Deepening Analysis of Legal Case Studies of Publishing False Information Online - Case of Online Vietnam Magazines

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Abstract

If our previous article specified assumptions of reasons for some Vietnam newspapers to publish false information, this study will address several law approach from Asian countries to solve this phenomenon to avoid causing misinformation, and misunderstanding and troubles for community.

By using dialectical and qualitative analysis, historicalism methods to analyze bad behaviors of publishing false information of the 2 newspapers cases in Vietnam: Thanh nien newspaper (thanhnien.vn) and Tuoi tre newspaper (tuoiitre.vn) over period 2015-2022 in which we identified that the roof of trying to publish fake news online on purpose is not solved fully yet.

Last but not least, this paper still be based on V.I Lenin and Ho Chi Minh ideologies for educating young generation.

Key words: roof cause, solving, publishing fake news, Thanh nien newspaper, Tuoi Tre newspaper
JEL: K10, K14, K15

1. Introduction

In January 2019, Malaysian police arrested three people for Sedition Act offenses after they posted comments on social media deemed insulting to Sultan Muhammad V.58 The
current Prime Minister, Mahathir Mohamad, was one of the first people investigated under the Anti-Fake News Act 2018, with authorities stating that the investigation related to false claims that his plane was sabotaged ahead of the election. The first person convicted under the Act, in April 2018, was a Danish citizen who published a video on YouTube that made false claims about the length of time it took police in Kuala Lumpur to respond to a shooting incident. He was fined ten thousand ringgit (approx. US$2,454) but opted instead to spend one month in prison.


Authors via cases of publishing fake news on internet of a few Vietnam magazines, such as Thanhnnien.vn and Tuoitre.vn online creating disorder and misunderstanding in society. We experience till year 2022, Thanh nien newspaper (very bad editors Nguyen Ngoc Toan and Dang Thi Phuong Thao) still try to publish (and allow their writers to publish) fake news online in the context that our community still suffering from covid 19. Hence, we write this article with regulations as reference from Asian countries and for educating future generation.

We will then discusses how we can overcome such bad behaviors as a kind of internet crime, and perform this study with the introduction, the research issues, literature review, and methodology then discussion, conclusion, and suggestions.

2. Literature review

First of all, Lenin told press cadres that we must do our best so that all comrades in the country consider the party press as their own agency, and each will provide information, their experiences, opinions, and needs for the party newspaper. Only with that condition can the party newspaper become a real social-democratic mouthpiece. Only such a mouthpiece is capable of directing the movement into the broad path of political struggle; broaden the scope and content of our propaganda, advocacy and organization. However, the role of the newspaper is not limited to disseminating ideas, educating politically, and attracting political allies. The newspaper is not only a collective propagandist and collective agitator, but also a collective organizer; it accompanies its regular followers to closely following political events, assesses their significance to different sections of the people, and outlines for the revolutionary party the methods of reasonable law to influence those events.

(source: https://baodaklak.vn/channel/3721/202106/lenin-noi-ve-bao-chi-cach-mang-5740818/, access date 28/2/2022)

Then we summarize related studies as follows:
Table 1 - Previous related studies

<table>
<thead>
<tr>
<th>Authors</th>
<th>Year</th>
<th>Content, results</th>
</tr>
</thead>
<tbody>
<tr>
<td>Molina, Sundar, Le, and Lee</td>
<td>2019</td>
<td>revealed that fake news is not simply false information. How to characterize fake news has been a major concern for many researchers.</td>
</tr>
<tr>
<td>Vamanu</td>
<td>2019</td>
<td>fake news has become a frequent object of inquiry for scholars and practitioners.</td>
</tr>
<tr>
<td>Batista &amp; Gradim</td>
<td>2020</td>
<td>fake news continues to be widely shared and consumed because that is the main objective of its creators. Although some studies do not support these correlations, it appears that conservatives, right-wing people, the elderly and less educated people are more likely to believe and spread fake news</td>
</tr>
<tr>
<td>Wang</td>
<td>2020</td>
<td>Fake news is an emerging field of research that attracts much attention from academic communities as well as mass media practitioners. However, the concept of fake news is still ambiguous, and the boundary between the definition of fake news and other relative concepts, such as news satire, yellow journalism, junk news, pseudo news, hoax news, propaganda news,</td>
</tr>
<tr>
<td>Fernando &amp; Jesus</td>
<td>2021</td>
<td>After the 2016 US presidential elections, the term ‘fake news’ became synonymous with disinformation and a catch-all term for the problems that social networks were bringing to communication. By analysing empirical research that attempts to measure the extent of the issue and its impact, the present article aims to provide critical reflection on the process of constructing fake news as a threat.</td>
</tr>
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(source: authors synthesis)

3. Methodology and information
Authors will be based on dialectical and historicalism method, authors also use experience, observations via an example of a case study and other qualitative methods, including synthesis, explanation, and inductive approaches.

3. Main findings

4.1 Criminal cases of fake news publishing at some Vietnam magazines

Which laws govern Disciplinary action against individuals involved in the violations of the Thanhnien newspaper (thanhnien.vn) and Electronic Youth Newspaper (tuoitre.vn)
The Tuoi Tre Online newspaper case was suspended for 3 months: On July 16, 2018, the Director of the Press Department, the Ministry of Information and Communications Luu
Dinh Phuc signed a decision on administrative sanctions in publishing journalism activities with Tuoi Tre Online newspaper for publishing "untrue" content and causing national disunity. In the article: "The President agrees to promulgate the Law on Protests" posted on June 19, 2018, Tuoi Tre Online informed: "Contacting voters as a delegate to the National Assembly of Ho Chi Minh City, Chairman Tran Dai Quang said he agreed with the petition that voters need a Law on Protests and promised to report to the National Assembly on this content. In the sanctioning decision, the Press Department affirmed that the President did not say such content during the meeting, and assessed this as untrue information, causing "very serious" effects. The decision also stated, in the comment section under the article "Why have you not seen the Western Expressway in the planning?" Posted on May 26, 2017 with information "causing national disunity", offensive to the region. With the above two contents, the Press Department requested Tuoi Tre Online to correct, apologize, pay a fine of 220 million VND and suspend the publication for three months from July 16, 2018. The case of Tuoi Tre Newspaper insults Buddhism: On September 23, 2020, on the website and Facebook, Tuoi Tre News published an article "Pagogical ceremony application, recharge is blessed for the whole month" with caricatures of Buddha and Buddhist follower of painter Cacho (ie Phan Hong Duc). In a dispatch to the Government Committee for Religious Affairs, the Executive Council of the Vietnam Buddhist Sangha said that this content in Tuoi Tre newspaper insulted the Buddha, defamed Buddhism and the global Buddhist community. On September 29, 2020, the Editorial Board of Tuoi Tre newspaper went to Office 2 of the Central Vietnam Buddhist Sangha to apologize for the incident.

(source: https://vi.wikipedia.org/wiki/Tu%E1%BB%95i_Tr%E1%BA%BB_(b%C3%A1o), access date 28/2/2022).

On the morning of October 15, the Hanoi People's Court prosecuted citizens Nguyen Viet Chien and Nguyen Van Hai for "abusing positions and powers while performing official duties" under Article 281 of the Penal Code. The court issued a judgment, according to which journalist Nguyen Viet Chien of Thanh Nien newspaper was sentenced to two years
in prison, journalist Nguyen Van Hai was released after the trial ended with a suspended sentence of 24 months.

(source: https://vi.wikipedia.org/wiki/V%E1%BB%A5_kh%E1%BB%A7ng_ho%E1%BA%A3ng_b%C3%A1o_ch%C3%AD_h%E1%BA%ADu_PMU18, access date 27/2/2022)

4.2 V.I Lenin and Ho Chi Minh ideologies to educate journalists and students

In Lenin's view, the partisanship of the revolutionary press is both an accompaniment to and a result of the class struggle, and vice versa, it is this struggle that requires the proletarian press to develop its own party character. Thus, partisanship is a requirement, a process in which the class orientation of the press has matured to a self-conscious level. Lenin openly declared the partisanship of the revolutionary press, and at the same time developed and clarified each aspect of the principle of the partisanship of the press: first, the journalism career was a part of the class cause. The proletariat led by the vanguard of the working class; second, the journalism career must become an integral part of the Party's unified planning and organization work, closely associated with other work in the entire apparatus led by the Party; third, journalists must necessarily join Party organizations and are led by the Party, ie, “The press must become organs of Party organizations. Writers must necessarily join Party organizations. Publishers and bookstores, bookstores and reading rooms, libraries and bookstores, all of which must become the Party's, accountable to the Party.” The revolutionary press and publication was born, existed and developed to serve the political tasks of the proletariat, always associated with the Party organization. Along with the party character, the revolutionary press must have the people's character. The people's character is reflected in the relationship between the press and the masses of the people, especially the working people - the true creators of history. The press must reflect and evaluate the phenomena and events of life according to the stance of the working people, and represent and protect the interests of the working people.

(source: https://tuyengiao.vn/nghien-cuu/ly-luan/, access date 28/2/2022)
Stemming from the actual situation, on October 22, 2018, the Politburo issued Resolution No. 35-NQ/TW "On strengthening the protection of the Party's ideological foundation, fighting against wrong views, , hostile in the new situation". The resolution affirms that protecting the Party's ideological foundation is "protecting the Party, the political platform and the Party's lines; protecting the people, the socialist rule of law State of Vietnam; protect the renovation, industrialization and modernization of the country and international integration; protect national interests and peoples; maintain a peaceful and stable environment for the development of the country". The resolution clearly states: "Protecting the ideological foundation of the Party must be on the basis of deeply grasping, correctly and creatively applying Marxism-Leninism and Ho Chi Minh's thought into the reality of Vietnam in the modern era. now on". This is a fundamental and important content of Party building and rectification; is the most important task of the entire Party, army and people, in which the force for propaganda work and the press system play a leading and pivotal role.

(source: Central Committee: Resolution No. 35-NQ/TW of the 12th Politburo on strengthening protection of the Party's ideological foundation and fighting against hostile wrong views in the new situation, dated 22 -10-2018).

The 6th Congress of the Communist Party of Vietnam has clearly stated: “The press is the voice of the Party, and at the same time reflects the voice of the masses of the people,... has the task of spreading the lines and policies. of the Party, closely following the facts, timely informing and deeply analyzing new events; detect and honestly reflect advanced examples, enthusiastically support and promote new factors, bravely fight against backward, stagnant and other negative manifestations; mention and point out ways to solve practical problems of concern to society; building a healthy public opinion, encouraging the masses to actively complete the revolutionary task"


The press must actively contribute to building social ideals for the sake of a rich people, a strong country, a democratic, just and civilized society; contributing to political and
ideological stability, mobilizing all resources for socio-economic development, and improving people's quality of life. The press and publication have a responsibility to contribute to the Marxist-Leninist worldview and Ho Chi Minh's thought to hold the leading position in the spiritual life of society, to encourage the entire Party and people to overcome difficulties and trials, challenges, dynamism and creativity in implementing the Resolution of the VII Party Congress, maintaining political stability, continuing to promote the renovation process, bringing the country out of the state of socio-economic crisis, maintaining firmly oriented towards socialism…”


4.3 Ways and regulations of Asian countries dealing with publishing fake news online

Cheng et al (2021) said In parallel, according to the lesser evil principle, it is also anticipated that people will be less supportive of regulating fake news if they are aware that there are other non-regulatory counter fake news solutions such as fact-checking. one of the most controversial is to regulate the creation and spreading of malicious false information online. Regulatory advocates argue that legal punishment is an effective way to deter individuals from spreading fake news and/or to force social media platform providers to implement measures to block fake news from spreading on their platforms. However, some scholars warn us that a regulatory approach may lead to a slippery slope as it opens an opportunity for leaders to silence opposing voices by labelling them as fake news. For instance, in the US, despite the unprecedented political polarisation brought about by fake news in recent years, many still resist the idea of regulating it because this goes against the freedom of expression principle of the First Amendment (Manzi, 2019; Rosuck, 2018).

In Asia, where freedom of expression is less protected, governments in not just authoritarian countries like China but also in young/semi-democratic states such as Singapore, Malaysia, and Thailand have recently passed laws that give authorities legal power to punish platform providers and/or apprehend individuals for spreading information online that they deem as fake and harmful to the country (Public Media Alliance, 2019).

In contrast to Japanese and South Koreas, Thai citizens have much less freedom to express their discontent against the government as freedom of expression in the country has been subdued since the military coup d’état in 2014 (Maida, 2019).

Next, On August 29, 2015, China’s National People’s Congress (NPC) Standing Committee adopted the Ninth Amendment to the Criminal Law of the People’s Republic
of China (PRC). The Amendment added into the Law a crime of spreading fake news that seriously disturbs public order through an information network or other media. This offense is punishable by up to seven years in prison.

5. Discussion and conclusion

In particular, in recent times, taking advantage of the development of science and technology, hostile forces have taken advantage of the internet to distort and deny Marxism - Leninism with many different contents and forms. equally sophisticated and sinister. Therefore, the task of the press is to contribute to "Continuing to make the entire Party, people and army more and more fully aware of the fundamental contents and great values   of Marxism." - Lenin, Ho Chi Minh's thought; make Marxism-Leninism, Ho Chi Minh's thought, morality and style truly become a solid spiritual foundation of social life…”. To do that, journalists are required. must grasp the revolutionary and scientific nature of Marxism-Leninism, and at the same time must apply it flexibly and creatively on the front of the struggle to protect the ideological foundation of the Party.
(source: Central Committee: Resolution No. 35-NQ/TW of the 12th Politburo on strengthening protection of the Party's ideological foundation and fighting against hostile wrong views in the new situation, dated 22 -10-2018, access date 28/2/2022).

Future research directions
Authors may expand further future research to enhance educating students in journalism major
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