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Clickbait as a Potential Threat in the Development of Cybercrime in Indonesia

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Abstract

This research examines the advancement and extensive diffusion of online news in Indonesia which contains discrepancies between the titles displayed and the content displayed (clickbait), where the content has the potential to contain backlinks that can carry a cybercrimes. The purpose of this research is to assess the potential of clickbait in threatening the development of cybercrime in Indonesia, as well as to investigate the best setting for combating clickbait in Indonesia. This research uses the normative legal research method followed by the interview method. The outcomes of this research point to the vast virtuality characteristics of cyberspace coupled with the shift in news media from conventional to online make the target of online news journalists not only limited to reporting factual information, but also pursuing a target audience of readers. This shift has caused many online news journalists compete to write the most interesting news possible, which includes using clickbait titles. The content of clickbait news that is clearly not in line with the title can deceive Indonesians, especially when accompanied with backlinks, which spread new cybercrimes. Furthermore, there is no regulation in Indonesia prohibiting the dissemination of online news with clickbait, such as in the Press Law, ITE Law, Journalistic Code of Ethics, Guidelines for Cyber Media Reporting, and the Criminal Code, which should be taken into consideration by the drafters of Indonesian laws.

Keywords: Clickbait; Cybercrime; Journalism

1. INTRODUCTION

Today, development in information technology has not been followed by an increase in literacy in Indonesia. The continued increase in the level of internet use globally every year, especially since the COVID-19 pandemic. Furthermore, in the country itself, based on a survey by Indonesian Political Indicators Institute which was released on April 20, 2022,¹ stated that 55.3% respondents most frequently accessed the internet (social media, online news, etc.) compared to watching television which only gets 36.1%. The fact that Indonesians prefer to 'go online' has led to the development of online reporting which in turn has also made many press agencies compete with each other to increase the number of readers on their respective online news websites. Websites used by press agencies are regulated in Press Council Regulation Number 1/Regulation-DP/III/2012 concerning Guidelines for Cyber Media Reporting (hereinafter referred to as Guidelines for Cyber Media Reporting), where the use of the word website as a news platform is implicitly stated as 'cyber media'.

In this competition, press agencies that manage cyber media for online news generally use clickbait to attract more people to read their news content. However, it is still very unfortunate that not many Indonesians understand the existence of clickbait which in the end is often misinterpreted as fake news (hoax). When referring to the Great Dictionary of the Indonesian Language (KBBI) of the Ministry of Education and Culture, a hoax has

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¹ Vika Azkiya Dihn, "Survei Indikator: Masyarakat Lebih Sering Mengakses Internet Ketimbang TV," April 22, 2022, <https://databoks.katadata.co.id/datapublish/2022/04/22/survei-indikator-masyarakat-lebih-sering-mengakses-internet-ketimbang-tv>.

the meaning of false information. Therefore, the spread of hoax can be interpreted as the spread of news that does not actually occur. Furthermore, the definition of clickbait itself does not yet exist in the KBBI, but referring to the Cambridge Dictionary, clickbait has the meaning as something on the internet (in the form of articles, photos, etc.) that aims to attract people's attention to open certain website. Based on these two definitions, it can be understood that hoax is different from clickbait because clickbait is generally displayed as a title or can be in the form of a photo, unlike hoax which is entirely untrue news.

Regulations related to clickbait are basically not regulated either in Press Council Regulation Number: 6/Peraturan-DP/V/2008 on the Ratification of Press Council Decree Number 03/SK-DP/III/2006 on the Journalistic Code of Ethics as a Press Council Regulation (hereinafter referred to as Journalistic Code of Ethics), Guidelines for Cyber Media Reporting and also in Law Number 40 of 1999 on the Press (hereinafter referred to as Press Law), Law Number 11 of 2008 on the Information and Electronic Transactions (hereinafter referred to as the ITE Law), to the most recent, Law Number 1 of 2023 on the Criminal Code (hereinafter referred to as the Criminal Code). If we look at the Guidelines for Cyber Media Reporting in the 'User Generated Content' section, regarding the obligations of users who want to publish online news content it is stated that it is only limited to not being allowed to contain lies, slander, sadism, obscenity, ethnicity, religion, ancestry, and inter-group relations issues, advocating violence, being discriminatory, and degrading the dignity of others (SARA). In that section, it is not included that the user concerned is not allowed to use sentences that are distorted/not in accordance with the contents of the news in the title (clickbait).

With the legal vacuum of the basic regulations (Guidelines for Cyber Media Reporting and the ITE Law) along with the low level of literacy of the Indonesians, these things then expand the inclusion of clickbait on news titles and open up a potential for the development of cybercrimes such as defamation, online fraud (phishing), which can lead to hacking packaged in a clickbait title. In the theory of the dogmatic normative espoused by John Austin and Van Kan, the existence of law is solely aimed at maintaining and guaranteeing certainty in human life. When referring to legal dogmatic, the science of law here must be linked directly with other sciences (multidisciplinary) which in this study is the science of technology and information.

Furthermore, there are 3 (three) literature that are used as review material. First, an article written by Namira Dewi Trustyanda, Cik Ratu Afni Rizki, and Quodvultdeus okto Sri Dhanurwendo with the title "*BUDAYA CLICKBAIT PADA JUDUL BERITA DI ERA DIGITAL 4.0*".² The distinction in this research is this research will explore the use of clickbait that can lead to cybercrime because most of the aims of its use are carried out purposely so that readers open content with the clickbait. Secondly, an article written by Hilmi Ananda Robianes, Enjang.AS and Betty Tresnawaty with the title "*Persepsi*

² Namira Dewi Trustyanda, Cik Ratu Afni Rizki, and Quodvultdeus Okto Sri Dhanurwendo, "Budaya Clickbait Pada Judul Berita Di Era Digital 4.0," *Syntax Literate: Jurnal Ilmiah Indonesia* 6, no. 9 (November 18, 2021): 4602–11, <https://doi.org/10.36418/syntax-literate.v6i9.4190>.

Wartawan Mengenai Penggunaan Clickbait Pada Judul Berita Di Media Siber".³ The distinction in this research is if the usage of clickbait becomes a norm, the negative impact will lead to a potential development of cybercrime in Indonesia. Thirdly, an article written by Anna-Katharina Jung, Stefan Stieglitz, Tobias Kissmer, Milad Mirbabaie, and Tobias Kroll with the title "Click me...! The Influence of clickbait on user engagement in social media and the role of digital nudging".⁴ The distinction in this research is this research examines towards the distribution of clickbait use on online news website (not in social media) where it's more vulnerable to infiltrated by backlinks containing cyber threats. Based on this elaboration, the primary objective of this research is to find out how big the potential of clickbait in threatening the development of cybercrime in Indonesia and to examine the ideal regulation in tackling the use of clickbait as a potential cybercrime in Indonesia.

2. METHOD

The research method is essentially a science that teaches theoretically related to how scientific work is done in a research⁵ and is used to help reach an understanding in the formulation of the problem presented, namely conducting research on the relationship between the object under study and valid data and information.⁶ In this study, the type of research used in this research is normative legal research. In addition to using normative research, this research is also equipped with interview methods with sources in accordance with their fields, namely members of the press and academics. This research uses 2 (two) approaches, namely the statute approach, in this case, there is still a regulatory vacuum regarding clickbait which has the potential to become a cybercrime. The second approach is a conceptual approach, which is an ideal setting that can overcome the potential for clickbait in cybercrime in Indonesia.

Furthermore, since the data sources used in this research are secondary data sources, the legal materials used to support data collection are primary legal materials related to the Press and Information and Electronic Transactions (ITE). Furthermore, the secondary legal materials used are the results of scientific works from academics to those in the form of scientific final assignments, as well as books directly related to cyber law and the development of law in Indonesia. In addition to these two legal materials, tertiary legal materials which basically function as a complement in explaining the primary and secondary legal materials previously used, in this study used the online version of the

³ Hilmi Ananda Robianes, Enjung As, and Betty Tresnawaty, "Persepsi Wartawan Mengenai Penggunaan Clickbait Pada Judul Berita Di Media Siber," *Annaba: Jurnal Ilmu Jurnalistik* 4, no. 1 (October 10, 2021): 15–34, <https://doi.org/10.15575/annaba.v4i1.2494>.

⁴ Anna-Katharina Jung et al., "Click Me...! The Influence of Clickbait on User Engagement in Social Media and the Role of Digital Nudging," ed. Jaroslaw Jankowski, *PLOS ONE* 17, no. 6 (June 29, 2022): e0266743, <https://doi.org/10.1371/journal.pone.0266743>.

⁵ Nurul Qamar et al., *Metode Penelitian Hukum (Legal Research Methods)*, Cet. 1., ed. 1 (Makassar, Indonesia: CV. Social Politic Genius (SIGn), 2017).

⁶ David Tan, "Metode Penelitian Hukum: Mengupas Dan Mengulas Metodologi Dalam Menyelenggarakan Penelitian Hukum," *Nusantara: Jurnal Ilmu Pengetahuan Sosial* 8, no. 8 (2021): 2465, <http://dx.doi.org/10.31604/jips.v8i8.2021.2463-2478>.

Great Dictionary of the Indonesian Language (KBBI Online) and the Indonesian Online Legal Dictionary.

Data-collecting methods, also known as data-collection techniques, are primarily used to acquire materials for a study. In this study, the data collection method used was library research, namely data collection through an inventory of books and laws and regulations relevant to the research problem, and then supplemented by a documentation study, namely data collection through recording of files or documents (can be in the form of books, documents, or regulations) that are relevant to the research problem. Furthermore, the data analysis technique used in this study is qualitative. Qualitative analysis is a type of analytical method that refers to certain problems, then linked with literature, and legal expert opinion, to applicable laws and regulations (secondary data).⁷ Furthermore, to support the analytical method, the conclusion drawn method used in this study uses drawing conclusions from general to specific (deduction), which examines starting from the large number of clickbait uses in Indonesia that have the potential to threaten the development of cybercrime.

3. RESULTS AND DISCUSSION

3.1 Clickbait's Potential to Threaten the Development of Cybercrime in Indonesia

The fact that technology has become a necessity in human life also brings changes that underlie and also facilitate the entry of technology-based forms of crime, especially when COVID-19 appeared.⁸ When it comes to technological developments, both Indonesia and the world have certainly been followed by developments in legal norms and their violations. The fact that the development of technological science is so massive and cannot be denied that basically makes many countries 'overwhelmed' in dealing with cases of violations that continue to occur every day. The characteristics of cyberspace virtuality that allow the entry of illegal information content such as violations of decency, gambling, insults or defamation, the spread of hoaxes, and misleading are the things that easily underlie the emergence of violations/crimes within the scope of cyberspace.⁹ In addition to this, the existence of the legal theory of Techno-Legislation has also become a new paradigm in the formation of legal norms in the Digital Age of Information. This is also supported by the thoughts of Gregory N. Mandel who basically stated that there is a danger in technological developments that are so intense that they actually create new (cybercrime) problems that should be properly responded to by law.¹⁰ The existing legal theory cannot be separated from the development of an era because the theory must answer the legal problems that were being faced in that era.¹¹ Although the scope of cyber is

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⁷ Soerjono Soekanto, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*, Cet. 17 (Jakarta: Rajawali Pers, 2015).

⁸ Elisabeth Liu and Retno Mawarini Sukmariningsih, "Membangun Model Basis Penggunaan Teknologi Digital Bagi UMKM Dalam Masa Pandemi Covid-19," *Jurnal Ius Constituendum* 6, no. 1 (May 5, 2021): 221, <https://doi.org/10.26623/jic.v6i1.3191>.

⁹ Danrivanto Budhijanto, *Revolusi Cyberlaw Indonesia: Pembaruan Dan Revisi Undang-Undang Informasi Dan Transaksi Elektronik 2016*, Cet. 1 (Bandung: PT Refika Aditama, 2017).

¹⁰ Budhijanto.

¹¹ Budhijanto.

virtual, regulation on this issue remains necessary, keeping in mind that the principle of law is to govern societal conduct.¹²

Therefore, given the fact that the potential for the development of cybercrime is not over, it is necessary to establish new legal regulations that are relevant and can fill the legal vacuum that still exists today. Internet users in the Asian region as of July 2022 reached 2,934,186,678 people, whereas in Indonesia alone it has reached 212,354,070 people in the same month and year based on data from the Internet World Stats (IWS),¹³ this shows that Indonesian people are more interested in communicating and seeking information online rather than face to face. The simplicity of taking out online activities subsequently becomes a daily habit, and many people can be said to be entirely reliant on the internet. Humans are unable to keep up with the rapidity of the internet's development, particularly in reporting and sharing information online, because it is essentially worldwide and continues to grow.

The use of big data which was originally introduced by Fremont Rider before the era of industrial revolution 4.0 for development of technology and information had the initial goal of facilitating and increasing access to data and information via the internet,¹⁴ actually created opportunities for the entry of types of cybercrime which continued to increase every day. In Indonesia, types of cybercrimes that can be found and have been recognized because there is already a legal basis include defamation, hoaxes, illegal access, phishing, online fraud, cyberbullying, cyberstalking, dissemination of illegal content, invasion of privacy, violations of intellectual property and other activities, sabotage which is sometimes followed by cyber extortion. The existence of cybercrimes then forced Indonesia to be responsive with the efforts to regulate cybercrimes in various laws and regulations. This then then led to several Indonesian laws that address cybercrimes.¹⁵ Based on the types of cybercrimes that are recognized and found in Indonesia, it is the spread of hoaxes that are often encountered when surfing the internet. Clickbait, which in practice is not categorized as a form of crime or even a threat in the Indonesian cyber world, then makes its use as if it were a normal thing, especially in spreading news and/or information online.

Essentially, the Press Law has never been explicitly stated regarding prohibitions or guidelines for how a press should compose a news headline. In the Press Law, the closest arrangement to this prohibition is contained in Article 5 paragraph (1) which states that the

¹² Faiz Emery Muhammad and Benihamoni Harefa, "Pengaturan Tindak Pidana Bagi Pelaku Penipuan Phishing Berbasis Web," *JURNAL USM LAW REVIEW* 6, no. 1 (April 24, 2023): 232, <https://doi.org/10.26623/julr.v6i1.6649>.

¹³ "Asia Marketing Research, Internet Usage, Population Statistics and Facebook Subscribers," *Internet World Stats Usage and Population Statistics*, 2022, <https://www.internetworldstats.com/asia.htm#id>.

¹⁴ Amar P. Natasuwarna, "Tantangan Menghadapi Era Revolusi 4.0 - Big Data Dan Data Mining," in *Pengembangan Luaran Penelitian Dan Pengabdian Kepada Masyarakat Yang Mendukung Pendidikan Dan Teknologi Informatika* (SINDIMAS Seminar Nasional Hasil Inovasi Pengabdian Masyarakat, Pontianak, Indonesia: STMIK Pontianak, 2019), 24, <http://dx.doi.org/10.30700/sm.v1i1>.

¹⁵ Henny Saida Flora et al., "Keadilan Restoratif Dalam Melindungi Hak Korban Tindak Pidana Cyber: Manifestasi Dan Implementasi," *Jurnal Ius Constituendum* 8, no. 2 (June 8, 2023): 170, <https://doi.org/10.26623/jic.v8i2.6365>.

press is required to inform both events and opinions while respecting religious norms, a sense of public decency, and the presumption of innocence, and Article 6 states that the press plays a role in developing well-informed public opinion. Furthermore, it is explained in the elucidation of Article 5 paragraph (1) of the Press Law that the national press must be able to accommodate the interests of all parties related to these events and opinions. The use of clickbait which was normalized by the national press was increasingly seen when Indonesia was hit by the COVID-19 pandemic. With the emergence of government policies that require people to implement Large-Scale Social Restrictions (PSBB), people are finally getting used to doing activities online, including reading news and/or information. Unfortunately, these habits are in fact not followed by the level of literacy of the Indonesian people themselves.

For Indonesian journalists, the reality that Indonesian society's literacy is low is nothing new. Based on the results of interviews conducted with Tomy Tresnady,¹⁶ a journalist who is still engaged in generating content for websites and social media, and also had a lot of experience in the world of journalism since 2004, he stated that journalists intentionally utilize clickbait, such as using image manipulation or just the title of the article they authored to pique the interest of readers. He stated that basically, every editor that operates in the world of journalism has their own white paper. The white paper in question contains a code of ethics that is essentially identical to the Journalistic Code of Ethics, as well as the prohibitions that must be obeyed by journalists working in the editorial office. Furthermore, it is said that the use of clickbait has actually been supervised by a supervisory team formed by the chief editor. However, due to trend shifts, such as more online media compared to print media, this brings every editor to seek profit from the articles/news they publish by pressuring journalists to create exciting and dramatic headlines/articles in order to attract a large number of readers. Furthermore, Mr. Tomy explained that basically, a journalist knows the impact they will receive if they dramatize the title, as well as the contents of the article/news. However, with the demand that the articles/news reach a large number of readers, nowadays there are many online news portals that deliberately engage in clickbait on purpose to earn 'per-click' profits. The 'per-click' profit is the profit that can journalists earn every time a news title is clicked and read to the end (can also use additional backlinks). Backlinks in this case itself can be interpreted as a link that leads to a particular site, which can be one's own site or that of another person who collaborates with news portal owners and/or online journalists. There is also a consideration that often a misinformation sites also appearing a problematic advertisement from some backlink.¹⁷ In fact, there are many online news portals that also insert backlinks, such as the news portal shown on one of the news portals below.

¹⁶ Tomy Tresnady, Online via Google Meet, March 20, 2023.

¹⁷ Eric Zeng, Tadayoshi Kohno, and Franziska Roesner, "Bad News: Clickbait and Deceptive Ads on News and Misinformation Websites" (Workshop on Technology and Consumer Protection (ConPro'20), University of Washington, 2020), 5, <https://badads.cs.washington.edu/files/Zeng-ConPro2020-BadNews.pdf>.

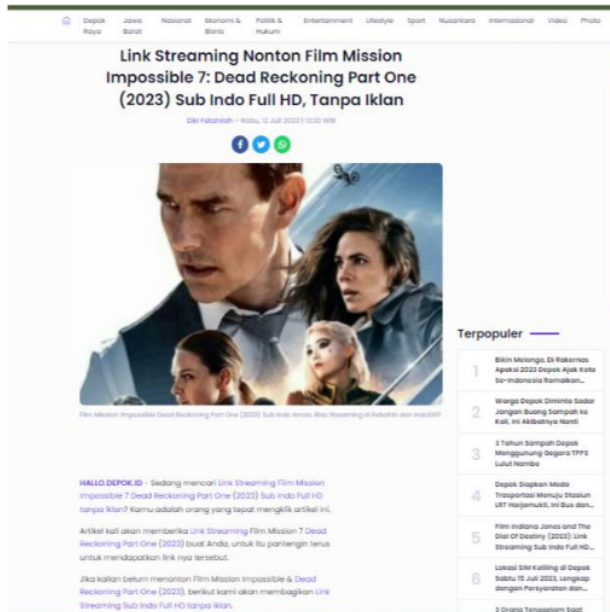


Figure 1. A display of online news title and it's contents

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Kemudian dibawahnya diberi penjelasan isi gambar dgn merujuk judul gambar (lihat template)

1	Bikin Mel Apeksi 2 Se-Indon
2	Warga D Jember

Figure 3. The page that appears when the 'sub indo full HD' backlink is clicked

In **Figure 1** above, it can be seen that the displayed news title explicitly states that if readers want to stream (watch movies online) they can open the news because there are other supporting words, namely "Sub Indo Full HD" and "tanpa iklan" (no advertisement), but when the reader opens the news and presses on the blue link labeled 'Link Streaming', what appears is the news website displaying a hashtag with the content 'Link Streaming' (**Figure 2**). Furthermore, if the reader presses on the blue link that reads 'Sub Indo Full HD', then what appears next is a link to the online news portal website which displays a hashtag with the content 'Sub Indo Full HD' (**Figure 3**). This is in line with the explanation regarding backlinks and clickbait stated in the results of an interview with Mr. Tomy Tresnady.

Furthermore, he stated in his interview that many journalists are already aware of the consequences of using the clickbait method, such as sending subpoenas, summoning journalists and media publication owners, and the appearance of an official apology from the publication media owner. If we look at the facts, not all news containing clickbait is created directly by journalists, but the majority are made by content creators. A content creator is someone who writes on a specific topic, such as beauty, technology, or automobiles, etc¹⁸ and there is a freelance writer who is a creative whose job it is to write in the news industry. A freelance writer who writes online news works individually which ultimately causes them to find it difficult to confirm certain news, coupled with their status as not being a registered journalist at the press council. However, as news trends and information have developed and shifted to online media, the legitimacy of news that is spread is sometimes quite questionable.

The unregulated regulation regarding clickbait in the law is caused by the absence of parties who feel aggrieved over the use of clickbait in a news headline, coupled with the press agencies being allowed to use clickbait. The fact that there are still no constraints or rules regarding clickbait in Indonesia drives it into another field that previously existed in the art of writing/creating titles, namely narrative (storytelling). According to the author's interviews with one of the academics who are still active in teaching journalism study programs and is a former journalist from National TV, Veronika,¹⁹ there are lessons in communication science related to how to write news such as hard news, namely by writing storytelling. She also agrees with the statement that each online news platform has its own news writing technique, complete with a title that must describe the news content displayed. According to her, with an editorial process and fact-checking, clickbait should have been avoided. However, because not all existing online news platforms are likewise listed in the press council, this then makes the distribution of news with clickbait easier to find, especially on online news platforms that have not/are not listed in the press council.

¹⁸ Gian Tiara, "Dramaturgi Pengelolaan Kesan Konten Kreator Di Media Sosial Instagram," *Akrab Juara: Jurnal Ilmu-Ilmu Sosial* 6, no. 3 (August 5, 2021): 14, <https://doi.org/10.58487/akrabjuara.v6i3.1521>.

¹⁹ Veronika, Online via Zoom Meeting, March 30, 2023.

The issues surrounding the usage of clickbait in internet news titles are still very vague. A title must be studied in terms of language to see whether the linguistic pattern is ambiguous enough to cause riots in society. If the headline is proven to deviate from the mandatory guidelines and its content, it is classified as clickbait. Furthermore, in her interview, Ms. Veronika explained that in the world of academia, especially communication science, students are taught the proper way for aspiring journalists and/or journalists to make news headlines that are appealing to a diverse group of Indonesian readers. Making the right title can be done without having to apply the clickbait method, specifically by using hyperbolic writing that is still relevant to the news content, and also can use Search Engine Optimization (SEO) tactics. SEO is frequently used by content creators and online journalists to boost the ranks of sites and articles written in search results by search engines when internet users or readers search for a phrase related to a specific topic on the internet.²⁰ In general, SEO tricks in disseminating information and/or news are used in the form of 3 (three) keywords that include the words that are most commonly searched for by readers. To encourage journalists working in online media to use good grammar and be relevant to the information displayed, the search engine work process is quite complex because it must go through the stages of crawling (the stage of searching all data on the internet), indexing (the stage of grouping relevant data), and ranking (the stage of ranking related to relevant data before finally showing it to readers).²¹

Even though there have been various regulations (aside from government and press council regulations) that indirectly direct journalists, not all of them are followed by internet journalists. The existence of SEO tricks not only makes it simpler for readers to quickly and accurately find the news and/or information they seek, but it also makes it easier for readers to 'get lost' in news titles that are irrelevant to the title, to issues with backlinks that point to other sites such as online gambling sites or sites that contain malware or other viruses that can harm the device, even in the form of spying using the victim's device without being noticed. According to the Press Law, the sanctions imposed on lawbreakers might be quite lax, and it does not specify what types of violations can be subject to the provisions of criminal sanctions. In these provisions, it is stated in Article 18 Law Number 40 of 1999 on the Press that the subject who can be subject to criminal sanctions is 'everyone' who intentionally obstructs the freedom of broadcasting information by the press and press companies that do not heed all norms and display advertisements related to alcohol, narcotics, etc. Furthermore, it is noted in the law that the prohibition on censoring, banning, or broadcast ban alluded to in Article 4 paragraph (1) does not apply to print and electronic media. However, Chapter I of the law doesn't defines what print media and electronic media are. Implicitly, it can be concluded that the electronic distribution of information is not regulated in the Press Law, and this can serve as a 'legal umbrella' for

²⁰ Antonius Antonius and Bernard Renaldy Suteja, "The Implementasi Metode On-Page Search Engine Optimization Untuk Meningkatkan Peringkat Website Sebagai Hasil Pencarian Google," *Jurnal Teknik Informatika Dan Sistem Informasi* 7, no. 1 (April 24, 2021): 252, <https://doi.org/10.28932/jutisi.v7i1.3428>.

²¹ Sri Andayanj, "Pentingnya Menulis Kata Kunci Dengan Benar Pada Mesin Pencarian Untuk Melakukan Pencarian Yang Akurat," *IQRA': Jurnal Ilmu Perpustakaan Dan Informasi (e-Journal)* 14, no. 1 (June 30, 2020): 134-45, <https://doi.org/10.30829/iqra.v14i1.7574>.

journalists affected by the ITE Law due to variations in protection from the journalist profession's perspective.

The availability of an open potential for online news with clickbait titles to load backlinks to online gambling sites is essentially susceptible to Article 27 paragraph (2) of the ITE Law, with fines in Article 45 paragraph (1). However, there is still a lack of digital literacy in Indonesian society which can be seen from the data from the Ministry of Communication and Informatics in 2023 which shows that the position of the Indonesian people in digital skills, digital safety, digital culture, and digital ethics are on average 3.54 from index 1 to 5.²² This not only limits the opportunities for threats generated by online news with clickbait titles, but also other cybercrimes such as spamming advertisements (can load online gambling) that annoy readers and botnets (robot networks, namely cybercrimes in the form of a collection of devices that have been infected with malware), and stalking, which all impact on internet users disruption due to things it can cause quite serious problems to network security, databases, and even the device system as a whole without the reader being aware of it. Furthermore, because it is easy to find backlinks in some online news with clickbait titles, readers who are unaware of the risks of clicking on any of these links risk having their data stolen and the security of their device servers decrease.²³

3.2 Ideal Regulation for Tackling Clickbait as a Potential Cybercrime in Indonesia

Referring to the explanation above and considering the fact that the spread of news with clickbait titles is easily found in online news media in Indonesia where there is no regulation, this is what legislators of the law must consider. Based on the ethical theory that was first introduced by Aristotle, it is said that the existence of law is to create a just situation in social life. In this case, the justice in question is *ius suum cuique tribuere* which means "give everyone what is due." Justice has two fundamental values: a universal value and a contextual value.²⁴ In essence, the standard of justice for each individual cannot be generalized. As a result, Aristotle identified two sorts of justice: (1) distributive justice and (2) commutative justice. In this study, distributive justice can be used as a reference since distributive justice is justice that can occur if society treats everyone equally regardless of what they have done. This can also be interpreted that each individual has responsibility for their own action as long as they are alive and legally capable (over the age of 18 years) if based on Article 1 point 1 Law Number 35 of 2014 on Child Protection. Law is fundamentally a norm that has the nature of requiring harmony and certainty in it. To create a logical, rational, and practical system, the legal

²² Khoirul Anam, "Paling Rendah Di ASEAN, Tingkat Literasi Digital RI Cuma 62%," *CNBC News*, February 14, 2023, <https://www.cnbciindonesia.com/tech/20230214171553-37-413790/paling-rendah-di-asean-tingkat-literasi-digital-ri-cuma-62%#:~:text=%20Masyarakat%20Indonesia%20kalau%20kita%20lihat,14%2F2%2F2023>.

²³ Sahat Parulian, Devi Anassafila Pratiwi, and Meiliya Cahya Yustina, "Ancaman Dan Solusi Serangan Siber Di Indonesia," *Telnect: Telecommunications, Networks, Electronics, and Computer Technologies* 1, no. 2 (December 15, 2021): 91, <https://ejournal.upi.edu/index.php/TELNECT/article/view/40866/17836>.

²⁴ A'an Efendi and Fradhana Putra Disantara, "Post Conditionally Unconstitutional of Job Creation Law: Quo Vadis Legal Certainty?," *Yuridika* 37, no. 2 (August 5, 2022): 355, <https://doi.org/10.20473/ydk.v37i2.33364>.

aspects must be interconnected with one another. Since the early 2000s, developments in the field of reporting and journalism in a path that may reach more readers, notably via Internet media in Indonesia, have resulted in a transition in reporting news from traditional forms to being more dominated by online reporting. The COVID-19 pandemic at the beginning of 2020 also changed people's reading habits because the emergence of mandatory self-quarantine regulations limited people's space for mobility and activities, therefore the level of internet usage has increased drastically.

As a state of law, Indonesia must prioritize sanctioning those who are proven to be disobedient to the current positive law.²⁵ Increasingly advanced and easily spreading the news via online media can basically contain information related to violence, theft, corruption, pornography, provocation, harassment, lifestyle, spreading hoaxes, and so on.²⁶ Furthermore, because the data and information saved on the internet are sensitive (including names, e-mails, mail, password, home address, etc.),²⁷ online news can easily 'piggyback' not just one cybercrime but also many other cybercrimes as previously described. Until now, cybercrimes that can be found in Indonesia are basically still crimes that are already regulated in legislation, especially in the ITE Law. However, this does not mean that all cybercrimes are 'clearly visible' at the outset. 'Clearly visible' refers to that a type of cybercrime is immediately known by the general public; for example, a hacking crime in which the party being hacked is generally aware that their account/device is being/has been hacked because they receive notification via that account/device. Cybercrimes that are difficult to detect at first can be found in the case of the spread of computer viruses because these viruses can be inserted in almost every part of the internet such as files, data, backlinks, to websites that contain online news.

When discussing development, specifically those directly related to the legal vacuum, a succession of urgent adjustments to old rules/addition of new regulations is immediately required. Aside from that, on the other hand, the maintenance of order itself should not be given a static meaning, which only maintains the status quo. Law, as a tool for maintaining social order, must be designed and promoted in such a way that it allows for room for change. As a result, a law must be able to come forward, especially to provide direction and a path for reform by presenting clearer and complementing regulations. In this case, the Journalistic Code of Ethics does not contain explicit information specifying how a journalist should produce a news title that is truthful and in accordance with the content of the news reported, in addition to the absence of clear standards controlled by the ITE Law. The closest provision in the Journalistic Code of Ethics is Article 4, which states that "Indonesian journalists do not make fake, slanderous,

²⁵ Hadi Purnomo and Andre Yosua, "Inkonsistensi Penegakan Hukum Tindak Pidana Hoaks Di Indonesia Pasca Reformasi," *Jurnal Jus Constituendum* 6, no. 1 (May 5, 2021): 246, <https://doi.org/10.26623/jic.v6i1.3176>.

²⁶ Sapta Sari, "Literasi Media Pada Generasi Milenial Di Era Digital," *Profesional: Jurnal Komunikasi Dan Administrasi Publik* 6, no. 2 (December 18, 2019): 33, <https://doi.org/10.37676/profesional.v6i2.943>.

²⁷ Hari Sutra Disemadi, "Urgensi Regulasi Khusus Dan Pemanfaatan Artificial Intelligence Dalam Mewujudkan Perlindungan Data Pribadi Di Indonesia," *Jurnal Wawasan Yuridika* 5, no. 2 (September 28, 2021): 180, <https://doi.org/10.25072/jwy.v5i2.460>.

sadistic, or obscene news." The term "fake news" should be distinguished from "clickbait" since clickbait is utilized in news headlines, whereas fake news means that all of the information contained in the news does not correspond to the facts.

Furthermore, the new regulation, the Press Council's 2012 Cyber Media Reporting Guidelines still does not regulate guidelines for writing news titles. In these Guidelines, only the obligation of cyber media to verify the news to be published, the process of developing news material, user rights, news revocation, and copyright concerns are addressed. Likewise in the new Criminal Code, there are no changes or additions to specific articles regarding clickbait. Legal thinking must essentially be interpreted as a universally applicable tool of progress. In the absence of regulations that are controlling the use of clickbait headlines in the online transmission of news and/or information, both in general and specific laws, as well as internal press council norms, Indonesian legislators must be able to issue a new regulation. It can avoid the inconvenience that can lead to losses for online news readers.

A Law, as one of several subsystems that regulate social life, is fundamentally expected to apply and work as the purpose of the law itself.²⁸ In order to decrease the chances of those problems occurring, one of the best things to do is to revise existing law. The revision referred to here is the revision in the ITE Law, in which part of Article 28, between paragraph (1), which explains the prohibition of spreading hoax news, and paragraph (2), which explains the prohibition of spreading hateful information against SARA, is added with paragraph 1a with content that reads "Every person intentionally and without right disseminates news and/or information that does not match the contents with the title displayed and can cause inconvenience, uproar and loss to society." If in the future the revision of the ITE Law can be realized, the last two things that the government must do are conduct digital literacy workshops for the Indonesians, where these are carried out per region so that the results can be more effective because they adapt to their respective needs of each region and added the requirements for professional certification in journalism for prospective journalists before they get to producing news, especially news that circulates online.

Nowadays, the Government of Indonesia's efforts at this moment is still limited to attempting to increase integrative digital literacy. The importance of reform in the substantive field of law can also be interpreted as an effort to reform the main problems in criminal law, namely the determination of prohibited acts/criminal acts on the issue of criminal liability.²⁹ Without clear regulations regarding how a journalist should formulate online news headlines, efforts to increase digital literacy in Indonesian society are deemed unable to reduce the level of disinformation spread in Indonesia. This is because nowadays, online news and communication platforms dominate people's attention, where

²⁸ Arif Hidayat and Zaenal Arifin, "Politik Hukum Legislasi Sebagai Socio-Equilibrium Di Indonesia," *Jurnal Ius Constituendum* 4, no. 2 (October 15, 2019): 149, <https://doi.org/10.26623/jic.v4i2.1654>.

²⁹ Noveria Devy Irmawanti and Barda Nawawi Arief, "Urgensi Tujuan Dan Pedoman Pemidanaan Dalam Rangka Pembaharuan Sistem Pemidanaan Hukum Pidana," *Jurnal Pembangunan Hukum Indonesia* 3, no. 2 (May 28, 2021): 219, <https://doi.org/10.14710/jphi.v3i2.217-227>.

eventually information spread online can shape personality and other aspects of human life.³⁰ Furthermore, several online news platforms in Indonesia currently have relatively easy requirements for someone to publish their news. As a result, some of the credibility of online journalists must be strengthened by the existence of professional certifications that can be held by the Indonesian Professional Certification Institute (LSP).

4. CONCLUSION

Indonesians who have recently spent their time reading online news to search out the latest information can easily 'trapped' in cybercrimes that are 'piggybacked' by a news which can include redirecting to gambling sites, advertisements with harmful viruses for devices and botnet crimes that can disrupt databases. Indonesian legislators should consider that bearing in mind that the ideal law is a law that can answer all problems that exist in such era and considering that it's still easy to find an online news with clickbait along with the absence of regulations that specifically prohibit online journalists for it. The fact that neither the Press Law, ITE Law, Journalistic Code of Ethics, Cyber Media Reporting Guidelines, nor the Criminal Code has regulated the dissemination of news containing discrepancies between the title and its content can be overcome by revising the ITE Law, followed by digital literacy workshops in each region and adding professional certification in journalism. Lastly, I'd want to express my gratitude to Mr. Yusuf Shalahuddin (former Panitera Muda Perdata Pengadilan Negeri Depok) for his guidance and advice, and also thanks to Mr. Tomy Tresnady and Mrs. Veronika for agreeing to be interviewed by me for my final project.

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