

Crime–Fake News Nexus

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INTRODUCTION

Following the surge in false stories during the 2016 U.S. elections, there has been increased scrutiny on the phenomenon of fake news by practitioners, academics, and policymakers (Allcott & Gentzkow, 2017; Silverman, 2016). Fake news has gained prominence throughout the world since then, with the intent or potential to undermine public institutions, incite social tensions, and interfere with political processes in affected countries (Select Committee on Deliberate Online Falsehoods, 2018; Tan & Ang, 2017). Consequently, governments worldwide have been deliberating and stepping up on legislative and non-legislative measures to combat the threat of fake news to social and political stability (Haciyakupoglu, Hui, Suguna, Leong, & Abdul Rahman, 2018). Furthermore, mounting pressure on technology companies to manage the spread of fake news has led tech giants such as Google, Facebook, and Twitter to pioneer efforts to address this problem (Drozdiak, 2018; Foo, 2018).

However, the study and management of fake news is a complex issue. To begin with, the concept of “fake news” is not new as the origins of fake news can be traced back to ancient Rome, where it has been used as a method to consolidate political power. Most famously, during a power struggle for the Roman Empire in 32 BC between Octavian and Mark Anthony, Octavian illegally ‘acquired’ and read out Anthony’s will to the Roman Senate as proof that Mark Anthony had betrayed the Roman people and that he was a puppet of the Egyptian queen Cleopatra (Johnson, 1978). To this date, the degree to which Octavian tampered the contents of the will before he read it out to the Senate, is still debatable (Sirianni, 1984). Nevertheless, history will show that it succeeded in turning the people of Rome against Mark Anthony (MacDonald, 2017). This is just one of many cases where fake news has influenced the way people live their lives.

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Recognising its potential impact on society and national security, this phenomenon has become an important topic to examine and understand. Existing studies on fake news has focused on different areas of research, such as identifying the actors behind the creation and spread of fake news (Marwick & Lewis, 2017), as well as the psychological vulnerabilities of individuals which contribute to their beliefs in false information (Ecker, Lewandowsky, Fenton, & Martin, 2014).

Another emerging area of concern is the connection between fake news and crime. From the ‘Pizzagate conspiracy’ in the United States which led a man to fire his rifle in a restaurant after conspiracy theorists linked it to a fictitious child sex ring (“‘Pizzagate’ gunman sentenced to four years,” 2017), to false rumours instigating violence and destruction of Muslim properties by Buddhist mobs in Sri Lanka (Taub & Fisher, 2018), fake news has become intertwined with criminal offences of various magnitudes across the globe. Singapore, for example, has also seen a recent emergence of bitcoin investment scams that employ fake news to deceive their victims (Tee, 2018). Despite this emerging nexus between fake news and criminal conduct, there is a dearth of literature examining this convergence to date.

Understanding Crime-Fake News

For the purposes of this chapter, fake news is defined as content that contains inaccurate, misleading, or fabricated information about current events, which is distributed through different channels of communication such as print, broadcast, text messaging, or social media (Chen, Tan, Goh, Ong, & Khader, 2018). Such false content can become implicated with a crime if they are adopted for criminal purposes that result in harm to an individual or society. For example, individuals with malicious intent may spread fake news about a specific group of people being involved in criminal activities in order to incite communal outrage and violence against them (Phartiyal, Patnaik, & Ingram, 2018).

To better examine this association between fake news and crime, the purview of the criminal law needs to be considered. The criminal law, as established and imposed by a state or country, determines which acts constitute a crime and the corresponding punishment associated with them, such as fines or imprisonment, to deter engagement in such acts (Jung, Ahn-Redding, & Allison, 2014). Regarding specific legislation that targets fake news content or people who spread them, only a few countries have implemented and maintained such laws at the time of writing. Under Malaysia’s Anti-Fake News Act, individuals who deliberately spread fake news can be fined or imprisoned, while Germany’s Network Enforcement Act targets the removal of fake news content that is dangerous to public discourse and public peace (Jayakumar, 2018; Venkiteswaran, 2018). Other countries like South Korea and Singapore are mulling over the creation of new laws to combat fake news (Kim, 2018; Sim, 2018).

However, there are existing provisions within the law that can be used to prosecute parties that spread online falsehoods. Within the current Singapore¹ legislative framework, Goh (2018) and Mok (2018) have identified six of such offences that can warrant criminal charges: sending false messages, promoting enmity between races or religions, criminal defamation, sedition, causing public alarm, and spreading fake terrorist threats. Furthermore, there are two more offences of note that are relevant to Singapore. The first is contempt of court which may involve making and spreading false claims that scandalise or undermine the judiciary, while the second concerns unauthorised access to digital data through scams that may employ fake news to lure victims to disclose their personal information (Tee, 2018; “What is the Offence of Contempt of Court?,” 2018). Following the recent recommendation by the Select Committee on Deliberate Online Falsehoods for the Government to “consider supporting or conducting research to understand society’s vulnerabilities” (Select Committee on Deliberate Online Falsehoods, 2018, para. 309) to deliberate online falsehoods, there is a need to widen the evidence base to increase our understanding about this phenomenon.

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