

Fake News in Malaysia: A Policy Understanding

Wan Muhammad Zulhafizsyam Wan Ahmad ^{*a}, Nor Intan Saniah Sulaiman^{b,c}, Fazillah Binti Mohmad Kamal^b

^aCentre for Knowledge Communication & Technology, Universiti Sains Malaysia, Penang, Malaysia

^bSchool of Quantitative Sciences, Universiti Utara Malaysia, 06010 Sintok Kedah, Malaysia

^cInstitute for Psychotherapy, Correctional & Rehabilitation, Malaysia

Abstract

Fake news has become a global issue due to its rapid expansion, especially on digital platforms. Through social media and digital platforms, people discuss a range of topics, from those that are common to those that are important for society and the state. Furthermore, people are much more likely to believe the news they find online and on social media than the news they find in more conventional mass media like radio and television. Modern countries were compelled to look for legal tools to combat this phenomenon because digital news platforms were frequently used to mislead large populations, which frequently resulted in grave repercussions. The Malaysian government has come up with the Communications and Multimedia Act 1998 (CMA) and ordered the creation of an industry Content Code in 2004 to serve as the conduct standard for players in the communications and multimedia sector. Since the code is still only a non-binding industry standard, ensured compliance with the code is through regulatory and licencing restrictions. Between 2000 and 2018, the problem of fake news intensified to an extent that it caused chaos in society. Malaysian government established the Anti-fake News Act of 2018, which offers a comprehensive legal framework that makes it illegal to spread false information, whether it be online or in print. The study aimed to discover the meaning of fake news policy among digital news readers and to understand the influence of fake news policy on news readers' awareness of fake news. This qualitative study uses Thematic Analysis methods to interpret the pattern of meaning in qualitative data. It involves an interview with 15 digital news readers in Malaysia. The result expected can tell us whether the netizen understands what fake news policy is and how it influences the readers' awareness of fake news proliferation.

Keywords: Fake news policy making, fake news policy in Malaysia, fake news regulation

1. INTRODUCTION

1.1 Background of study

Fake news has become a global issue due to its rapid expansion, especially on digital platforms. Through social media and digital platforms, people discuss a range of topics, from those that are common to those that are important for society and the state. Furthermore, people are much more likely to believe the news they find online and on social media than the news they find in more conventional mass media like radio and television (Martynov & Bundin, 2020).

The fake news harmful effects on both people and society at large make it a serious issue (Shu, Mahudeswaran, & Liu, 2019). False or unverified information circulates online much like verifiable material does, with the potential to go viral and change public opinion and actions (Bondielli & Marcelloni, 2019). Fake news and rumours are the most common types of misleading and unverified information, which should be stopped as soon as possible to prevent their negative impacts. More Malaysian have been victims of cybercrimes since 2016, due to the prevalence of fake news on the internet (Wan Ahmad & Sulaiman, 2022).

*Corresponding author. Tel.: +60-4-6536695
E-mail: zulhafizsyam@usm.my

The Malaysian government has come up with the Communications and Multimedia Act 1998 (CMA) and ordered the creation of an industry Content Code in 2004 to serve as the conduct standard for players in the communications and multimedia sector. Since the code is still only a non-binding industry standard, regulatory and licencing restrictions are used to ensure compliance. The issue of fake news grew worse between 2000 and 2018, to the point that it disrupted society. For that reason, the Malaysian government established the Anti-fake News Act 2018 which provides a thorough legal framework that makes it against the law to disseminate false information, whether online or in print.

1.2 Problem statement

In digital platforms, information is spread fast and hence, policy and regulatory mechanisms should be put in place to control the dissemination of fake news. Modern countries were compelled to look for legal tools to combat this phenomenon because digital news platforms were frequently used to mislead large populations, which frequently resulted in grave repercussions (Martynov & Bundin, 2020). The emergence of fake news policies and regulations in the country looks can tame the aggressive fake news proliferation in digital news platforms however, how far people understand and are aware of the policy is unknown.

Controlling false news at a time when digital news channels are emerging is a difficult issue that begs for Internet control. On the Internet, false information travels more quicker than the truth, and eradicating it requires a lot of effort (Daud & Abd Ghani Azmi, 2021).

The researcher's dream is to develop a peaceful global society by promoting a fair, healthy, and secure online information and news dissemination ecosystem. Achieving that goal requires concerted efforts and cooperation between the government, industry players, content providers and netizens. People's understanding and awareness of the fake news policy may contribute to the great success in controlling false news dissemination.

1.3 Research questions

This study aims to discover the meaning of fake news policy among digital news readers and understand the influence of the policy on news readers' awareness of fake news proliferation. Hence, the following are research questions.

1. What does the fake news policy mean to digital news readers in Malaysia?
2. How does fake news policy influence the awareness of fake news among digital news readers?

2. LITERATURE REVIEW

2.1 Fake news policy

The policy is defined as the legislation, rule, process, administrative decision, incentive, or government and institutions' volunteer practice (Centres for Disease Control and Prevention, 2022). According to Cambridge (2022), a policy is a set of ideas or a strategy of what to do in a specific situation publicly agreed upon by a group of individuals, a commercial organisation, a government, or a political party. A similar definition was published by Collins (2022) who said, a policy is a set of concepts or initiatives that serve as the foundation for decisions, particularly in business, economics, and politics. There is no concrete definition of fake news policy, however, a statement by Facebook Policy (2022), mentioned the rationale of fake news policy is to reduce the spread of false news and provide information to the public without impeding constructive public conversation.

2.2 Local fake news policy

In the late twentieth century, the internet offered new channels for spreading false information on a much larger scale. The World Economic Forum (WEF) has identified widespread digital disinformation as one of the major challenges to our society as it spreads over online social media (Burkhardt, 2017). The calamity of fake news has triggered governments around the world to establish certain policies and regulations to maintain the safety of their citizen. Since wide Internet penetration in Malaysia during the ninetieth, the Malaysian government introduced the Communications and Multimedia Act 1998 (CMA) as adopted Internet self-regulation in Malaysia. The Industry Content Code was drafted in 2004 as an industry guideline without statutory authority. Regulatory and licencing measures are enforced to ensure content owners' and industry players' compliance with the code. Three

methods are used to implement self-regulatory control: (1) passing laws, (2) issuing takedown notices, and (3) advocacy and education. The CMA's Sections 211 and 233 require anybody employing content application services, such as service providers, to refrain from distributing "false content" (Azmi, 2004; Daud & Jalil, 2017).

The increasing problem caused by fake news has divided society and existing laws are no longer able to control the situation. The Malaysian government started introducing a new act called the Anti-fake News Act 2018 to punish offenders related to fake news. This act allows perpetrators to face punishment up to a maximum of RM500,000.00 or 10 years in prison. However, until 2021 only one person has been sentenced according to this act (Daud & Abd Ghani Azmi, 2021). The implementation of this anti-fake news policy is seen as less effective where the spread of fake news continues without restrictions and few people are punished for the offence. The lack of effectiveness of this policy may also be due to the lack of public awareness and understanding of the policy made by the government.

2.3 Foreign fake news policy

Malaysia is not alone in enacting policies related to fake news even though the country was one of the first to introduce policies on fake news. Every civilized country enacts its own fake news policy to balance freedom of expression and the interests of society. The Canadian Criminal Code contains Section 181, which addresses fake news. Unfortunately, the Canadian Supreme Court had determined that the clause was unconstitutional because it violated the right to free speech because of *R v. Zundel* in 1992. The legislation had since repealed the clause; therefore it was no longer enforceable (Clarke, Barnhorst, & Barnhorst, 1977).

Following the worldwide trend, Russia also made a number of legislative choices in 2019 to stop the dissemination of false information online, which had varied effects on Russian society (Martynov & Bundin, 2020). The latest legislative changes in the Russian Federation, include the so-called "Yarovaya law," the "fake news" law, and the "disrespect" bill. It is demonstrated that the somewhat complex regulations under examination represent serious dangers to people's fundamental freedoms and human rights, such as their right to privacy and their ability to express themselves freely, and they also have other unfavourable impacts on Russian society and the economy (Moyakine & Tabachnik, 2021).

The European Commission in its set of worthwhile initiatives suggested establishing a constructive relationship with internet platforms, mobilising and coordinating fact-checkers, and advancing media literacy, as the goals (Renda, 2018). According to the author, self-regulation should be accurately monitored through the creation of indicators and the sharing of practices, which can drive innovation. The stepwise approach to regulation (first self-, then co-regulation if needed) advocated by the Commission is important. Avoiding strict solutions that might equate to censorship is necessary. In this area, command and control regulations are unable to provide significant outcomes.

In Germany, The Network Enforcement Act threatens social media corporations with fines of up to 50 million euros (US\$53 million) if they don't take down "clearly illegal" content within 24 hours of receiving a complaint (Claussen, 2018). The Act mandates businesses to block offensive internet content that needs further review within seven days, failing which a fine would be assessed. For transnational technology companies to cooperate with local law enforcement agencies on takedown orders, the Act required the creation of a local point of contact.

The issue of fake news is not one single issue. There are various signs of broader political and social developments as well as the ongoing evolution of news and media (Tambini, 2017). These call for action, but not government-controlled action, as governments can give in to the pressure to develop media systems that serve their political agendas. The establishment of a continuous forum for discussion of these issues, headed by civil society, and full protection from any risk of government meddling or capture by other interests, serve as the foundation for all the others.

3. METHODOLOGY

3.1 Research design

The Research type of the study is qualitative using a phenomenological design where the researcher seeks out insights and personal experiences from Malaysian digital news readers. A qualitative research strategy in this situation comprises a bias-free and open-ended method (Ahmadu, 2019). Qualitative researchers are fascinated

by how people construct meaning, or how they make sense of their surroundings and their experiences in them (Merriam & Tisdell, 2015). Each participant was expected to contribute knowledge that was unique to his or her experiences while also exposing the ideas and conventions that were fundamental to his or her culture (Thompson, 2018).

The primary data gathering method will be used is an in-depth interview with fifteen (15) active digital news readers who frequently read the news on digital news platforms such as (“The Star | Malaysia News: National, Regional and World News,” 2022) and (“Harian Metro,” 2022). The interviews will be conducted using phone calls or face-to-face methods. The researcher will employ a Thematic Analysis which is one of the most popular types of qualitative data analysis. The main goal of Thematic Analysis was to locate, examine, and interpret patterns of meaning in qualitative data. The researcher will use purposive sampling methods to gather the participants. The participants will be selected based on maximum variation sampling methods. The sampling method is chosen because of the easy method of sampling and the participants are selected based on various categories of readers and on their availability and willingness to take part. The data will be analysed using qualitative data analysis software Atlas.ti to look for themes and make an interpretation of the phenomenon.

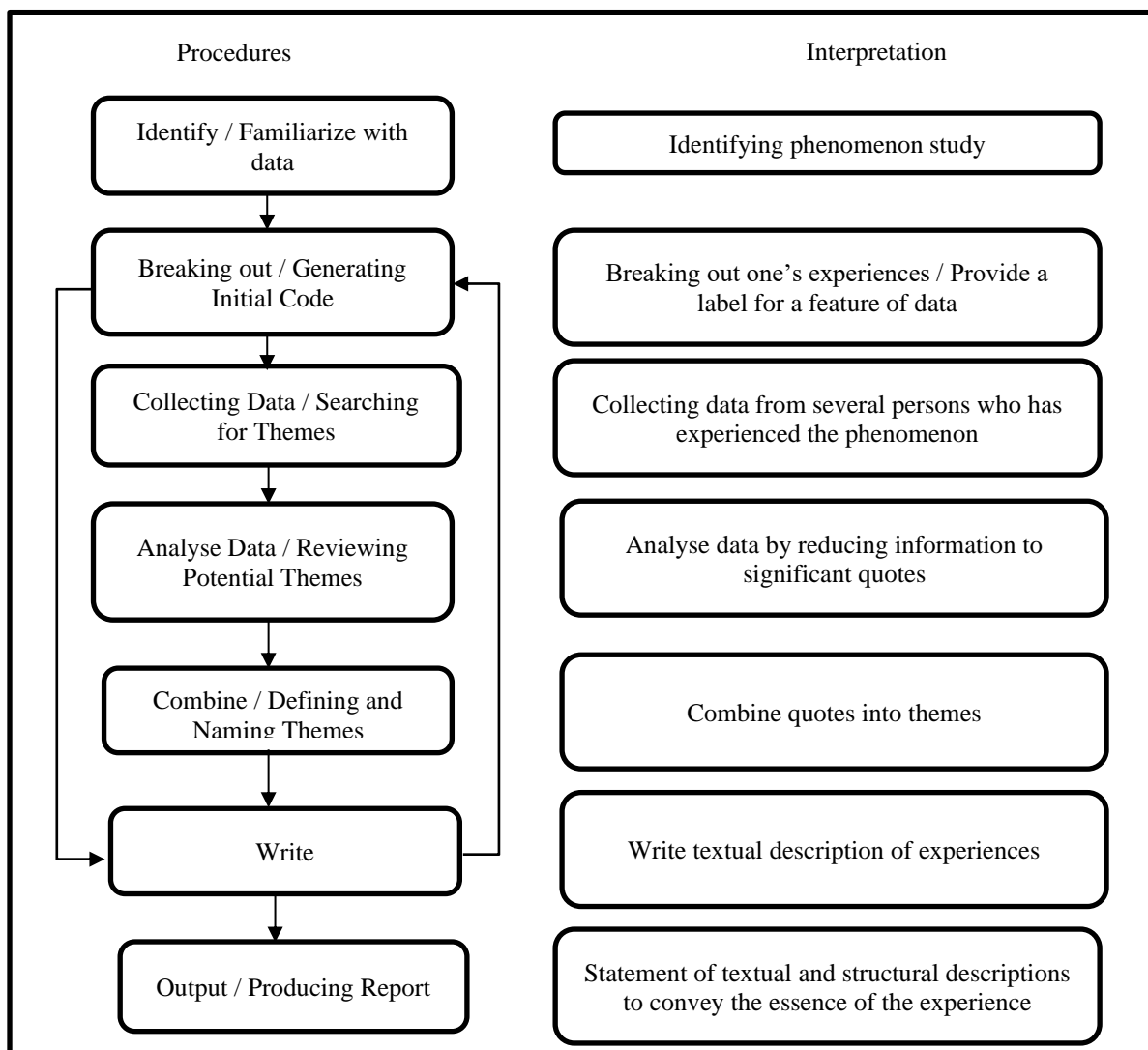


Fig. 1. Modified Procedures of Phenomenology Research based on Moustakas (1994) and Braun & Clarke (2012)

There are several methods for conducting qualitative research, but phenomenology is chosen for this study. This is because it gives extensive, first-hand knowledge of individuals' experiences (Nichols, Kotchick, McNamara Barry, & Haskins, 2010). According to Moustakas (1994), phenomenological studies evaluate the texts with the

primary goal of describing the lived experience from the participant's perspective. Fig. 1 shows the modified procedures of the phenomenology research approach (Braun & Clarke, 2012; Moustakas, 1994).

3.2 Data collection method

In this study, the researcher uses an open-ended semi-structured in-depth interview to collect data. Since the participants were encouraged to speak openly, direct conversations with the participants can elicit the participant's sentiments, opinions, and emotions about a given topic. The advantage of conducting a personal interview is that it includes direct interaction between the interviewer and the interviewee, which leads to an open-ended answer from the participant. In-depth interviewing is a subjective research method that entails directing intensified one-on-one discussions with a small group of participants to discover their viewpoints on a particular concept, programme, or scenario (Boyce & Neale, 2006).

The participants will each be asked five open-ended semi-structured interview questions to learn more about their understanding and awareness of fake news policy and how it influences fake news dissemination on digital platforms. To avoid any misconceptions, the researcher took care to frame all interview questions correctly. The purpose of the interview questions was to gather in-depth data to address the research objectives of the study. The steps in the data collection process are as follows:

- Getting approval to do the research.
- Potential participants receive emails containing all consent forms.
- All telephone interviews are scheduled.
- Setting up interviews.
- Transcribing interviews.
- Evaluating the data gathered.

The researcher uses an audio recorder application on a mobile phone when interacting with the participants. The purpose of audio recording is to capture the interview in a sensitive and detailed manner. Each interview is limited to ten (10) minutes. The time frame specified appeared practical, as it will allow the researcher and participants to get to know one another and gather the essential data.

The validity and verification of the data are the most common concerns that occur in qualitative interviews. According to Gani, Rathakrishnan, & Krishnasamy (2020), a pilot test is carried out with the goal of ensuring validity and verification in any research. In this study, a pilot test of the interview will be conducted before proceeding with the actual interview, adhering to an interview procedure that included a set of rules, guidelines, and questions tailored to the research questions. Several steps are ensured when conducting the pilot test that includes participants, settings, research instruments, and three procedures of interview session (pre-interview, during-interview, and post-interview) stages.

The pilot test interview allows the researcher to clarify and fine-tune several questions to improve interview techniques during the actual interview. The most crucial factor in choosing the number of participants is whether the data collected is saturated. Therefore, the target participants in this pilot test will be three (3) news readers who will be randomly selected from different locations in Malaysia. This indicated that the participants will be chosen in accordance with the sampling strategy and the study's objectives. The pilot test interview gave the researcher the chance to improve the interview process by helping to clarify some of the questions.

3.3 Sampling design

Sampling strategies or a specific plan for getting a sample from a part of the population is referred to as a sample design. In this study, a purposive sampling approach is used since a specific environment, group of people, or activities are purposefully chosen (Ahmadu, 2019). According to Salkind & Frey (2021), the researcher can employ purposive sampling to keep the number of possible participants to a minimum. There is a wide range of purposive sampling techniques available such as maximum variation sampling, homogeneous sampling, typical case sampling, extreme case sampling, critical case sampling, total population sampling and expert sampling but maximum variation sampling is the best option which will best enable the researcher to answer research questions.

So, the study participants were selected using maximum variation sampling. For this study, the chosen fifteen (15) active digital news readers are those who frequently read news on mentioned digital news platforms in Malaysia.

A total of fifteen (15) participants will participate in the study, which is within the suggested size range for phenomenological research. According to Creswell & Poth (2016), the sample size for this research approach should be between 5 and 25 people who have a direct link to the study event. Another study by Englander (2012) said the researcher must allow the participants to have the necessary experience to respond to the study's questions while choosing sample size.

3.4 Data analysis expectation

Thematic Analysis is a method for methodically identifying, categorising, and illuminating recurrent patterns of meaning (themes) in a body of data (Braun & Clarke, 2012). By concentrating on meaning across a data collection, Thematic Analysis allows the researcher to recognise and make sense of collective or shared meanings and experiences. The authors introduce a six-phase approach to Thematic Analysis that will allow researchers to more quickly and confidently develop themes that require less reviewing and refining, especially if working with a smaller data set. Additionally, through familiarisation, researchers will probably gain deeper insights into their data, find the coding process to be quicker and easier, and be able to code at a more conceptual level (Braun & Clarke, 2006). The six stages of Thematic Analysis are phase 1, familiarisation with the data, phase 2, generation of initial codes, phase 3, theme search, phase 4, evaluation of prospective themes, phase 5, definition and identification of themes, and phase 6, report production. The analysis is expected to produce a more in-depth understanding of the meaning of fake news policy, news readers' awareness of the government's fake news policy and its influence on fake news dissemination in digital platforms.

ACKNOWLEDGEMENTS

The author expresses his sincere gratitude to Universiti Sains Malaysia and Universiti Utara Malaysia for their assistance and relevant research work.

REFERENCES

- Ahmadu, I. (2019). Application of Information and Communication Technology (ICT) facilities to reference and information service delivery in selected tertiary institutions in Kano State. *Information Impact: Journal of Information and Knowledge Management*, 10(1), 135–148.
- Azmi, I. M. (2004). Content Regulation in Malaysia: Unleashing Missiles on Dangerous Web Sites. *J. Inf. Law Technol.*, 2004.
- Bondielli, A., & Marcelloni, F. (2019). A survey on fake news and rumour detection techniques. *Information Sciences*.
<https://doi.org/10.1016/j.ins.2019.05.035>
- Boyce, C., & Neale, P. (2006). *Conducting in-depth interviews: A guide for designing and conducting in-depth interviews for evaluation input*.
- Braun, V., & Clarke, V. (2012). *Thematic analysis*. American Psychological Association.
- Burkhardt, J. M. (2017). History of fake news. *Library Technology Reports*, 53(8), 1–33.
- Cambridge. (2022). POLICY | meaning, definition in Cambridge English Dictionary. Retrieved September 12, 2022, from <https://dictionary.cambridge.org/dictionary/english/policy>
- Centres for Disease Control and Prevention. (2022). Definition of Policy | AD for Policy and Strategy | CDC. Retrieved September 12, 2022, from <https://www.cdc.gov/policy/analysis/process/definition.html>
- Clarke, K. L., Barnhorst, R., & Barnhorst, S. (1977). *Criminal law and the Canadian criminal code*. McGraw-Hill Ryerson.
- Claussen, V. (2018). Fighting hate speech and fake news. The Network Enforcement Act (NetzDG) in Germany in the context of European legislation. *Media Laws*, 3(3), 110–136.
- Collins. (2022). Policy definition and meaning | Collins English Dictionary. Retrieved September 12, 2022, from <https://www.collinsdictionary.com/dictionary/english/policy>
- Creswell, J. W., & Poth, C. N. (2016). *Qualitative inquiry and research design: Choosing among five approaches*. Sage publications.
- Daud, M., & Abd Ghani Azmi, I. M. (2021). Digital Disinformation and the Need for Internet Co-regulation in Malaysia. *Pertanika Journal of Social Sciences & Humanities*, 29.
- Daud, M., & Jalil, J. A. (2017). Protecting children against exposure to content risks online in Malaysia: Lessons from Australia. *Jurnal Komunikasi Malaysian Journal of Communication Jilid*, 33(1), 115–126.
- Englander, M. (2012). The interview: Data collection in descriptive phenomenological human scientific research. *Journal of Phenomenological Psychology*, 43(1), 13–35.

- Facebook Policy. (2022). False news | Transparency Centre. Retrieved September 12, 2022, from <https://transparency.fb.com/en-gb/policies/community-standards/false-news/>
- Gani, N. I. A., Rathakrishnan, M., & Krishnasamy, H. N. (2020). A pilot test for establishing validity and reliability of qualitative interview in the blended learning English proficiency course. *Journal of Critical Reviews*, 7(5), 140–143. <https://doi.org/10.31838/jcr.07.05.23>
- Harian Metro. (2022). Retrieved September 13, 2022, from <https://www.hmetro.com.my/>
- Martynov, A., & Bundin, M. (2020). Policy and Regulation Against Fake News: Case of Russia. *The 21st Annual International Conference on Digital Government Research*, 346–347. New York, NY, USA: Association for Computing Machinery. <https://doi.org/10.1145/3396956.3397866>
- Merriam, S. B., & Tisdell, E. J. (2015). *Qualitative research: A guide to design and implementation*. John Wiley & Sons.
- Moustakas, C. (1994). *Phenomenological research methods*. Sage publications.
- Moyakine, E., & Tabachnik, A. (2021). Struggling to strike the right balance between interests at stake: The ‘Yarovaya’, ‘Fake news’ and ‘Disrespect’ laws as examples of ill-conceived legislation in the age of modern technology. *Computer Law & Security Review*, 40, 105512. <https://doi.org/https://doi.org/10.1016/j.clsr.2020.105512>
- Nichols, T. M., Kotchick, B. A., McNamara Barry, C., & Haskins, D. G. (2010). Understanding the educational aspirations of African American adolescents: Child, family, and community factors. *Journal of Black Psychology*, 36(1), 25–48.
- Renda, A. (2018). *The legal framework to address "fake news": Possible policy actions at the EU level*. European Parliament.
- Salkind, N. J., & Frey, B. B. (2021). *Statistics for people who (think they) hate statistics: Using Microsoft Excel*. Sage publications.
- Shu, K., Mahudeswaran, D., & Liu, H. (2019). FakeNewsTracker: a tool for fake news collection, detection, and visualization. *Computational and Mathematical Organization Theory*, 25(1). <https://doi.org/10.1007/s10588-018-09280-3>
- Tambini, D. (2017). *Fake news: public policy responses*.
- The Star | Malaysia News: National, Regional and World News. (2022). Retrieved September 13, 2022, from <https://www.thestar.com.my/>
- Thompson, R. (2018). A Qualitative Phenomenological Study of Emotional and Cultural Intelligence of International Students in the United States of America. *Journal of International Students*, 8(2), 1220–1255.
- Wan Ahmad, W. M. Z., & Sulaiman, N. I. S. (2022). Social Media Users ' Understanding of Fake News Detection and Validation Tools. *Malaysian Journal of Qualitative Research*, 8(May), 69–82.