



A paradigm for developing measures to tackle fake news on the internet

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Abstract

The objectives of the research were: (1) to study the problem of fake news on the internet in Thailand; (2) to make a comparative analysis of state measures to control fake news on the Internet of Germany, France, Singapore, and Thailand; and (3) to present a paradigm appropriate to tackle fake news on the Internet in Thailand. The methodology employed documentary research, online interviews, online group discussions, online questionnaires, and online seminars. The results showed that: (1) most people in Thailand have insufficient knowledge and understanding of fake news. Even educated adults are used to being victims of fake news on the Internet; and (2) Germany, France, and Singapore have enacted new laws to cope with fake news on the Internet whereas only Sections 14 (2), 14 (5), and 15 of the Computer-Related Crime Act B.E. 2550 tackle the fake news problem on the Internet in Thailand. The research suggests that Thailand should: (1) increase knowledge and understanding about digital literacy among people of all ages and raise awareness about the use of communication technology, especially the development and containment of digital literacy subject in compulsory courses at primary, secondary and university levels; (2) amend the Computer-Related Crime Act B.E. 2550, particularly Section 14 (2), to address the current problem of fake news on the Internet; and (3) support the establishment of an independent anti-fake news institution.

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Introduction

At present, fake news on the Internet is a serious problem worldwide. Many developed countries, aware of the dangers of the problem, impose state policies and new

laws to regulate fake news on the Internet. For example, in 2017, Germany enacted a law called “Network Enforcement Law 2017 (NetzDG)”, a law specifically aimed at regulating fake news on social media. The law requires social media to remove any information which is false and contrary to the German Penal Code from their online platforms within 24 hours. If the content is not removed within that time limit, they shall be liable to a fine under the law (House of Commons Digital, 2019). Further in 2018, France promulgated “Loi du 22 décembre 2018 relative à la lutte contre la manipulation de l’information

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(Loi n° 2018–1202 du 22 décembre 2018)” which aimed to prevent the dissemination of disinformation during the election campaign. The law provides the courts with the power to order the takedowns of Internet content that they deem to misrepresent facts during elections. If there is an action with the “intent to spread false information,” the disseminator of disinformation shall be punished with imprisonment of up to one year and a fine of up to 75,000 euros (House of Commons Digital, 2019). Subsequently, in 2019, Singapore enacted “The Protection from Online Falsehoods and Manipulation Act 2019 (POFMA)”, a law characterized by only the supervision of fake news on the Internet, setting a basis for determining offence among both fake news publishers and social media (Funke & Flamin, 2021).

Thailand is also aware of the problem of fake news. The Ministry of Digital Economy and Society set up the Anti-Fake News Center in 2019 to serve as the investigation and warning center on fake news. However, Thailand does not have a law specifically aimed at regulating fake news. Thus, the relevant laws, the Computer-Related Crime Act B.E. 2550 and (No. 2) B.E. 2560, have been applied to regulate the problem of fake news on the Internet in Thailand (Later in this research, it is called Computer-Related Crime Act B.E. 2550). The lack of specific legislation leads to a question of the adequacy of the Computer-Related Crime Act B.E. 2550 in tackling fake news on the Internet in Thailand. The research attempts to answer two main research questions: (1) Can the Computer-Related Crime Act B.E. 2550 cope with the problem of fake news on the Internet?; and (2) What action should Thailand take to develop measures to tackle fake news on the Internet?

The objectives of this research were: (1) to study the problem of fake news on the Internet in Thailand; (2) to study, analyze and compare state measures to tackle fake news on the Internet of Germany, France, Singapore, and Thailand; and (3) to present a paradigm appropriate to tackle fake news on the Internet in Thailand.

Literature Review

A study of foreign language documents suggests that “fake news” means disinformation or false information created and distributed using traditional print media, audio-visual broadcast media, or social media with the intent to mislead or attack a person or gain an advantage (Steinberg, 2017) that may be political or financial (Alvarez, 2017).

In Thailand, there is no definition of “fake news” under the Royal Institute Dictionary B.E. 2554. According to the Dictionary, the word “news” refers to a story that is usually new, interesting, or hearsay, and the word “fake”

refers to mislead. Thus, if the two words are combined, the term “fake news” would mean ‘a misleading story, notice, or hearsay that is usually new or interesting.’ In addition, from the study of other Thai documents, “fake news” means disinformation or distorted, false, fake, or misleading information disseminated with the intent to deceive the recipient (Thaniwat, 2019).

The governance of fake news on the Internet is related to several important concepts that countries need to consider in designing measures to deal with the problem of fake news. Such concepts include freedom of expression, media ethics and governance, media literacy, and law and order (Kokkeaditkul & Danpaiboon, 2018; Office of the NBTC, 2021; Voice of America, 2018).

Methodology

This research employed qualitative and quantitative research methods as follows:

1. Collection and use of documents such as legal texts, judgments, textbooks, books, articles, thesis, research papers, and other electronic media on issues related to fake news on the Internet, both in Thai and foreign languages. This qualitative technique was based on doctrinal and comparative methodologies covering the existing laws of four different jurisdictions, namely, Germany, France, Singapore, and Thailand.

2. Exploration of the problem of fake news on the Internet in Thailand by:

1) Online survey questionnaires from 600 people in Bangkok and its vicinity. For this quantitative technique, we used online questionnaires to collect data. The questionnaire was divided into three parts: (1) general information of respondents, including age, education level, behavior in using social media, and experience of dealing with fake news; (2) opinions of respondents on the measures to regulate fake news on the Internet in Thailand; and (3) additional suggestions. The Google form was modified and tried out with 30 participants. An acceptable Cronbach alpha of 0.899 was obtained. A sample group of 600 subjects was selected using convenience sampling method. Data collected were analyzed using IBM SPSS Statistical Package for Social Sciences Version 23.

2) Online in-depth interviews with 16 experts from the government sector [i.e., the Administrative Court / Technology Crime Suppression Division (TCSD) / Digital Economy Promotion Agency / Fiscal Policy Office, Ministry of Finance / Office of the Council of State] Media sector [i.e., MCOT Co., Ltd. (Sure Program before sharing) / Thai TV station, TV Channel 3 / PPTV

Television Station (PPTV) / JM Catalyst Company Co., Ltd. / Social Media Company / Thai Radio and Television News Professions), civil society [i.e., Thailand Consumer Council (TCC)], and educational institutions (i.e., Faculty of Law, Thammasat University / Faculty of Law, National Institute of Development Administration / Faculty of Communication Arts, Chulalongkorn University).

3) Online group discussion (focus group) of 25 experts from the government sector (i.e., the Administrative Court / Prosecutor's Office Region 1 / Digital Economy Promotion Agency, Ministry of Digital Economy and Society / Technological Crime Investigation Police Headquarters (ABA) / Office of the Council of State / Fiscal Policy Office, Ministry of Finance / Public Communications Center, Department of Health, Ministry of Public Health / Office of the Expert Committee, Department of Health, Ministry of Public Health], private sector and mass media (i.e., Software Industry Association / Thai SME Confederation / IT Department, Siam Commercial Bank (SCB) / MCOT Co., Ltd. (Sure And Share Center) / JM Catalyst Co., Ltd. / Thai Radio and Television News Professions), civil society (i.e., Consumer Organization Council) and educational institutions (i.e., the Faculty of Law, National Institute of Development Administration / Thailand Development Research Institute (TDRI) / Kasetart University Demonstration School, Kamphaeng Saen Campus).

Regarding the in-depth interviews and focus group discussions, a set of open-ended questions was asked. The participants were asked three central questions regarding the meaning of fake news, the adequacy of the Thai law for combating fake news, and the appropriate measures for tackling fake news in Thailand. The feedback was recorded, transcribed, and organized to present its content in a descriptive form to show the results. Consequently, the results of the in-depth interviews and focus group discussions were interpreted and cross-checked with the result of the survey of 600 people and the documentary analysis to reach recommendations.

4) Online seminars of 80 stakeholders.

Results and Discussion

The Problem of Fake News on the Internet in Thailand

At present, it is evident that the problem of fake news in Thailand tends to be more serious (Government of Thailand, 2019; Government of Thailand, 2020). According to the Organisation for Economic Co-operation and Development (OECD)'s Program for International Student Assessment (PISA) in Focus, Thai youths' ability to cope with false

information was ranked 76th out of 77 countries (Organisation for Economic Co-operation and Development [OECD], 2021). Thai youth have insufficient knowledge and understanding or do not know how best to assess the reliability of the information even though such credibility assessment skills are indispensable for surviving in a digital world where false information exists. These youths will grow up to be adults unable to cope with the increasingly complex falsifications of the future. In addition, the result of the field study of this research found that 9 percent of 600 individuals, most of whom were of working age and knowledgeable, had experience with fake news on social media, and 70.83 percent had believed fake news. This finding indicates that even adults educated in Thailand are used to being convinced of fake news on the Internet.

Below are the conclusions arising from the field study of this research.

Online survey questionnaire

The following conclusions were derived from the online survey questionnaire of 600 individuals.

1. The best defense against fake news is education that teaches people how to detect and recognize fake news.
2. Controlling fake news requires timely correction of fake news before it spreads widely. Thus, law and penalty must be strong and decisive, and those involved must work seriously, and law enforcement should be rigorous.
3. Thailand should encourage the coordination and establishment of an institution of cooperation between government agencies, the private sector, and the mass media to be responsible for fake news.

In-depth interviews with relevant experts

The following additional conclusions were found from the in-depth interviews with 16 fake news experts.

1. Fake news means false information—whether in whole or in part and whether in the form of a picture, sound, edited image, or edited sound—that the person(s) spreading knows or should have known to be false but intentionally spreads to deceive recipients.
2. The provision under Section 14 (2) of the Computer-Related Crime Act B.E. 2550 provides “.... in a manner which is likely to cause damage to the protection of national security, public safety, economic safety of the Kingdom of Thailand, infrastructures which are for public benefit, or to cause panic to the public” is a rather broad term, which can cause problems in interpretation and enforcement. Therefore, it is necessary to define the offences in the provision clearly.
3. POFMA has a very useful tool, “Correction Directions,” to counter the online falsehoods without requiring the falsehoods to be removed. The competent

authorities can issue the Directions if a false statement of fact is communicated in Singapore through the Internet and if it is in the public interest to issue the Direction. A research participant (law professor, Faculty of Law, Thammasart University) viewed that “people have their judgement to believe or not to believe fake news. The authorities should play an educational role by educating them.” Thailand can learn from this tool.

Discussion group of experts from the government sector, private sector and mass media, civil society, and educational institutions

The following conclusions were found in the discussion group (focus group) with experts from the government sector, the private sector, mass media, civil society, and educational institutions.

1. At present, the issue of fake news has not been included in the curriculum for the youth or school-aged children in Thailand. Teaching fake news to young children is like vaccinating them at an early age to know the distinction between accurate and false information. Children naturally develop trust in their parents and early childhood friends, but in Today's digital world, they are consuming increasingly more information on social media and are, therefore, more likely to believe and trust social media. A research participant (lawyer, Ministry of Digital Economy and Society) mentioned “the youths often spread false information because they do not know that it is fake news. It is appropriate if there is a warning or a correction notice by authorities before the offender is prosecuted.”

2. The law must be clear in terms of definitions and scope to prevent confusion in interpretations and reassure people that the law will help tackle fake news. The fake news must be news that does not match the facts. It is not merely a miscommunication of information that is inaccurate. Fraudulent news creators must deliberately create fake news to mislead for some benefit.

3. Thailand should encourage the establishment of an independent and trusted institution against fake news, comprising representatives of all sectors, including the government sector, the media sector, the civil society sector, and the educational sector. The institution will be responsible for the scrutiny of the false information and the presentation of accurate information.

The similarities and differences of laws governing fake news on the Internet among Germany, France, Singapore, and Thailand

Table 1 shows the similarities and differences of laws governing fake news on the Internet among Germany, France, Singapore, and Thailand.

Table 1 The similarities and differences of laws governing fake news on the Internet among Germany, France, Singapore, and Thailand

Issue	Country	France	Thailand
1. Laws governing fake news: legal name, nature, and scope of application.	Singapore	Network Enforcement Act (NetzDG) is a unique law (sui generis) applicable only to social media.	Loi n° 2018-1202 du 22 décembre 2018 is a unique law (sui generis) applicable only to social media.
2. Meaning of “false statement or information” and “fake news.”	Germany	There is no definition of “false statement or information” and “fake news” under NetzDG.	There is no definition of “false computer data” and “fake news” under the Computer-Related Crime Act B.E. 2550 (Pitiyasak, 2018).

Table 1 Continued

Issue	Singapore	Germany	France	Country
3. Computer-related crime offenses against persons communicating (importing, disseminating, or forwarding) false statements or information.	POFMA, Section 7 (1) provides: A person must not do any act in or outside Singapore in order to communicate in Singapore a statement knowing or having reason to believe that – (a) it is a false statement of fact; and (b) the communication of the statement in Singapore is likely to i. be prejudicial to the security of Singapore or any part of Singapore, ii. be prejudicial to public health, public safety, public tranquility, or public finances, iii. be prejudicial to the friendly relations of Singapore with other countries, iv. influence the outcome of an election for the President, and a general election of Members of Parliament, a by-election of a Members of Parliament, or a referendum, or v. inciting feelings of enmity, hatred, or ill-will between different groups of persons, vi. diminish public confidence in the performance of any duty or function of, or in the exercise of any power by, the Government, an Organ of State, a statutory board, or a part of the Government, an Organ of State or a statutory board.	It is not stipulated under NetzDG.	It is not stipulated under Loi n° 2018-1202 du 22 décembre 2018.	The Computer-Related Crime Act B.E. 2550, Section 14 provides: Whoever commits the following offences shall be liable to imprisonment... or fine... (2) Importing false computer data into a computer system (by any means) likely to cause damage to national security, public safety, the country's economic stability, the infrastructures in the country's public interest, or cause public panic. (5) disseminating or forwarding computer data knowing that fact that it is computer data under Section 14 (2)."
4. Correction directions for countering online falsehoods.	POFMA, Sections 11, 21 and 23 provide: A Correction Direction, a Targeted Correction Direction, or a General Correction Direction can be issued respectively to require a person communicating false statement of fact or social media (internet intermediaries) in Singapore to place a correction notice against with the original post, with and a link to the Government's clarification in order to counter online falsehoods without removing them.	It is not stipulated under NetzDG.	It is not stipulated under Loi n° 2018-1202 du 22 décembre 2018.	It is not stipulated under the Computer-Related Crime Act B.E. 2550.

Issue	Singapore	Germany	France	Thailand
Country				
5. Duty of Social Media to remove false statements or information on the Internet	POFMA, Section 34 provides: Minister for communications and information may direct POFMA office to order social media to disable access by end-users/end-users in Singapore to a declared online location.	NETzDG, Article 1 - Section 3 provides: Social media must 1) remove or suspend access to explicitly illegal content under the German Penal Code within 24 hours of receiving the complaint. 2) remove or suspend access to all illegal content under the German Penal Code within 7 days of receiving the complaint.	Loi n° 2018-1202 du 22 décembre 2018, Art. L. 163-2.-1 empowers judges to order the social media to correct false information that is likely to alter the integrity of the upcoming election during the 3 months preceding the first day of the month of the election and until the date of the election.	The Computer-Related Crime Act B.E. 2550, Section 15, and the Ministerial Notification provide: social media, receiving a takedown notice, must immediately remove or delete alleged illegal computer data under Section 14 prescribed by law. If not, it shall be liable to the same penalty as an offender under Section 14.

After cross checking the conclusion on the survey of 600 participants with the focus group discussion, it was indicated that most people in Thailand have insufficient knowledge and understanding of fake news. Even educated adults are used to being victims of fake news on the Internet. The best defense against fake news is education that teaches young children and adults how to protect themselves from fake news. Second, an independent fact-checking institution should be established to scrutinize false information and present accurate information.

In addition, as shown in Table 1, the results of the in-depth interview and the focus group discussion, Germany, France, and Singapore have enacted new laws (*sui generis*) to cope with fake news on the Internet. In contrast, Thailand has no law explicitly regulating fake news on the Internet. Only Sections 14 (2), 14 (5) and 15 of the Computer-Related Crime Act B.E. 2550 tackle the fake news problem on the Internet. Section 14 (2) of the Act stipulates liability in connection with the importation into a computer system of false information likely to undermine the national security, public safety, or economic safety of the Kingdom of Thailand or its public infrastructures or cause public panic. Section 14 (5) stipulates the liability for disseminating or transmitting such data. The law seems inadequate. First, there is no definition of “false computer data” and “fake news” under the law. Second, the provision under Section 14 (2) is a rather broad term, which can cause problems in interpretation and enforcement. Third, no provision in the law empowers the authorities to issue “Correction Directions” to counter the online falsehoods without requiring the falsehoods to be removed. These directions can help correct the falsehoods before they spread widely.

Conclusion and Recommendation

From the information studied and analyzed above, this research has suggestions for improving measures to control fake news on the Internet within Thailand as follows:

First, Thailand needs to educate children, youths, and adults in all walks of life and raise awareness about communication technology so that everyone is responsible for creating and disseminating information. A subject in “Digital Literacy” should be put into compulsory courses at primary, secondary, and university levels, covering all dimensions in terms of culture, society, economy, politics, and national security.

Table 1 Continued

Secondly, Thailand should establish a working group to set up an independent institution consisting of representatives from the government sector, media, the civil sector, and the educational sector. The institution would bring accurate facts to the public and build trust in information. All sectors must holistically help each other to create a body of knowledge. By selecting what is appropriate, it is like arming all groups of people not only in solving short-term problems but also in preventing long-term problems.

Thirdly, Thailand should amend the Computer-Related Crime Act B.E. 2550 and strictly enforce the law on those who intend to spread fake news to deceive others. The amendments would be as follows:

1. The definition of “false computer data” should be added to clarify wording “false computer data” under Section 14 (2) of the Computer-Related Crime Act B.E. 2550 as follows.

“False computer data” means computer data that are false, whether in whole or in part and whether because of the data itself or the context in which it is relevant.

Any opinion or statement, expressed in good faith by way of fair comment on any person or thing subjected to public criticism, shall not be deemed as false computer data.”

2. The external elements that are the components of the offence under Section 14 (2) of the Computer-Related Crime Act B.E. 2550 should be amended compared with those of Article 7 of the POFMA of Singapore. The original may be changed from “.... in a manner which is likely to cause damage to the protection of national security, public safety, economic safety of the Kingdom of Thailand, infrastructures which are for public benefit, or to cause panic to the public” to

“.... in a manner which is likely to cause damage to

1. the security of Thailand (‘protecting the national security’)

2. public health, public safety, public tranquility, or public finances (‘protecting the public’)

3. the friendly relations of Thailand with other countries (‘protecting international relations’)

4. influence the outcome of a parliamentary election or a local election (‘protecting the principles of democracy’)

3. The Computer-Related Crime Act B.E. 2550 should be amended to empower the competent authorities to require social media to place a correction notice against the original post of false computer data, with the link to the Anti-Fake News Center’s clarification. The clarification should set out the original post and facts for the public to examine without the former being

removed. Readers can read both and then decide for themselves which one they believe. The provision may be as follows.

“The competent official, with the approval from the Minister, is empowered to issue a Correction Order to persons importing false computer data, persons disseminating or forwarding such data in the Kingdom of Thailand, and social media controlling the data, requiring them to place the correction notice in the specific proximity to the data as well as showing the facts comparable to the false data and the electronic address of the facts.”

“Persons importing false computer data, persons disseminating or forwarding such data, and social media controlling the data, who can prove that they have complied with the order of the competent official under paragraph one within a specified time shall not be punished under Section 14 (2), Section 14 (5) or Section 15.”

“Persons importing false computer data, persons disseminating or forwarding such data, and social media controlling the data, who fail to comply with the order of the competent official under paragraph one within a specified time shall be liable to a fine not exceeding 10,000 baht.”

Conflict of Interest

The authors declare that there is no conflict of interest.

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References

Alvarez, B. (2017). *Public Libraries in the age of fake news*. <http://publiclibrariesonline.org/2017/01/feature-public-libraries-in-the-age-of-fake-news/>

Funke, D., & Flamini, D. (2021). *A guide to anti-misinformation actions around the world*. <https://www.poynter.org/ifcn/anti-misinformation-actions/>

Government of Thailand. (2019). *Policy to tackle fake news published in social media*. <https://www.thaigov.go.th/news/contents/details/32926> [in Thai]

Government of Thailand. (2020). *DES organized a workshop on fake news investigation coordinator network*. <https://www.thaigov.go.th/news/contents/details/35181> [in Thai]

House of Commons Digital (2019). *Culture, media and sport committee, disinformation and 'fake news': Final Report*. (Eighth Report of Session 2017–2019). Authority of the House of Commons. <https://publications.parliament.uk/pa/cm201719/cmselect/cmcumeds/1791/1791.pdf>

Kokkeadtikul, C., & Danpaiboon, T. (2018). *Fake news: Problems and challenges*. *NBTC Journal*, 2(2), 74–92. https://so04.tci-thaijo.org/index.php/NBTC_Journal/article/view/146058 [in Thai]

Organisation for Economic Co-operation and Development [OECD]. (2021). *Are 15-year-olds prepared to deal with fake news and misinformation?*. <https://www.oecd-ilibrary.org/docserver/6ad5395e-en.pdf?expires=1634653810&id=id&accname=guest&checksum=E2713EC1B719D1D41F853C3DCC7533F7>

Office of the NBTC (2021). *“Fact Checking” new tools to promote media ethics*. <https://procheck.nbtc.go.th/articles/detail/79> [in Thai]

Pitiyasak, S. (2018). *Explanation of the computer related-crimes act 2017* (2nd ed.). Nititham Publishing House. [in Thai]

Steinberg, L. (2017). *Infographic: Beyond fake news-10 types of misleading news-seventeen languages*. <https://eavi.eu/beyond-fake-news-10-types-misleading-info/>

Thaniwat, C. (2019). *Law enforcement to deal with fake news*. https://www.parliament.go.th/ewtadmin/ewt/elaw_parcy/ewt_dl_link.php?nid=2439 [in Thai]

Voice of America. (2018). *False and misleading information: A new class of American high school students*. <https://www.voathai.com/a/learning-about-fake-news-in-us-high-school/4355051.html> [in Thai]