in efforts to fight Covid-19 to be hampered and cost many deaths. To counter the spread of fake news, the government refers to the IET Law and the Criminal Code as its legal basis.

To protect the public from fake attacks, the author initiated the concept of fifth-generation human rights. First-generation human rights are based on freedoms reflected in civil and political rights. The spirit of the second generation of human rights is the equality reflected in economic, social, and cultural rights. The spirit of the third generation of human rights, namely brotherhood, is reflected in the rights of solidarity and groups. The spirit of human rights of the fourth generation is marked by the birth of human rights critical thinking. At the same time, the fifth-generation human rights focus
on protecting the right to correct information. Globally, this trend and phenomenon towards fifth-generation human rights is also supported by the fact that 90 countries worldwide have adopted information rights laws. That is, the world community is working on their human rights in the virtual era so that they can get accurate, credible and accountable information.

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