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POLICY BRIEF

Regional and Cross-Border Responses Towards Disinformation in Southeast Asia

Fitriani | Nandita Putri Kusumawati Pieter Pandie | Beltsazar Krisetya

SAFER INTERNET LAB





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About the study

This research report examines and discusses Southeast Asia's responses to disinformation circulating in the region using social media. This study measures to what extent the governments of Southeast Asian countries, together with the Association of Southeast Asian Nations (ASEAN), have addressed the issue of disinformation. This study probes what policy responses are available and suitable to be implemented in the region from the lessons learned obtained by experiences of best practices. This study finds that although all ASEAN states have taken initiatives to address disinformation, there is a need to engage in a multi-stakeholder, multi-faceted approach to tackle cross-border computational propaganda efforts, which become increasingly sophisticated as new technology advances. The method applied for this study is a qualitative approach through literature review and expert consultation with representatives from government, civil society groups, academic experts, and social media platform observers. Resources examined for this study are regulations, reports, and literature on the spread of and action towards disinformation in Southeast Asia, as well as statistical data relevant to the subject. The reviews of secondary resources have begun from October to November 2023. The preliminary findings from this study were presented to relevant stakeholders at a closed-door meeting in November 2023, reviewed by academic peers in December 2023, and subsequently revised before broader publication. The authors would like to thank Ade Siti, Anita Wahid, Aribowo Sasmito, Bhredipta Socarana, Chutikarn Sukmongkolchai, Damar Juniarto, Diman Simanjuntak, Dymples Leong Suying, Genalyn Macalinao, Lee Sue-Ann, M Harris bin Zainul, Monica Ari Wijayanti, Nursodik Gunarjo, Rachel Arinii Judhistari, Rif'at S. Fachir, Tan Ghee Tiong and Viet Tho Le for their feedback and contribution to this study

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1. Disinformation in Southeast Asia

The increasing rates of digitalization and social media use in Southeast Asia following the COVID-19 pandemic have generated concerns about the spread of disinformation in the region. In recent years, the region has witnessed trends of disinformation, manipulation of narratives, and targeted campaigns aimed at two broad scopes, domestic and cross-border.

For domestic targets, disinformation poses significant challenges in each Southeast Asian country due to diverse political, social, and cultural contexts. In countries like Myanmar and Cambodia, disinformation has been used to exacerbate political tensions and undermine democratic processes. In Malaysia and Indonesia, ethnic and religious diversity creates fertile ground for disinformation campaigns that exploit existing divisions. Moreover, in countries where the government controls the media, there are concerns of state-sponsored disinformation. As such, a regional response is crucial because disinformation does not recognize borders. Collaborative efforts are needed to share best practices, coordinate responses, and develop regional mechanisms to combat disinformation effectively.

Regarding cross-border and foreign disinformation operations, Southeast Asia countries have experienced that during regional conflicts or geopolitical tensions, countries became targets of disinformation campaigns aimed at manipulating public opinion and sowing discord. Additionally, foreign actors, including state-sponsored entities and non-state actors, may exploit regional dynamics to advance their interests. Recent examples include attempts to influence elections and shape narratives on contentious issues like the South China Sea disputes. Regional responses, therefore, are critical in such scenarios to mitigate the impact of cross-border disinformation, strengthen information-sharing mechanisms, and promote regional stability and resilience against external interference.

With an estimated 68% of the total population using social media and young people aged 16 to 24 spending more than 10 hours a day on the internet,¹ the region may be vulnerable to the proliferation of disinformation. Around Southeast Asia, social media is increasingly becoming a significant instrument in political campaigns.² Politicians and political parties across the region have used various social media platforms like Facebook, Twitter, Instagram, YouTube, and TikTok to engage with their audience and garner support, while also using it as a tool against their opposition.

¹ Robert Smith and Mark Perry, "Fake News and the Pandemic in Southeast Asia", *Australian Journal of Asian Law*, Vol. 22, No. 2, 2022, Article 9, pp. 131-154, , <u>https://ssrn.com/abstract=4062597</u> and Simon Kemp, "The social media habits of young people in South-East Asia", *Data Reportal*, 2021, <u>https://datareportal.com/reports/digital-youth-in-south-east-asia-2021#:~:text=Social%20media%20use%20by%20South%2DEast%20Asia's%20young%20adults&text=South%2DEast%20Asia's%20young%20adults%20age%20groups.
² Fitriani and Muhammad Habib, "Social Media and the Fight For Political Influence in Southeast Asia", *The Diplomat*, 10 August 2023, <u>https://thediplomat.com/2023/08/social-media-and-the-fight-for-political-influence-in-southeast-asia/</u>.</u>

It has been observed that several countries in Southeast Asia allow peddlers of political disinformation.³ In Indonesia, a broader spectrum of political actors and parties have engaged the services of diverse digital campaign specialists, as well as compensated individuals known as "internet buzzers." Similarly, in the Philippines, the term "trolls" is often used to describe individuals who are paid to disseminate manipulative narratives that discredit certain individuals or groups. In Thailand, influence operations, or "IOs," have been employed to circulate such narratives. Certain politicians have also exacerbated religious and ethnic tensions among their communities in an attempt to gain electoral support. In the current landscape, several stakeholders, such as digital platforms, journalists, and fact-checkers, find themselves grappling to keep up with the astute advancements made by architects of disinformation. Instead of actively addressing misinformation, state actors and government lawmakers in these nations have been identified as being involved in producing political disinformation.

Moreover, not only has the advent of social media facilitated the spread of disinformation, but the use of artificial intelligence (AI) has also streamlined the production and dissemination of fabricated news and propaganda. The use of AI in the editing of images and videos to generate 'deepfakes' raises significant concerns. This is mostly attributed to AI's remarkable ability to generate realistic and believable photos and videos, which carry a heightened sense of vividness, persuasiveness, and a sense of convincing credibility. These tools may potentially be employed to manipulate and influence public sentiment.⁴ Basic AI with free online tools to create fake videos, also known as 'cheap fake', has become increasingly common in Southeast Asia. For example, a video of a person similar to the late Indonesian President Soeharto circulated before the country's 2024 election, calling on constituents to choose candidates running under his political party, after previously one of the presidential candidates' video talking in Arabic circulated on social media to garner votes.⁵ Similarly, a fake video of Singapore Prime Minister Lee Hsien Loong promoting cryptocurrency was also shared online, prompting the PM to issue a clarification statement.⁶ The concern over disinformation is greater for people living in low and middle income countries. This is due to relatively lower levels of education and literacy, more fragile democratic conditions, and higher risks for interethnic strife.⁷ Further, the dissemination of disinformation has the potential to erode confidence in reputable news sources since it fosters skepticism towards authentic sources of information.

³ Jonathan Corpus Ong and Ross Tapsell, "Mitigating Disinformation in Southeast Asian Elections", NATO Strategic Communications, 2020,

https://stratcomcoe.org/publications/download/nato_mitigating_disinformation_web_20may-1.pdf

⁴ See, for example Tianxiang, Shen Ruixian Liu, Ju Bai, and Zheng Li, "Deep Fakes' Using Generative Adversarial Networks (GAN)," *Noiselab*, University of California, San Diego, 2018, <u>http://noiselab.ucsd.edu/ECE228_2018/Reports/Report16.pdf</u>.

⁵ Nuurrianti Jalli, "Artificial Intelligence, Disinformation, and the 2024 Indonesian Elections", *The Diplomat*, 14 December 2023, <u>https://thediplomat.com/2023/11/artificial-intelligence-disinformation-and-the-2024-indonesian-elections/</u> and Arie Firdaus, "Fake Suharto video fuels debate on AI use in Indonesian election campaign", *Benar News*, 12 January 2024, <u>https://www.benarnews.org/english/news/indonesian/suharto-deepfake-used-in-election-campaign-01122024135217.html</u>

⁶ Christie Chiu, "PM Lee warns against responding to deepfake videos of him promoting investment scams", *The Straits Times*, 4 January 2024, <u>https://www.straitstimes.com/singapore/pm-lee-warns-against-responding-to-deepfake-videos-of-him-promoting-investment-scams</u>

⁷ Todd C. Helmus, "Artificial Intelligence, Deepfakes, and Disinformation: A Primer", *RAND Expert Insight*, 2022, <u>https://www.rand.org/pubs/perspectives/PEA1043-1.html</u>.

This study focuses on a specific type of misinformation, which is disinformation. Misinformation is false or inaccurate information or fact, while disinformation is false information deliberately disseminated to mislead by intentionally misstating the facts. Misinformation is also used interchangeably with distributed fake news, news satire, untrue advertorials, fake information, or alternative facts.⁸ Meanwhile, disinformation is purposely distributed to inflict harm to others, and therefore it is used interchangeably with "mal-information".⁹ The difference between misinformation and disinformation, therefore, lies in the ill intention to cause harm and can be considered a crime in some legislations.¹⁰

2. Government Measures Towards Disinformation

Amongst member states of the Association of Southeast Asian Nations (ASEAN) are three acknowledged definitions and categorizations of disinformation and fake news. The first is formal policy regulation, which refers to inaccurate or misleading information, whether wholly or partially, on its own or within a certain context. The second refers to UNESCO standards to identify false information deliberately created to harm a person, social group, organization, or country. The third one is agreement among internal regulators that refers to information that is purposefully crafted, misleading, or completely fabricated to imitate the source, including mainstream or alternative news, created without facts or reliable sources, with the overall motive of influencing public views for political motives, or to degrade someone's reputation.¹¹ In the 2023 ASEAN Guideline on Management of Government Information in Combating Fake News and Disinformation in the Media, the keyword in disinformation is "intention". The Guidelines highlighted disinformation impacts on governments (such as loss of trust and violence) and communities (polarisation, discrimination, violation of the democratic process). It is also acknowledged that disinformation campaigns may originate domestically or abroad.¹²

ASEAN does not openly recognize disinformation perpetrated by state actors in its formal statements and documents up to the time when this study was conducted in early 2024. Although people around the region are expressing their frustration with the perceived injustice, corruption, cronyism, elitism, lack of independence, restricted or non-existent competition, and nepotism inside their political institutions via social

¹² Ibid, p. 39.

⁸ Chh-Chien Wang, "Fake News and Related Concepts: Definitions and Recent Research Development", *Contemporary Management Research*, Vol. 16, No. 3, 2020, pp. 145–174. <u>https://doi.org/10.7903/cmr.20677</u>.

⁹ Robert Smith, Mark Perry, and Nucharee Nuchkoom Smith, ^wFake News' in Asean: Legislative Responses", *Journal of ASEAN Studies*, Vol. 9, No. 2, 2021, pp. 117-137. https://doi.org/10.21512/jas.v9i2.7506.

¹⁰ Robert Smith and Mark Perry, "Fake news and the convention on cybercrime", *Athens Journal of Law*, Vol. 7, No. 3, 2021, pp. 335-338. <u>https://doi.org/10.30958/ajl.7-3-4</u>.

¹¹ ASEAN Secretariat, *Guideline on Management of Government Information in Combating Fake News and Disinformation in the Media*, Jakarta: ASEAN Secretariat, 2023.

media platforms.¹³ However, the governments use the term 'propaganda' as depicted in the 2017 East Asia Summit Leaders' Statement on Countering Ideological Challenges of Terrorism and Terrorist Narratives, as well as in the 2023 ASEAN Guideline on Management of Government Information in Combating Fake News and Disinformation in the Media, to refer to media operations in sharing biassed information repeatedly to shape public opinion in the region. Consequently, and as a way of practice, ASEAN member states have enacted and enforced national laws and regulations to address disinformation. Nevertheless, in several cases, these legislations target individuals with dissenting opinions or journalists reporting negative news.¹⁴ Additionally, the prevalence of disinformation in politics and elections is a widespread concern. The following are some instances of disinformation observed within Southeast Asian countries.

Brunei Darussalam exhibits a discernibly constrained degree of political plurality. Yet, the use of social media in the country, which reached nearly 90 per cent of the population in 2017, has raised concerns about fake news. Because of this, a Hotline and Information Content Advisor Council was established to report viral and baseless news that involves public or national interest.¹⁵ The spread of false information on social media was said to be an issue that influenced public trust in the government, which compelled it to collaborate with the World Health Organisation (WHO) on issues related to health.¹⁶ The collaboration with the WHO is seen as a means of providing efficient health reporting alongside the existing health data infrastructure management and artificial intelligence technology used by the country.

In Cambodia, disinformation has also been used as a strategic tool in electoral campaigns. Allegedly, social media platforms were used to control the infosphere through disinformation in a way that labels opposition news as propaganda, a tactic used to silence political opponents.¹⁷ False narratives and modified material have also been employed to maintain political dominance. The credible and independent media fought the hard battle in the 2023 election, with the battlefield moving from traditional print newspapers to digital media platforms. Approximately 88 per cent of social media users in the country are balancing between freedom of expression and the absence of clear guidelines on what is considered fake news.¹⁸ To combat the issue, Cambodia resorted to improving journalism education, reinforcing fact-checking, and setting up literacy programmes.

¹³ James Gomez, "ASEAN's Fake News Declaration Neglects State Propaganda", *Asia News Commentary*, 15 August 2018, https://asiacentre.org/asean-fake-news/

¹⁴ Joshua Kurlantzick, "Southeast Asian Governments Squeeze Freedom of the Press", *Asia Unbound - Council on Foreign Relations*, 27 January 2020 and Andrea Carson and Andrew Gibbons, "The Big Chill? How Journalists and Sources Perceive and Respond to Fake News Laws in Indonesia and Singapore", *Journalism Studies*, 2023, Vol. 24, No. 14, pp. 1819-1838, DOI: 10.1080/1461670X.2023.2192299

¹⁵ Xinhua, "Brunei introduces hotline to address fake news on social media", *Xinhua News Agency*, 25 September 2018, http://www.xinhuanet.com/english/2018-09/25/c 137492233.htm.

¹⁶ "Brunei health ministry working with WHO to combat disinformation on social media", *The Star*, 23 May 2023, <u>https://www.thestar.com.my/aseanplus/aseanplus-news/2023/05/28/brunei-health-ministry-working-with-who-to-combat-disinformation-on-social-media</u>.

¹⁷ Japhet Quitzon and Sophal Ear, "Hun Sen's fight to control the Cambodian infosphere", *East Asia Forum*, 2 May 2023, https://www.eastasiaforum.org/2023/05/02/hun-sens-fight-to-control-the-cambodian-infosphere/.

¹⁸ Sodanet Ngov and Khourn Kimmariya Nang, "Opinion: Fake News Challenges Cambodia's Freedom of Speech", *Cambodianess*, 24 June 2023, <u>https://cambodianess.com/article/opinion-fake-news-challenges-cambodias-freedom-of-speech</u>.

Meanwhile, Indonesia Electronic Information and Transaction Law articles on defamation and Hate speech were used to suppress critics, resulting in self-censorship and a reduction in free speech, having chilling effects on journalists, women, and human rights campaigners. There is also Ministerial Regulation year 2015 on taking down or limiting access to online content as fast as 24 hours. Such regulations were made as the country witnessed upward disinformation trend during election periods. False information and doctored media have been used to undermine political adversaries and exert influence, for instance, through photoshopping government officials and editing public statements of political candidates.¹⁹ Scholars dubbed Indonesia as a social media nation,²⁰ which during the 2019 election, around 130 million people (or 50 per cent of the population) were reliant on social media for political news. A similar trend is expected in the 2024 general election, as the number of social media users has grown to 60 per cent of the population (around 167 million people) with more platforms that include TikTok.²¹ The narratives of disinformation revolve around Islamic piety, anti-communism, and anti-Chinese sentiments. After the 2019 presidential election, post-election disinformation aimed at undermining the credibility of voting booths, election management bodies, and voting results escalated, triggering violence. Subsequently, measures were implemented to prevent the recurrence of similar incidents. Indonesia has taken steps to promote digital literacy, encourage fact-checking, and tighten regulations by requiring digital platforms to register to Indonesia's domestic licensing regulations.

In the Lao People's Democratic Republic (PDR), the issue of disinformation is often linked to the preservation of official narratives and the suppression of opposition.²² Laotian President Thongloun Sisoulith, in his 2021 speech, noted his concern about disinformation, "In the era of the advanced technological and modern social media, police must fight firmly and immediately against people who use social media to commit crimes, to destroy our country and to cause any disorder by undermining our unity".²³ In the speech, the President also encouraged people to report wrongdoings to the police instead of spreading it through social media. Laos regulation allows government control over media, including online sites, where Facebook pages share news about the need to register to be allowed for operation.

¹⁹ Airlangga Pribadi, "Hoaxes and fake news: a cancer on Indonesian democracy", *Indonesia at Melbourne*, 19 January 2017, <u>https://indonesiaatmelbourne.unimelb.edu.au/hoaxes-and-fake-news-a-cancer-on-indonesian-democracy/</u> and Jennifer Yang Hui, "Social Media and the 2019 Indonesian Elections: Hoax Takes the Centre Stage", in Malcolm Cook and Daljit Singh, *Southeast Asian Affairs*, 2020, Singapore: ISEAS, pp. 155-172.

²⁰ Merlyna Lim, "reedom to hate: social media, algorithmic enclaves, and the rise of tribal nationalism in Indonesia", *Critical Asian Studies*, Vol. 49, No. 3, pp. 411-427, DOI: 10.1080/14672715.2017.1341188; Merlyna Lim, "Facebook Nation: The Politics and Culture of Social Media in Indonesia", *USINDO Brief*, 7 March 2011, <u>https://usindo.org/briefs/facebook-nation-the-politics-and-culture-of-social-media-in-indonesia-2/</u>; and Amelia Chen, "Indonesia Is A Huge Social Media Nation", *Tech in Asia*, 13 January 2011

²¹ Ibid and Peter Kemp, "Digital 2023: Indonesia", *Data Reportal*, 9 February 2023, <u>https://datareportal.com/reports/digital-2023-indonesia</u>.

²² Safenet Voice, "The Lao Government Must Stop Online Surveillance", *Digital Security Press Release Safenet*, 28 May 2021, https://safenet.or.id/2021/05/joint-statement-the-lao-government-must-stop-online-surveillance-and-mandatory-registrationfor-social-media-platforms/.

²³ Radio Free Asia, "Laotians 'Confused' by President Urging Police Whistleblowing, Threatening Social Media Use", 12 April 2021, https://www.rfa.org/english/news/laos/president-

^{04122021153932.}html#:~:text=Laotians%20say%20they%20are%20confused.seen%20as%20undermining%20social%20ord er.

According to 2022 government data, most of the Malaysian population (92.4 per cent) accesses information through the Internet, with the majority (95.4 per cent) seeing fake news as a problem.²⁴ Malaysia has been subjected to misinformation efforts that strategically exploit political rivalries and escalate racial tensions, particularly between the majority Malay Muslim community and the non-Malay minority. This was seen especially during the pandemic and election periods.²⁵ The use of false narratives and modified information has been employed to exert influence over electoral processes and foster political polarisation and social tension. Professional cyber troopers and fake news peddlers have, at times, disseminated divisive information on race and religion, raising the concern that the professionalizing of social media campaigns may lead to disinformation and polarization. Malaysia implements fact-checking websites, digital literacy programs, and content supervision and deletion by the Malaysia Communications and Multimedia Commission.²⁶ The impact on disinformation in Malaysia is often felt by its marginalized communities, for example, the Rohingya asylum seekers in the country who bore the target of xenophobia and hate speech at times of economic contraction, such as during the height of the Covid-19 pandemic.²⁷ In 2023, Malaysia intensified its content regulations through government requests to social media companies to remove unsuitable content. This included posts critical of the government and others purportedly breaching laws against illegal gambling, hate speech, racial or religious division, bullying, and financial scams.²⁸

Meanwhile, Myanmar has emerged as a notable case study on the impact of disinformation on political turmoil and violent occurrences. In 2017, actors affiliated with the Myanmar military and extremist Buddhist nationalist organizations aggressively inundated the Facebook platform with incitement against the Rohingya, spreading misinformation about a Muslim takeover of the country and attempting to depict the Rohingya as subhuman invaders, which triggered serious human rights violations perpetrated against the Rohingya.²⁹ Although the 2021 coup carried out by the Myanmar military junta has limited access to the internet, fake news and disinformation have continued to inflame ethno-religious tensions. An instance of this can be seen between the Buddhist Pa-O community and Christian Karenni community at the 2023 Nam Nein monastery violence.³⁰ Regulations on disinformation are mostly urged by international communities by their call to address fake news, especially in

²⁴ Malaysia Communications and Multimedia Commission, *Internet Users Survey 2022*, 2023, pp. 32-33, 46, https://www.mcmc.gov.my/skmmgovmy/media/General/IUS-2022.pdf.

²⁵ Jia Vern Tham and Nelleita Omar, "Like a Virus: How Racial Hate Speech Looks Like in Malaysia During the Covid-19 Pandemic", *Centre Publication*, 2 April 2020, <u>https://www.centre.my/post/how-covid-19-influencing-racial-hate-speech-malaysia</u> and Ross Tapsell, "Social Media and Malaysia's 2022 Election: The Growth and Impact of Video Campaigning", Pacific Affairs, Volume 96, Number 2, June 2023, pp. 303-321, <u>https://doi.org/10.5509/2023962303</u>.

²⁶ Moonyati Mohd Yatid, "Truth Tampering Through Social Media: Malaysia's Approach in Fighting Disinformation and Misinformation", *IKAT : The Indonesian Journal of Southeast Asian Studies*, 2019, pp. 59-74, <u>https://pssat.ugm.ac.id/wp-content/uploads/sites/513/2019/03/Paper-4.pdf</u>.

²⁷ Harris Zainul, "Disinformation and xenophobia target Malaysia's Rohingya", *East Asia Forum*, 11 July 2020, https://www.eastasiaforum.org/2020/07/11/disinformation-and-xenophobia-target-malaysias-rohingya/

²⁸ Muhammad Zulhusni, "Social Media Giants Respond to Malaysia's Rising Content Restriction", *Tech Wire Asia*, 19 December 2023, <u>https://techwireasia.com/12/2023/meta-and-tiktok-confront-social-media-content-control-in-malaysia/</u>

²⁹ Amnesty International, "Myanmar: The social atrocity: Meta and the right to remedy for the Rohingya", *Amnesty International Research*, 29 September 2022, Number: ASA 16/5933/2022 and Jenny Domino, "Crime as Cognitive Constraint: Facebook's Role in Myanmar's Incitement Landscape and the Promise of International Tort Liability", *Case Western Reserve Journal of International Law*, 2020, https://srn.com/abstract=3529968.

³⁰ Arthur Klark and Gabriela Sagun, "Misinformation, Hate Speech and Ethno-Religious Tensions in Myanmar", *USIP Analysis and Commentary*, 27 April 2023, <u>https://www.usip.org/publications/2023/04/misinformation-hate-speech-and-ethno-religious-tensions-myanmar</u>.

places with relatively weak domestic political consolidation, including demanding that Facebook/Meta remove hate speech and misinformation from its platforms to curb tension. The government has also attempted to limit internet access to curb the spread of disinformation.

Disinformation campaigns in the Philippines are relatively more organized than in other Southeast Asian nations. During political events, these campaigns run through election campaign consultants and lead strategist teams that include social media influencers, parody accounts, pop culture accounts, and fake accounts that infiltrate Facebook closed groups to conduct attacks toward political opponents.³¹ Narratives of disinformation in the Philippines are mostly concerned about demonizing "elitist" politicians, historical revisionism, and anti-Chinese sentiment. The profit-driven economic model in the country also utilizes click-bait advertising sites of Google AdSense and Facebook Instant Stories. Disinformation operations that run through public relations officers can be done explicitly or discreetly and on many levels, from national to local elections to sway voters and undermine the credibility of political adversaries. The Philippines' active civil society, especially its journalist organizations, demands social media platforms to moderate content. The Election Commission requires politicians to disclose their social media campaign spending, although it is difficult to check the accuracy of such disclosures. The Philippines government has begun to integrate "Media and Information Literacy" as the core subject in the Basic Education Curriculum beginning in 2023.³² The subject contains media and information as communication tools for individual and societal development, as well as for fostering creativity, critical thinking, responsible usage, and competent information production.

Meanwhile, Singapore's population, 92 per cent of which are connected to the internet and around 80 per cent of which utilizes social media in 2022, has been subjected to disinformation in the forms of foreign interference and hostile information campaigns that specifically target news on regional and worldwide political affairs.³³ Misleading narratives, fabricated news, and modified information have been used to influence public sentiment on global matters. Singapore has been considered a regional hub for business and international organizations while also playing a significant role in international affairs. To protect itself, the Singaporean government has the authority to take down content through its 2019 Protection from Online Falsehoods and Manipulation Act (POFMA) and 2021 Foreign Interference (Countermeasures) Act (FICA) while at the same time educating the population on the Threats of disinformation. Between 2019 and 2023, POFMA has been deployed around 78 times or an average of 20 occurrences yearly.³⁴ Nevertheless, removing and labelling concerning content is deemed insufficient, and therefore, in 2019, the country

³¹ Jonathan Corpus Ong and Ross Tapsell, "Mitigating Disinformation in Southeast Asian Elections", Op. Cit.

³² Admin, "PBBM admin to employ digital media literacy drive vs. fake news", *Philippines News Agency*, 12 March 2023, https://www.pna.gov.ph/articles/1197183

³³ Singapore Ministry of Home Affairs, *Disinformation and Influence Campaigns*, March 2022, https://www.mha.gov.sg/docs/default-source/default-document-library/03 22-ne-insights-on-disinformation-and-influencecampaigns.pdf.

³⁴ Howard Lee, "Singapore's 'fake news' fixer risks undermining public confidence", *East Asia Forum*, 24 October 2023, https://www.eastasiaforum.org/2023/10/24/singapores-fake-news-fixer-risks-undermining-public-confidence/.

included "digital defence" within its concept of Total Defence, which brings population awareness of the 'post-truth' era.³⁵

The phenomenon of disinformation has been a contributing factor to the political polarisation observed in Thailand. It is commonly used as a means to undermine opponents of the monarchy and/or the government, particularly in times of political elections and events. Disinformation narratives in the country often focus on nationalist opposition against the monarchy and trigger disharmony through socioeconomic sentiment. Issues of disinformation combined with hate speech occurred in Southern Thailand, where hate speech was used against the Malay Muslim minority.³⁶ Thailand amended its Computer Crime Act to allow content censorship, mobilizing the military to monitor the internet for public order. However, it has been observed that the implementation of regulations has been uneven, whereby antimilitary postings are asked to be removed relatively swiftly, while fabricated content, such as an interview between former Prime Minister Thaksin and the leader of the Future Forward party Thanathorn, went unchallenged by the election commission for a long time.

Timor-Leste has seen instances of disinformation throughout its electoral events. The issue has been combined with hate speech and taken to the front stage on social media. The Timor-Leste Press Council observed that the prevalence of disinformation news showed a notable surge leading up to and during the election, which is especially concerning as one-third of the country's population is on social media.³⁷ Electoral candidates may employ disinformation tactics in their campaigns to secure victory, presenting a formidable challenge to the integrity of the electoral process. The challenge that the country is facing currently is that social media companies are not able to fully recognize the local language and, hence, take time to act on content that violates community standards. In 2023, UNESCO supported the establishment of a fact-checking alliance in the country, which comprised media organizations, civil societies organizations, and universities.

Meanwhile, Vietnam has implemented the most stringent social media control regime in the region, whereby its legislation stipulates the necessity to take down "false" or "anti-state" content on social media within 24 hours, as the government is concerned that disinformation could spread widely if not swiftly acted upon.³⁸ This regulation was issued after rumors of alleged misconduct of business leaders and communist party officials were spreading on social media, which created national concern as Vietnamese citizens rely primarily on social media for news.³⁹ There are two perspectives on Vietnam's position in handling disinformation. The first is that strict

³⁵ Ron Matthews and Fitriani Bintang Timur, "Singapore's 'Total Defence' Strategy", *Defence and Peace Economics*, 2023, <u>https://www.tandfonline.com/doi/full/10.1080/10242694.2023.2187924</u>.

³⁶ Jonathan Corpus Ong and Ross Tapsell, "Mitigating Disinformation in Southeast Asian Elections", Op. Cit.

 ³⁷ Amalia Salabi, "Disinformation and Hate Speech Challenge Civic Tech in Timor Leste", *Election House News*, 12 September 2022, https://www.electionhouse.org/post/read/116/disinformation-and-hate-speech-challenge-civic-tech-in-timor-leste?lang=.
 ³⁸ Phuong Nguyen, "Vietnam to require 24-hour take-down for "false" social media content", *Reuters News Agency*, 4 November 2022, https://www.reuters.com/technology/vietnam-require-24-hour-take-down-false-social-media-content-2022-11-04/.

 ³⁹ Jason Nguyen, "How Vietnam Utilizes "Fake News" Accusations To Justify Digital Repression", *The Vietnamese*, 20 September 2022, <u>https://www.thevietnamese.org/2022/09/how-vietnam-utilizes-fake-news-accusations-to-justify-digital-repression/.
</u>

regulation is needed to ensure social order. Another perspective is that this limits freedom of expression, especially in politics and human rights concerns.

The above overview of the Southeast Asia disinformation landscape shows that all countries experience disinformation to a certain degree. Disinformation in the region is generally used to mold political narratives, influence electoral processes, and sway the prevailing state of affairs. Arguably, there is also a concern about governments' ability to change the definition of "fake news" and "disinformation" to criminalize those who allegedly disseminate dissenting information to ensure continuity of power under the pretext of public interest.⁴⁰ Granted, to yield optimum results and prevent abuse of power, cracking down on disinformation should be done collaboratively to allow an open and trusted flow of information and freedom of expression whilst maintaining societal order.

3. Actions Addressing Disinformation

Several scholars have examined Southeast Asian countries' efforts to address disinformation. The prominent publications on the subject include those of Moonyati Mohd Yatid (2019), Jonathan Corpus Ong and Ross Tapsell (2020); Robert Smith, Mark Perry, and Nucharee Nuchkoom Smith (2021); Janjira Sombatpoonsiri and Dien Nguyen An Luong (2022). Most of the aforementioned scholars focused on countries with salient national news translated into English. Those are Singapore, Malaysia, Indonesia, Thailand, and to some extent, Myanmar and Vietnam due to the latter capturing international attention. As such, this study attempts to include development in other, relatively smaller countries in the region, namely Brunei Darussalam, Lao PDR, and Timor-Leste, all of which have limited sources of news, regulations, and publications available in English. From the previous section, it was observed that countries in the region address disinformation by promoting media literacy (Cambodia, Indonesia, Malaysia, the Philippines and Singapore), moderating content (Indonesia, Malaysia and Philippines), empowering journalists (Cambodia), practicing factchecking (Cambodia, Indonesia, Malaysia, Philippines, Timor Leste), tightening government regulations (Lao, Singapore, Thailand Vietnam), leaning on international collaboration (Brunei, Myanmar, Timor Leste), and limiting access to the internet (Indonesia, Myanmar). The legal approach is the most common action taken by countries in the region to address the production and distribution of disinformation materials.

⁴⁰ Janjira Sombatpoonsiri and Dien Nguyen An Luong, "Justifying Digital Repression via "Fighting Fake News": A Study of Four Southeast Asian Autocracies", *Trends in Southeast Asia*, Singapore: ISEAS, 2022.

Table 1. Excerpt of Southeast Asian Countries Legislation onDisinformation.

Countries	Legal Section (s.) and Article (art.)
Brunei Darussalam	The Public Order Act notes that spreading false reports or false statements 'likely to cause public alarm or despondency' (s. 34); publishing or giving any person information known to be false 'and which tends to give rise to apprehension for the safety of any person or property' (s. 35(1)); where it is proved that the person published or gave false information, the onus is on the person charged to prove that they do not know such information is false (s. 35(2)).
Cambodia	The Criminal Code prosecutes those who communicate or disclose false information, punishable by imprisonment and fines (art.425). The Law of Emergencies bans or limits the distribution or broadcasting of information that can cause public panic or turmoil and jeopardize national security (art. 5). The Draft Cybercrime Law (version 2019) prohibits publishing contents deemed to hinder the sovereignty and integrity of
Indonesia	Cambodia (art. 28(1)); deemed to incite or instigate the general population to anarchism (art. 28(2)); deemed to generate insecurity, instability, or political cohesiveness (art. 28(3)); deemed non-factual which slanders or undermines the integrity of governmental agencies or ministries at the federal or local levels (art. 28(4)). The Electronic Information and Transaction Act prohibits the act of
	knowingly and without authority distributing and/or transmitting and/or causing to be accessible electronic content that offends against propriety (art. 27(1)), hate speech (art. 27(2)), defames (art. 27(3)), extorts, and/or threatens' (art. 27(4)).
	The Minister of Communication and Information Technology Regulation Number 5 of 2020 concerning Private Scope Electronic System Operators (Permenkominfo 5/2020) requires all business entities that have a digital platform, website, or application to obtain government certification.
Lao	The Law on Resistance and Prevention of Cybercrime notes offence for non-authorized entry into a computer system and the distribution of words that are slanderous, insulting or impolite; data that are violent in character, false, cheating or untrue; data which impacts national security, peace, social orderliness, culture, and tradition; and data that persuades, exhorts or encourages resistance to the Government or solidarity (art. 13).
Malaysia	The Penal Code (Act 574) and the Communications and Multimedia Act 1998 (Act 588) are current laws that regulate the publishing or transmission of fraudulent material. According to Section 505 of the Penal Code, anyone who intentionally creates, publishes, or

	 spreads any statement, rumour, or report that is likely to cause fear or alarm to the public can be charged with a criminal offence. The punishment for this offence can include imprisonment for up to two years, a fine, or both. Section 233 of the CMA criminalizes the "improper use of network facilities or network services," specifically targeting the act of creating or spreading false material with the intention of annoying, abusing, threatening, or harassing people. During the pandemic, Malaysia issued the Covid-19 Anti-Fake News Law or the Emergency (Essential Powers) Ordinance from January 2021 to August 2021, and it is no longer in effect.⁴¹ This shows the
Myanmar	country's capacity to issue legislation to counter fake news. The Telecommunications Law notes that it is considered an offence to create, modify, or alter information or the distribution of information created, modified or altered by electronic technology to hurt the interest of or to lower the dignity of any organization or any person (s. 34(d)) and to extort, coerce, restrain wrongfully, defame, disturb, cause undue influence or threaten to any person by using any Telecommunications Network' (art. 66(d)), and 'communications, reception, transmission, distribution, or conveyance of incorrect information with dishonesty or participation" (art. 68(a)).
Philippines	The Revised Penal Code states that the offence to publish or cause to be published as news any false news which may endanger the public order or cause damage to the interest or credit of the State (art. 154(4)(1)). The Cybercrime Prevention Act notes that the offence of libel can be committed by writings or other means, through a computer or any other similar means which may be devised in the future (art.355).
Singapore	The Protection from Online Falsehoods and Manipulation Act aims to prevent communications of false statements (s. 5(a)); suppress the operations of repeat offenders (s. 5(b)); detect, control and safeguard against coordinated actions and misuse of online accounts and bots (s. 5(c)); and enhance the disclosure of paid political content (s. 5(d)); government may instruct the Competent Authority to issue directives dealing with the communication of false statements of fact and internet intermediaries, which include prescribed holders of press permits, broadcasting licenses, and telecommunications licenses (s. 4); and digital advertising intermediaries.

⁴¹ Terry Ang, "Malaysia government uses emergency powers to enforce anti fake-news law", *Jurist*, 13 March 2021, https://www.jurist.org/news/2021/03/malaysia-government-uses-emergency-powers-to-enforce-anti-fake-news-law/

Thailand	The Computer Crime Act notes that it is an offence to bring into a computer system data which is false in such a manner that is likely to cause damage to the maintenance of national security, public safety, national economic security, or infrastructure for the common good of the nation, or to cause panic amongst the public (s. 14 $(1)(2)$), as well as to forward "computer data, with the knowledge that it is the computer data that is false" (s. 14 (2)).
Timor Leste	The Proposal to amend Penal Code/Criminal Defamation Law - person(s) who publicly states and publishes through social media 'facts' or 'opinions' that may offend the honor, good name and reputation of public officials or government agencies can be prosecuted.
	The Draft Anti-Fake News Law includes a proposed regulation to curb fake social media accounts spreading false information to ensure accountability of information disseminated on social media. The Draft Cybercrime Law includes a proposed regulation to control the use of social media and the spreading of falsehoods, slander, and defamation.
Vietnam	The Cybersecurity Law prohibits conduct relating to the undertaking of activities to cause people to oppose the state; distorting history and denying revolutionary achievements; and providing false information causing confusion or harm (art. 8); additionally, false, misleading, or violating information must be removed (art. 10(3)).
	Decree No. 15/2020/ND-CP stipulates penalties for administrative violations in the fields of postal services, telecommunications, radio frequency, information technology, and electronic transactions, which include sharing false information and fabricated information, sharing information that advocates unsound customs, sharing information about banned goods and services, sharing links to banned content, and sharing inaccurate maps of Vietnam.

From the legal approach, countries in the region have pressured online platforms, mostly social media service providers, to protect content management. This involves practices such as screening, blocking, and labeling content. Countries such as Cambodia, Lao PDR, the Philippines, Singapore, and Vietnam have implemented clear regulations that hold platform providers accountable for the information they host. Other countries in the region, such as Malaysia and Indonesia, also do the same when certain information is concerningly viral or considered to disturb public order, albeit using their existing legislation that can be stretched to penalize fake news. The legislation gives the government authority to instruct platform providers to delete information that violates the law; failure to do so would entail a penalty. On the other hand, online service providers argue that they have published their content standards agreement and that users should agree with those rules when registering to the sites to put the responsibility on the people utilizing their platforms.

Regionally, ASEAN adopted the Declaration on Social Responsible Media for a Peaceful and Prosperous Community in 2014. Subsequently, in 2018, ASEAN issued the Framework to Minimize the Harmful Effects of Fake News. Arguably, despite these efforts, ASEAN still requires additional effective mechanisms to detect and respond to cross-border computational disinformation or propaganda campaigns. These campaigns are becoming increasingly sophisticated due to advancements in emerging technologies, such as artificial intelligence (AI). However, there are merits to utilizing AI. It is, therefore, important to maximize its benefits while mitigating risks. As such, ASEAN member states, led by Singapore through the ASEAN Digital Ministers' Meeting, are formulating the 'ASEAN Guide on AI Governance and Ethics'. The guide is intended to serve as a precautionary step to guarantee this rapidly advancing technology's safe and responsible use.

The establishment of the ASEAN Cybersecurity Coordination Committee during the ASEAN Ministerial Conference on Cybersecurity in 2018 has primarily centered its efforts on safeguarding critical infrastructure. However, there is a concern that the Committee has not adequately addressed the growing concern of computational propaganda and its implications for the region. ASEAN, with the support of dialogue partners, has conducted a Training of Trainers Program to Address Disinformation and Promote Media Literacy in 2022, which placed significant emphasis on the role of education in combating disinformation. The Toolkit for the Trainers has been published on the ASEAN Secretariat website for public distribution.⁴² Understanding the heterogeneous nature of ASEAN communities may be useful for translating the toolkit into the various ASEAN languages.

The issue of disinformation has been captured in many of the agreements and work plans that ASEAN has adopted. These include the Declaration on Social Responsible Media for a Peaceful and Prosperous ASEAN Community 2014, the ASEAN Declaration on Culture of Prevention for a Peaceful, Inclusive, Resilient, Healthy and Harmonious Society 2017, the Framework to Minimize the Harmful Effects of Fake News 2018, the ASEAN Work Plan of Action to Prevent and Counter the Rise of Radicalization and Violent Extremism (Bali Work Plan) 2019-2025, and ASEAN Digital Masterplan 2025. Specifically, Masterplan 2025 noted the action to identify improvements in legal and regulatory measures on the management of protection of data and other data-related activities that could be harmful. One of the ways is perhaps through establishing a "*cross-ASEAN position on approaches to regulating 'big tech' digital platforms including licensing, takedown procedures and reporting of 'fake news'/false content*". The specific implementation of the action plan is unfolding.

In September 2023, the ASEAN Ministers Responsible for Information (AMRI) Meeting in Danang City accepted Indonesia's proposal that outlined principles for effectively managing government information to address the pervasive issue of false news and disinformation. The recommendations, which delineate primary areas of focus, such as detection and response, were endorsed by ASEAN members. The meeting also

⁴² Training of Trainers Program to Address Disinformation and Promote Media Literacy – Toolkit for Educators, 2022, https://asean.org/book/training-of-trainers-program-to-address-disinformation-and-promote-media-literacy-toolkit-foreducators/.

raised collaborative efforts to tackle disinformation on media platforms with private sectors. Examples of this include the increased engagement with online platforms such as Google and TikTok in organizing conferences, forums, and training sessions focused on the prevention and management of disinformation.⁴³ However promising, the public-private partnership between international digital platforms and governments needs to take into consideration respective nations' domestic customs and regulations, as well as include other stakeholders within the country – such as academia, media and civil society organizations – to formulate suitable action plans.

4. Recommendations

Based on the 2023 AMRI meeting, ASEAN issued a Guideline on the Management of Government Information in Combating Fake News and Disinformation in the Media, which contains various norms of responsible behaviors. The norms apply to member states as well as to digital platforms. For member states, the norms include promoting (1) media literacy and critical thinking; (2) responsible sharing of information; (3) transparency and accountability; (4) independence and integrity of the media, and (5) measures.44 regulatory Subsequently, legal and ASEAN also provides recommendations for norms that digital platforms should adopt, as the latter is often considered the tool and locus of disinformation display and distribution. The norms that apply for platforms are (1) transparency, (2) fact-checking, (3) user education, (4) empowerment of users, (5) accountability, and (6) collaboration.⁴⁵ Digital platforms are thus expected to implement these norms in their Southeast Asian operations to empower, prevent, and protect citizens while combating false news and misinformation in the media.

From the roundtable discussion with various stakeholders from Southeast Asia held in November 2023 in Jakarta, participants provided recommendations that follow the normative line of the ASEAN Guideline on Management of Government Information in Combating Fake News and Disinformation in the Media.

⁴³ Phi Khanh, "ASEAN, Vietnam seek to tackle fake news", *Hanoi Times*, 20 September 2023, <u>https://hanoitimes.vn/asean-and-vietnam-seek-solutions-to-fake-news-324792.html</u>.

⁴⁴ ASEAN Secretariat, *Guideline on Management of Government Information in Combating Fake News and Disinformation in the Media*, Op. Cit., pp. 26-27.

⁴⁵ Ibid.

1. Media literacy and critical thinking

Knowledge regarding disinformation. Governments and policymakers should understand how digital governance and social harmony relate and how supply chains work in disinformation campaigns. Studies on observing the patterns, trends, actors, and scope of disinformation in the region may benefit policymakers in addressing the specific type of disinformation operation.

Involvement of political parties. Recognizing political parties as key players in the electoral scene necessitates a collaborative effort to detect and correct any inaccurate or damaging material broadcast via digital channels. States may influence the formation of election rules and build a generally recognized code of conduct by actively incorporating political parties. These efforts go beyond political dynamics, and they play an important role in shaping national and regional peace. Fostering cooperation with political parties, therefore, becomes a cornerstone of a larger strategy to buttress the integrity of democratic processes and protect the information landscape from the risks of disinformation.

Public education. It is recommended to address disinformation using an educational approach, taking local wisdom as a point of consideration. It is recommended that the existing ASEAN Addressing Disinformation Toolkit be translated into various Southeast Asian languages. It is also recommended to have periodic reviews of the effectiveness and reach of the digital literacy programs. It would be beneficial for the region to have standards for digital intelligence/literacy to assure the safety, empowerment, and well-being of people, organizations, and states.

2. Responsible sharing of information

Public content needs to have information on its sources and explanations of whether the shared information is sponsored. It is recommended to formalize and state openly the relations between government, political parties, private companies, and key opinion leaders (often known as influencers) in the content distributed so that the recipients can better assess the basis of the information shared.

3. Transparency and accountability

Communicates in a transparent and accountable manner. It is recommended that the government improve its public communications, improve coordination and collaboration between government agencies, especially during times of crisis or emergency, and ensure that government communications are transparent and accountable.

4. Independence and integrity of the media

Encourage independent periodic review of the state of disinformation in Southeast Asia. It is recommended that governments in Southeast Asia support and allow independent periodical studies to monitor the prevalence of disinformation in the region. The findings of these studies would be invaluable in developing appropriate policies and creating early warning systems to mitigate the risk of social conflict escalation.

Building support and trust in the media. The role of the media is crucial in understanding information and distinguishing between fake and credible news. Governments should support the media through collaboration in providing clarifying information and ensuring journalists' safety. It is recommended that trust in the media be periodically and openly measured to help the region combat disinformation.

5. Legal and regulatory measures

Impose stringent standards. It is recommended that Southeast Asian governments impose a more standardized approach through laws and regulatory measures for online platforms to issue transparency reports.

Encourage multistakeholder approach in creating and implementing laws. It is recommended that the region incorporate a multistakeholder approach that includes the active engagement of civil society organizations in shaping national and regional regulations and norms. Together with industry and civil society, governments should conduct periodic reviews on the effectiveness of countering-disinformation measures that have been implemented.

6. Local and community reporting

Support the media to enhance the quality of journalism in local and community reporting. To enhance the resilience and diversity of the information landscape, it is recommended that the government support local and community reporting within the media sector. Instead of solely focusing on national-level reporting, efforts should be directed towards fostering grassroots journalism. This shift is to prevent potential blindsiding resulting from insufficient coverage of local and community developments, which contributes to countering disinformation at the grassroots level.

7. Regional collaboration

Strengthen regional collaboration to implement the agreed common norms in dealing with disinformation through national laws and regulations. Recognizing the cross-border nature of disinformation, it is recommended that Southeast Asian governments work together to establish regional measures and mechanisms, including establishing regional implementation mechanisms and specialized task forces, fostering strategic communications, and harmonizing legal frameworks.

1. Transparency

Funding and incentive transparency. It is recommended that information regarding digital platforms' and fact-checking institutions' ownership and funding sources be disclosed. Digital platforms should also be transparent in implementing community guidelines, as well as the reaction time, or the length of time it takes from content reporting to content removal.

2. Fact-checking

Available measures on effectivity. The effectiveness of fact-checking activities and content moderation should be available. A "multi-stakeholders and decentralized multi-stakeholder approach" in fact-checking is encouraged as diverse human reviewers are added to artificial intelligence models to monitor online information to identify and address disinformation. Engage in partnerships with external fact-checking organizations to autonomously evaluate and categorize deceptive information, enhancing the platform's reputation.

Diversity. Disclosure of the diversity of disinformation types and actors targeted for fact-checking is also important to ensure the effectiveness, reach, and accountability of the activity.

3. User education

Ease of use. Allow varieties of local languages to be used on digital platforms. Implement user-friendly educational initiatives within the platform, such as popup tips or short informational videos, to educate users about recognizing and verifying misinformation.

Access to information. Integrate digital literacy resources directly into the platform, providing users with accessible tools to learn about media literacy and critical evaluation of information. The curriculum needs to cover the basics of ICT skills and critical thinking skills.

4. Empowerment of users

Enable support for local languages. Develop and promote features that allow users to report suspicious content easily, actively involving them in the platform's content moderation process. Southeast Asia's diverse context includes allowing assistance and reporting of disinformation in local languages.

Fact check ability on the platform. Integrate fact-checking tools directly into the platform to empower users to verify the accuracy of information before sharing it. Provide a reminder to fact-check before allowing the platform to share information.

Allow diversity of perspective. Create algorithms that prioritize diverse content and perspectives, reducing the likelihood of users being confined to echo chambers and promoting a more balanced online experience.

Shift the focus to disinformation prevention (prebunking) in media and information literacy programs. Prebunking campaigns focus on priming social media users with known disinformation tactics and patterns, empowering users to make their own judgments upon receiving questionable information.

5. Accountability

Taking responsibility for the disinformation spread on platforms. To maintain accountability, digital platforms need to be transparent in their content moderation policies and practices, ensuring that users understand how the platform addresses disinformation and enforces community guidelines, taking measures against apparent surges of inauthentic behaviors such as bot account creations, and curbing the spread of disinformation.

Open communication channel. Establish open and clear channels for communication between the digital platforms and relevant authorities, enabling swift responses to emerging disinformation following the existing laws and regulations.

6. Collaboration

Work collaboratively with governments and civil society organizations while maintaining independence and diversity of views. Digital platforms such as online social media also face challenges in controlling the spread of malicious content. Therefore, collaboration with government and civil society organizations will improve the effectiveness of (1) moderating large volume of content uploaded on the platform, (2) scanning content uploaded in varieties of local languages and cultures in Southeast Asia that may violate community guidelines, (3) managing the changes in political dynamics impacting trends of disinformation, and (4) increasing users understanding of the digital platforms' guidelines across demographics.



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JI. Tanah Abang III no 23-27 Gambir, Jakarta Pusat. 10160 Indonesia